

Table of Contents

Chapter 29: Responses to Comments	29-1
A PROJECT PURPOSE AND NEED/DESCRIPTION OF THE PROPOSED ACTION/ANALYTICAL FRAMEWORK	29-5
B LAND USE, ZONING, & PUBLIC POLICY	29-17
C SOCIOECONOMIC CONDITIONS	29-23
1. RESIDENTIAL DEVELOPMENT AND DISPLACEMENT	29-23
2. COMMERCIAL DEVELOPMENT AND DISPLACEMENT	29-28
3. SPECIFIC INDUSTRIES ASSESSMENT	29-32
4. SUMMARY OF ECONOMIC BENEFITS, COMMENTS ON PROJECT COSTS AND FINANCING.....	29-34
D. COMMUNITY FACILITIES AND SERVICES	29-37
E. OPEN SPACE AND RECREATIONAL FACILITIES.....	29-41
F. ARCHITECTURAL HISTORIC AND ARCHAEOLOGICAL RESOURCES	29-46
G. URBAN DESIGN, VISUAL RESOURCES & NEIGHBORHOOD CHARACTER	29-49
H. NATURAL RESOURCES.....	29-56
I. INFRASTRUCTURE.....	29-64
J. HAZARDOUS MATERIALS	29-65
K. WATERFRONT REVITALIZATION PROGRAM.....	29-68
L. SOLID WASTE AND SANITATION SERVICES	29-72
M. ENERGY	29-72
N. TRAFFIC	29-73
1. MODAL SPLIT	29-73
2. VEHICLE OCCUPANCY	29-78
3. TRIP ASSIGNMENTS	29-78
4. TEMPORAL DISTRIBUTION.....	29-79
5. MITIGATION.....	29-80
6. EVENT AND FACILITY SCENARIOS.....	29-83
7. RIVER CROSSINGS	29-88
8. EXISTING AND CHANGED CONDITIONS	29-91
9. SAFETY	29-96
10. METHODOLOGY.....	29-96
11. MISCELLANEOUS	29-103
O. PARKING	29-104
1. METHODOLOGY	29-104
2. CALCULATIONS	29-106
3. GROWTH RATE	29-107
4. CONCLUSIONS.....	29-108
5. POLICY.....	29-111
P. TRANSIT	29-112
1. METHODOLOGY	29-112
2. POLICY.....	29-114
3. SUBWAYS.....	29-116
4. BUSES	29-120
5. COMMUTER RAILROADS.....	29-123
6. FERRIES	29-124
7. MULTIPLE MODES	29-126

Q. PEDESTRIANS 29-127

 1. SAFETY 29-127

 2. POLICY 29-128

 3. ROUTE ASSIGNMENTS 29-128

 4. METHODOLOGY 29-129

 5. RESULTS 29-129

R. AIR QUALITY 29-130

S. NOISE AND VIBRATION 29-143

T. CONSTRUCTION IMPACTS 29-147

U. PUBLIC HEALTH 29-151

D. ALTERNATIVES 29-153

 1. ZONING ALTERNATIVES 29-153

 2. ALTERNATIVE PLANNING INITIATIVES 29-156

 3. ALTERNATIVE USE FOR CAEMMERER YARD 29-157

 4. TRANSPORTATION ACTIONS 29-158

 5. ALTERNATIVE DEVELOPMENT/FACILITY CONFIGURATIONS 29-160

W. ENVIRONMENTAL REVIEW PROCESS, PROCEDURES AND
METHODOLOGY 29-162

Chapter 29: Responses to Comments [Entirely New Text]

INTRODUCTION

This chapter summarizes and responds to all substantive comments on the Draft Generic Environmental Impact Statement (DGEIS) published in June 2004 for the No. 7 Subway Extension - Hudson Yards Rezoning and Development Program (Proposed Action). Public review for the DGEIS began on June 21, 2004, with the publication and distribution of the DGEIS by the City of New York City Planning Commission (CPC) and the MTA. The CPC and MTA held a duly noticed public hearing to receive comments on the DGEIS on September 23, 2004 at the Fashion Institute of Technology, Haft Auditorium, Building C, on West 27th Street and Seventh Avenue, Manhattan. The public comment period on the DGEIS remained open through October 4, 2004.

This chapter of the FGEIS identifies the organizations and individuals who commented on the DGEIS, and summarizes and responds to all comments made at the public hearings or received through the close of the comment period noted above. All agencies, elected officials, organizations and individuals who commented on the DGEIS are listed below. Sections A through W then contain a summary of all comments made and a response to each of those comments. These summaries convey the substance of the comments made, but do not necessarily quote the comments verbatim. Comments are organized by subject matter and generally parallel the chapter structure of the FGEIS. Where similar views and comments were expressed by more than one commenter, those comments have been grouped and addressed together. Copies of the transcripts of the September 23, 2004 public hearing and written comments are contained in Appendices AA and BB, respectively.

LIST OF COMMENTERS

PUBLIC AGENCIES

1. Manhattan Community Board No. 4 (CB4), Walter Mankoff, Chair, Lee Compton, Vice Chair, Anna Levin, Vice Chair
2. New Jersey Transit, Richard Roberts
3. New York State Department of Transportation (NYSDOT), Douglas Currey
4. State of New Jersey Department of Law and Public Safety, Peter C. Harvey, Attorney General of New Jersey (NJAG)
5. The Port Authority of New York and New Jersey (PANYNJ)
6. Amtrak

ELECTED OFFICIALS

7. Thomas Duane, New York State Senator
8. C. Virginia Fields, Manhattan Borough President
9. Richard Gottfried, New York State Assembly Member
10. Betsy Gotbaum, New York City Public Advocate

PRIVATE ORGANIZATIONS

11. Actors' Equity Association, Paul V. Ames, Chair of Housing Committee
12. Afford Chelsea, Carol Demech, Rose Torres

No. 7 Subway Extension—Hudson Yards Rezoning and Development Program FGEIS

13. All Stars Project, Gabrielle Kurlander, President
14. American Institute of Architects (AIA), New York Chapter, Mark Ginsberg, President
15. Asian Americans for Equality (AAFE), Margaret Chin, Deputy Director
16. Association for a Better New York (ABNY), Michelle Adams, Executive Director
17. BizBash Media, David Adler, CEO and Founder
18. Block Association of West 55th Street, Adam Honigman
19. Building and Construction Trades Council of Greater New York, Edward J. Malloy, President
20. Buildings Trades Employers' Association, Louis Coletti, President
21. Bulwark Corporation, Kitty Burke, President, Mark Levine, Counsel
22. Campaign for Inclusionary Housing (comprised of ACORN, Coalition for the Homeless, Association for Neighborhood and Housing Development, Tenants and Neighbors, New York Immigration Coalition, Habitat for Humanity), Julie Miles, Kevin Sullivan
23. Chelsea Coalition on Housing, multiple signees
24. Citizens Housing & Planning Council (CHPC)
25. CIVITAS Citizens, Inc., Gorman Reilly, President
26. Clean Air Campaign (CAC), Marcy Benstock, Director
27. Clinton Housing Development Company, Joe Restuccia, Executive Director
28. Community Voices Heard, James Pacheco
29. Council of Chelsea Block Associations, Bill Borock, President
30. Develop Don't Destroy Brooklyn, Patti Hagan
31. Downtown Brooklyn Council, Michael Burke, Director
32. East Side Congregation, Terry Grace
33. Edison Properties, Jeffrey Spiritos
34. Fashion Center Business Improvement District, Barbara Blair Randall, Executive Director
35. FedEx Express, subsidiary of FedEx Express Corporation, Howard Hornstein, Counsel
36. Friends of Hudson River Park, Albert Butzel
37. George Breslaw & Sons, Richard Breslaw, President and CEO
38. George Comfort & Sons, Dana Comfort, Executive Vice President
39. Heat and Frost Insulators and Asbestos Workers Local Union 12, Dennis Ippolito
40. Hell's Kitchen/Hudson Yards Alliance, Sheila Robinson, Theresa Cullinoise
41. Hell's Kitchen Neighborhood Association (HKNA), Kathleen Treat, Chair, Martin Treat, Meta Brunzema, Urban Designer, Daniel Gutman, Jeanne Isenstein, Christine Berthet, Dana Turner
42. Housing Conservation Coordinators, Harvey Epstein, Associate Director
43. HVS International Convention, Sports and Entertainment Facilities, Paul Sajovel, Senior Vice President
44. Hudson Guild, Miriam Rabban, Director of Community Building

45. Institute for Rational Urban Mobility, Inc., (IRUM), George Haikalis
46. Interfaith Assembly on Homelessness and Housing, Mark Greenberg, Executive Director
47. Jenkins & Gilchrist Parker Chapin LLP, Caroline G. Harris, Land Use Counsel
48. Mac Felder, Inc., Maurice Schnakenberg, President
49. Madison Square Garden, Michael Gerrard, Counsel, Robert Rodgers, President of Orth-Rodgers & Associates, Jeffrey L. Greene, Vice President of Orth-Rodgers & Associates, Richard Kapuscinski, Environmental Engineer at ENVIRON International Corporation
50. Marriott International Hotels, New York City, Daren Kingi, Market Director of Sales
51. Mason Tenders District Council of Greater New York, Michael McGuire, Director
52. Mercedes-Benz Manhattan, Inc, Anthony LaSpada, Assistant Secretary
53. Municipal Arts Society (MAS), Kimberly Miller
54. Nations of New York 2012, Gail Marquis
55. Natural Resources Defense Council (NRDC), Eric Goldstein, Urban Program Co-Director
56. New York Building Congress, Richard T. Anderson, President
57. NYC2012, Brenda Levin
58. NYC & Company, Cristyne Nicholas, President and CEO
59. New York City AIDS Housing Network, Amos Hough
60. New York City District Council of Carpenters, Rich Tucillo, Trade Store Representative
61. New York Hotel Trades Council, AFL-CIO, John Turchiano
62. NYPIRG Straphangers Campaign (Straphangers), Gene Russianoff, Senior Attorney
63. New York State Tenants and Neighbors Coalition, Michael McKee
64. O'Farrell's Pub, Frank Ford, Owner
65. One Hundred Black Men, Inc., Paul Williams, President
66. Partnership for New York City, Kathryn Wylde, President and CEO
67. Partnership for the Homeless, Jene Toussaint
68. Pratt Institute Center for Community and Environmental Development, Marnie McGregor
69. Real Estate Board of New York (REBNY), Steven Spinola, President
70. Regional Plan Association (RPA), Jeremy Soffin, Director of Public Affairs, Jeffrey Zupan, Senior Fellow for Transportation
71. Riverkeeper, Reed Super, Senior Attorney
72. SB Management Services, Lewis D. Gitlan
73. Screen Actors Guild, Eileen Henry, President New York Division
74. Shubert Organization, Gerald Schoenfeld, Chairman
75. Sheet Metal Industry Labor/Management Committee and Trust, Thomas Doherty, Director
76. Sheet Metal Workers Local Union 28, Robin Delk
77. Slater & Beckerman LLP, Stuart Beckerman

78. Steven L. Newman Real Estate Institute of the City University of New York (CUNY), Henry Wollman, Director, Robert Gerrard, Robert Geddes, Howard Goldman
79. The Society for the Architecture of the City
80. Tri-State Transportation Campaign (TSTC), Teresa Toro, New York City Coordinator
81. Uniformed Firefighters Association, Stephen Cassidy, President
82. West 300 Block Association, Edward Kurkland
83. WestSideStadium.Org, Tom McMorrow, Founder
84. Women's City Club of New York, (WCC) Barbara Zucker, Chair Housing and Planning Committee

INDIVIDUALS

85. Toni Adler, Resident
86. Bill Ashe, Property Owner
87. Jordan Auslander
88. Howard Babich
89. Richard Barr
90. Karen Baskett, Resident
91. Cornelius Byrne, Property Owner
92. Thom Clay, Resident
93. Patrick Centolanzi
94. Carol Conway, Resident
95. Regina Bartley Cross
96. Dahlia Duperroir, Resident, Member of Community Voices Heard
97. Donald Elliott, Former Chair, New York City Planning
98. Dan Elman
99. Barbara Feldt
100. Julie Finch, Resident
101. Jerry Goodbody, Resident
102. Daniel Gutman
103. Abraham Hirschfeld
104. Glenn Jacobson, Resident
105. Dan Jacoby
106. Lowell Kern, Resident
107. Sheila Klee, Resident
108. Lawrence Krauser, Resident
109. Kim La Reaux, Resident

- 110. Elmer Luke, Resident
- 111. Eugene Mandel
- 112. Howard Mendes, Resident
- 113. Jenna Orkin
- 114. Gustavo Ortez
- 115. Glenn Pasanen
- 116. Suzanne Lanier Philips, Resident
- 117. Sheree Sano, Resident
- 118. Eric Schwartz
- 119. Robert Seward, Resident
- 120. Frederick Sirasky, Resident
- 121. Marilyn Sirasky, Resident
- 122. Joshua Spahn, Resident
- 123. Marguerite Yaghvian, Resident
- 124. Ada Yonenaka, Resident
- 125. Debra Zichichi, Resident

COMMENTS AND RESPONSES

A PROJECT PURPOSE AND NEED/DESCRIPTION OF THE PROPOSED ACTION/ANALYTICAL FRAMEWORK

Comment A-1 We support major West Midtown redevelopment based on a comprehensive plan that balances the scale, pace, and location of new development with progress in ongoing efforts to improve the transportation facilities and services concentrated in the area. The Port Authority’s portfolio of transportation facilities and responsibilities makes it an active and supportive partner in efforts to develop and serve West Midtown. The agency has recognized this zone as among a short list of locations in the bi-state region where significant opportunities exist to concentrate new development where it will make efficient use of available land and will reinforce transit-oriented patterns of regional development. West Midtown already is a gateway to the entire Manhattan Central Business District (CBD) for much of the region’s commuter market, as well as for vital truck-borne goods and services. (PANYNJ)

Response Comment noted.

Comment A-2 A future build-out of approximately 28 million square feet of new commercial space and 12 million square feet of new residential space currently represent an acceptable mix. (CHPC)

Response Comment noted.

Comment A-3 We support the entire Proposed Action. (M. Adams; Mason Tenders District Council; REBNY; George Comfort & Sons; New York Hotel Trades Council; New York Building Congress; NYC & Co.; Local Union 12; F. Ford, T. Doherty; R. Delk; H. Babich; A. Hirschfeld; G. Marquis; T. McMorrow; 100 Black Men of America; Building Trades Employers' Assn.; D. Elman; Bizbash Media; All-Stars Project; NYC 2012; NYC District Council of Carpenters; George Breslaw & Sons; Mac Felder Plumbing; D. Elliot; Marriott International Hotels; Fashion Center BID, P. Centolanz)

Response Comment noted.

Comment A-4 We support the rezoning of the Far West Side. (AIA, RPA)

Response Comment noted.

Comment A-5 We strongly support redevelopment on the West Side. (NRDC, CHPC, RPA)

Response Comment noted.

Comment A-6 We do not agree that 28 million sf of commercial development is needed in our neighborhood. 28 million sf of commercial space is excessive, especially with new construction and development in Lower Manhattan and Downtown Brooklyn. (CB4, HKNA, T. Duane)

Response The New York Metropolitan Transportation Council (NYMTC), as this region's Metropolitan Planning Organization, forecasts that employment increases in Manhattan will total 327,400 by 2025. This is a net number, accounting for large increases in office-based employment and decreases in manufacturing employment. The anticipated growth in office-based employment is approximately 340,000 jobs. Using a commonly accepted standard of 250 square feet of office space per employee and an 8 percent vacancy rate, the NYMTC forecasts mean that some 78 million square feet of new commercial development would be needed to accommodate this demand. The 28 million assumed as a reasonable worst-case for the Proposed Action represents about 36 percent of Manhattan's overall demand. An analysis of space availability in other locations in Manhattan has found that it would be difficult to accommodate 50 million square feet that would not be developed in the Hudson Yards area in Lower Manhattan, Midtown, Midtown South and other peripheral areas. Even now, demand is being shoehorned into the Borough's very dense office areas, including projects such as 300 and 383 Madison Avenue, each of which replaced an existing large office building with a considerably larger tower. Such activity would have to accelerate greatly to the detriment of existing office areas, if the additional demand for 28 million square feet could not be built at Hudson Yards.

Employment increases in Brooklyn are forecasted at an *additional* 59,700—or approximately 14 million square feet of development; Queens is forecasted to add 83,100 employees—or approximately 18 million square feet of office development. Analysis of space availability in Downtown

Brooklyn and Long Island City has found that these areas would be pressed for space to absorb the projected growth and likely would not be able to handle any significant overflow from Manhattan.

Comment A-7 Office space should be included in the rezoning, but it should be part of a mixed-use plan that includes space for small and emerging businesses. (T. Duane)

Response The proposed rezoning does not exclude the potential for use of space by small and emerging businesses. By providing Class A office space, the Proposed Action would help to preserve office space in some of the older and smaller buildings in the area for use by small and emerging businesses.

Comment A-8 I support the zoning map, but not the zoning text changes. (B. Gotbaum, R. Gottfried, William C. Ashe)

Response Without the zoning text changes, which establish mechanisms to adjust commercial and residential densities, the objectives of the Proposed Action to accommodate anticipated growth in Manhattan's population and employment in the Hudson Yards area could not be fully achieved.

Comment A-9 Why is the office space needed if there is so much vacant office space in New York? (Hell's Kitchen/Hudson Yards Alliance)

Response The vacancy rate for office space in Manhattan rises and falls depending on economic and other factors. Over the long term, however, the level of vacancies has a historical equilibrium of about 8 percent. In translating the projection of long-term employment growth from Year 2000 to Year 2025 into demand for office space, the vacancy rate was taken into account. See also response to Comment A-6.

Comment A-10 The proposed office space will compete with Lower Manhattan redevelopment. (HKNA)

Response As noted in response to Comment A-6, the growth in Manhattan employment forecasted from Year 2000 to Year 2025 will produce a demand for office development that exceeds the current capacity of Lower Manhattan, Midtown and Midtown South to accommodate it. Moreover, Lower Manhattan redevelopment is expected to have been largely completed by 2015 or shortly thereafter. Thus, longer-term development in Hudson Yards is not expected to compete with Lower Manhattan's redevelopment efforts (see also Chapter 1, "Project Purpose and Need").

Comment A-11 A phased approach as contained in the RPA alternative will ensure that redevelopment of the Far West Side does not interfere with redevelopment in Lower Manhattan. (RPA)

Response See responses to Comment A-6 and Comment A-10. Redevelopment of the Far West Side is not expected to interfere with redevelopment in Lower Manhattan. The phased approach presented by RPA, which would permit high-density development without mass transit would likely result in one of

the following: (1) development would not occur due to lack of accessibility (as is the case today for two areas within the Hudson Yards area that are already zoned for high-density development), thereby risking future economic growth; or (2) development would occur, but in a less transit-oriented manner.

Comment A-12 The allowable square footage of office space, hotel, and retail must be reduced from the generated 40 million square feet and capped at 25 million square feet (including hotel and retail uses). Any amount of square footage above 25 million square feet must go through a public review process. Also, in order to encourage timely and responsible development, this 25 million square feet must be built within its projected demand forecast of 30 years. Any development occurring after this time period must go through the public review process. (C.V. Fields)

Response The FGEIS comprehensively examines the consequences of the Proposed Action (28 million square feet of office development), as well as Alternative S with 26 million square feet of office development, and a variety of alternatives with even lower densities. The FGEIS fully discloses all potential adverse environmental impacts of anticipated long-term future development and is not limited to a strictly required future year or time period. As such the effects of the Proposed Action at a future time have been assessed.

Comment A-13 The new development contemplated for the Far West Side of Manhattan is likely to draw new development from better locations throughout the City. (CAC, IRUM)

Response As noted in the response to Comment A-6, the purpose of the Proposed Action is to accommodate new growth forecasted for Manhattan. By accommodating such new, additional growth, the Proposed Action would not shift development from other locations in the City, nor would it erode the City's tax base at other locations. The 28 million square feet of commercial office development projected for the Hudson Yards area would be less than 8 percent of the total office development in Manhattan in 2025.

Comment A-14 The Proposed Action will erode the City's tax base at other locations. It will spread out transit ridership and revenue in a way which is bound to diminish service along subway lines that exist today. (CAC)

Response The changes in transit ridership caused by the Proposed Action would be accommodated with modest changes in service and mitigation measures that would be implemented as needed. The service increases in the Hudson Yards would not reduce service on other subway lines in the system.

Comment A-15 The No. 7 line extension will subsidize new development on the Far West Side of Manhattan, increase the value of speculative real estate there and will not benefit the City as a whole. (CAC)

Response As discussed in Chapter 1, "Project Purpose and Need," employment will increase over the next 20 years by 327,400 jobs that will generate a need for

the equivalent of 78 million square feet of new office space in Manhattan (see also response to Comment A-6). One of the purposes of the Proposed Action is to provide a location for this expansion and to also provide a location for projected residential expansion. The Hudson Yards area of Manhattan is ideally situated for this growth, since it is underutilized, and its existing zoning has contributed to a general lack of investment in the area over the last 60 years. However, while the area has the space to accommodate anticipated long-term growth, it does not now offer the kind of transit access available in other high-density areas of the City. The Department of City Planning, therefore, has proposed a rezoning in the Hudson Yards area that would offer a new area of development growth over the long term, supported by excellent transit in the form of the extension of the No. 7 Subway. The City needs to be able to accommodate growth over the long term, supported by transit. The benefits to the City as a whole are discussed in Chapter 5, "Socioeconomic Conditions," and show significant construction and real estate tax effects of the Proposed Action.

Comment A-16 We endorse the planned extension of the No. 7 Subway Line and its proposed route, which will maximize access to the Hudson Yards district. (CHPC)

Response Comment noted.

Comment A-17 A new transit tunnel under the Hudson River should be a priority, rather than the No. 7 Subway Extension. (RPA; CIVITAS)

Response Comment noted.

Comment A-18 The plan does not provide for a consolidated bus parking facility. (CB4)

Response A consolidated bus parking facility is analyzed in the FGEIS with a build year of 2025. EDC, DCP, and the Port Authority continue to work together on a bus study which will identify more specific future bus storage needs.

Comment A-19 We support the expansion of the Convention Center. (ABNY; Mason Tenders District Council of Greater New York; REBNY; George Comfort & Sons; J. Turchiano; New York Building Congress; NYC & Co.; Local Union 12; RPA; T. Duane; B. Feldt; F. Ford; Local Union 28; A. Hirschfeld; C. Byrne; NRDC; T. Grace; D. Adler; New York City District Council of Carpenters; WCC; Council of Chelsea Block Associations; S. Lanier Philips; Marriott International Hotels)

Response Comment noted.

Comment A-20 We support the construction of the New York Sports and Convention Center. (AIA; REBNY; George Comfort & Sons; NY Hotel Trades Council, AFL-CIO; Local Union 12; Local Union 28; H. Babich; WestSideStadium.org; ABNY; NYC & Co.; Building Trades Employers Association; D. Elman; All-Stars Project; NYC 2012; New York City District Council of Carpenters; George Breslaw and Sons; Marriott International Hotels)

Response Comment noted.

Comment A-21 The proposed projects will allow New York City to take its rightful place as the leader for global conventions and tourism. (P. Centolanzi)

Response Comment noted.

Comment A-22 The City must make a convincing case that expanding the Convention Center is necessary to encourage growth in the local trade show industry and increasing guests at hotels and restaurants. (Housing Conservation Coordinators)

Response As discussed in Chapter 1, “Project Purpose and Need,” the Convention Center currently lacks sufficient prime contiguous exhibition space, does not have an adjacent headquarters hotel and is not near other hotels, cannot provide enough meeting rooms, has no real ballroom, needs renovation, and sits in a largely industrial area, isolated from the City’s Midtown hotels and restaurants. Despite these conditions, the Convention Center has operated at or near full capacity and repeatedly has been forced to turn away business. In particular, it cannot accommodate certain large-sized, recurring trade shows and conventions. Meanwhile, competition throughout the nation for convention trade has become fierce. A number of cities in other states have undertaken or are undertaking aggressive efforts to substantially expand the size and improve the quality of their convention centers and related facilities. At this point, the Convention Center is the 18th-largest facility of its kind in the United States, and it faces strong competition from newer and larger convention centers, some of which are twice the size of the existing Convention Center, have much larger amounts of prime contiguous exhibition space, and contain more numerous and modern meeting rooms, amenities and support facilities. All of the above threatens the ability of the Convention Center to retain its current market share, and has led to missed opportunities for present and future business. If the Convention Center does not modernize and expand, over time its business may well contract with a consequent reduction, rather than expansion in the local trade show industry and in its ability to attract patrons who, in turn are hotel and restaurant patrons.

Comment A-23 The current plans for the stadium and development of the West Side should be rejected. (S. Sano, A. Yonenaka; G. Jaconsen; K. LaReaux; T. Clay)

Response Comment noted. A range of alternatives to the Proposed Action, including the No Action alternative, are evaluated in Chapter 26, “Alternatives.”

Comment A-24 The stadium would be unused 300 days each year. (Hell’s Kitchen/Hudson Yards Alliance)

Response As shown in Chapter 2, “Description of the Proposed Action,” the Multi-Use Facility would be in use 291 days per year, consisting of approximately 130 event days and 161 transition days. Most of the event days would host exposition-related events, bringing many visitors to the facility. It is

expected that the Multi-Use Facility would be used for 17 stadium events annually, including the Jets' home games, up to two national events, and three days of plenary events utilizing the plenary hall in its maximum configuration. In addition, retail and/or cultural uses would be located along the Eleventh Avenue, West 33rd Street, and West 30th Street frontages, adding to street life year-round.

Comment A-25 A stadium will make huge demands on city infrastructure, electricity, water supply, the sewer system, roads, bridges, and tunnels and quality of life, noise, lights, crowds, trash, the influx of rowdies into neighborhoods, the loss of already scarce parking spaces. The costs will only grow year after year. (E. Luke)

Response The FGEIS examines the potential infrastructure, energy, traffic, parking, pedestrian, noise, and neighborhood character effects of the Proposed Action. Significant adverse impacts of the Multi-Use Facility would be limited to Sunday and weeknight Special Events, which would occur infrequently throughout the year.

Comment A-26 The DGEIS should explain whether the proposed deck and pier are part of the Proposed Action, and if so, whether National Environmental Policy Act (NEPA) review will be performed. (NJAG)

Response A deck over Route 9A is not proposed as part of the Proposed Action. However, the possibility of having such a deck is examined as Alternative Q in Chapter 26, "Alternatives." As noted in that Chapter, if a deck were to be proposed in the future as a separate action, its construction may require approval of the Federal Highway Administration. Review under NEPA, if required, would be performed at that time. The pier shown on some conceptual renderings prepared by the Jets is not part of the Proposed Action.

Comment A-27 We do not support the rezoning effort necessary to build the stadium. The required zoning changes necessary to build the Stadium would allow for a higher density than is practical in the neighborhood and would greatly impact on the life and quality of the residents. (T. Clay)

Response There is no rezoning effort proposed or necessary to build the Multi-Use Facility. The proposed rezoning changes do not apply to the Multi-Use Facility and there is no relationship between the densities being proposed and any aspect of the Multi-Use Facility.

Comment A-28 The Stadium will interfere with operation of the Convention Center and the negative impact of the stadium on Convention Center operations is not disclosed in the DGEIS. Potential problems include traffic and parking congestion, security concerns, competition for services, complications during loading and unloading and noise levels. The busiest time of the year for conventions is the fall, which will coincide with the NFL season, creating unavoidable conflicts. (MSG, HKNA).

Response Planning for the Convention Center Expansion and the Multi-Use Facility has been undertaken to promote and assure mutual and complementary

support between the two facilities. The FGEIS fully analyzes the simultaneous operations of the Convention Center and Multi-Use Facility for all relevant impact areas.

Comment A-29 The main driving force behind the stadium is the 2012 Olympic Games, the effects of which have not been considered in the DGEIS. (Riverkeeper, HKNA)

Response The public purpose of the Multi-Use Facility is to support the expansion of the Convention Center and contribute to the revitalization of the Hudson Yards area by providing a major new and transit-oriented sports, exhibition, and entertainment venue for New York City and the New York Jets. With modifications, the stadium configuration of the Multi-Use Facility could also serve as an Olympic Stadium if the Olympic Games were to be held in New York City. That, however, would be a temporary use and would be subject to an independent review process for the Olympic program as a whole.

Comment A-30 The Jets already have a venue in New York City - Shea Stadium. (A. Yonenka; G. Jacobson)

Response Shea Stadium, which was built in 1964, does not offer the facilities, amenities, configuration, sightlines, or seating capacity of a modern stadium and is not suitable as a home for a professional football team. The Jets left Shea Stadium in 1983 because it was an inadequate facility at that time and has become even more so as professional sports facilities have evolved and standards have become more demanding.

Comment A-31 The creation of new open space is essential. (W. Ashe)

Response Comment noted. As shown in Chapter 7, "Open Space and Recreational Facilities," more than 23 acres of public open space would be provided.

Comment A-32 The RPA supports the efforts to bring the Olympics to New York City in 2012. (RPA)

Response Comment noted. The Multi-Use Facility could support this event if the City is successful in its bid.

Comment A-33 The Sanitation and Tow Pound facilities must be placed below ground. (T. Duane)

Response The FGEIS assesses a location for the Sanitation and Tow Pound facilities in the Project Area on Block 675. Due to the topography of this site, it is possible to accommodate both facilities with a structure that would be underground at Eleventh Avenue and above-ground at Twelfth Avenue, thereby allowing an entrance to the active recreation park at-grade at Eleventh Avenue.

Comment A-34 While we recommend refinements to the plan and by implication to the zoning needed to implement such refinements, such requested improvements will only strengthen what is an admirable piece of work. (AIA)

Response Comment noted.

Comment A-35 The Department of City Planning should have first developed a new Citywide Master Plan before undertaking such a far-reaching zoning proposal for Hudson Yards. (CIVITAS)

Response Chapter 1, “Project Purpose and Need,” outlines the planning framework within which the Hudson Yards zoning proposal was developed. The Proposed Action's zoning component is part of a comprehensive plan for the Project Area and a well-considered effort to accommodate, in an appropriate location and with the necessary supporting infrastructure, a portion of the projected growth of office-based employment and increase in households in Manhattan in the 2005-2025 period.

Comment A-36 In addition to bus facility planning, the rezoning plan raises several issues with respect to Port Authority-owned infrastructure and property holdings in the study area: (1) The Port Authority already has begun working with the Department of City Planning and the development community on direct development and air-rights transfer opportunities for agency-owned parcels in the study area. The agency supports additional projects involving these sites consistent with facility operations and security requirements. (2) Property or air-rights transfers involving any Port Authority parcels will be predicated on fair market value return; providing a portion of funds required to finance Port Authority transportation improvements within and beyond the study area. (3) Proposals for construction of decks over roadway cuts owned by the Port Authority and estimates of their cost should reflect design requirements, construction requirements, security and ventilation standards, and other factors as appropriate. (PANYNJ)

Response Comment noted.

Comment A-37 Studio City should not be included in the 2010 Future Without the Proposed Action given that the project is not currently moving forward. (CB4)

Response Although Studio City is not currently moving forward, including it in 2010 Future Without the Proposed Action, particularly for traffic purposes, is conservative in this FGEIS.

Comment A-38 The plan should include permanent affordable housing. Any plan should include a minimum of 30 percent mandatory inclusionary zoning. The City Planning Commission and other responsible bodies should not let the large scale rezoning of Hudson Yards go by without including average-, low- and moderate-income New Yorkers in the plan. (B. Gotbaum; T. Duane, C. Demech; C.V. Fields; Housing Conservation Coordinators; CB4; S. Sano; E. Schwartz; M. Sirasky; R. Torres; R. Gottfried; Pratt Center; Hell’s Kitchen/Hudson Yards Alliance; M. Rabban; NRDC; J. Spahn; T. Grace;

Interfaith Assembly; Campaign for Inclusionary Zoning; WCC; Actors' Equity; West 300 Block Assn.; Asian Americans for Equality; J. Finch; D. Duperroir; T. Culliniose; R. Cross; Council of Chelsea Block Associations; J. Isenstein; Partnership for the Homeless; M. Treat; New York City AIDS Housing Network, SAG, HKNA, RPA)

Response Comment noted.

Comment A-39 Specific provisions similar to those used at Battery Park City need to be built into the proposal to ensure the creation of affordable housing. (CIVITAS)

Response Comment noted.

Comment A-40 Incentives need to be provided for the building of moderate income housing within the rezoned district. (CIVITAS, CHPC, SAG)

Response Comment noted.

Comment A-41 The Manhattan Plaza building should be used as a model, but not necessarily duplicated, in Hudson Yards. (Actors' Equity)

Response Comment noted.

Comment A-42 According to a draft report by the Pratt Center, in Lower Manhattan, Greenpoint, and Park Slope, little or no affordable units have been built despite voluntary government programs. (Campaign for Inclusionary Zoning)

Response New York City has had great success over many decades in developing affordable housing through voluntary government programs. The specific programs cited in the development scenario for the Proposed Action, the "80/20" Program and the Inclusionary Housing Program, have been widely used in Manhattan Community District 4 where the Proposed Action is located, and other nearby areas.

Comment A-43 Inclusionary zoning works in big cities all over the country, cities such as San Diego, Boston, San Francisco and others. (Campaign for Inclusionary Zoning)

Response Comment noted.

Comment A-44 The plan should include housing for the homeless. (Interfaith Assembly; Partnership for the Homeless)

Response Comment noted.

Comment A-45 The plan should provide housing to the 20 percent of New Yorkers living below the poverty line. (Partnership for the Homeless)

Response Comment noted.

Comment A-46 The plan should provide 50-50 affordable housing for middle income residents. (Mason Tenders District Council)

Response Comment noted.

Comment A-47 The plan should include a seven-year sunset on residential restrictions in the C6-4 zones in Subdistricts A, B, and E. After a period of seven years from the passage of the proposed zoning text, special C6-4 zones in these subdistricts within the Special Hudson Yards District would be reassessed or revert to a standard variant of C6-4 zoning. Inclusion of such a device is advantageous from both a regulatory and a development perspective and will ensure flexibility in a plan with a 30-year horizon. The revised zoning text loosens some of the restrictions on residential development. We [AIA] would encourage more flexibility for residential development, although we agree it makes sense to reserve certain sites for commercial office development. CHPC has proposed [and we support] a 7-year sunset of any such use restriction, making sure that if it prevents development it is reviewed by the City Planning Commission. (CHPC, AIA)

Response The zoning text amendments are intended to foster a mix of uses with a strong office development component over the next several decades that would meet the goals and objectives of the Proposed Action. The sunset provision would not meet these goals because it would not provide for the level of projected development and has not been considered as an alternative in this FGEIS.

Comment A-48 Inclusionary housing is a technique that can be used more widely throughout the City, and the provision for it in the Hudson Yards Plan importantly symbolizes New York's commitment to fostering mixed-income communities. Moreover, the City should take this opportunity to address a number of shortcomings in the current inclusionary zoning provisions, including the absence of an inclusionary option for condominium development. (CHPC)

Response Comment noted.

Comment A-49 The City should extend the 421-a exclusion zone to cover the majority of the potential residential sites in the area, thereby including 80-20 developments, and allocate tax-exempt financing to facilitate the construction of those buildings. (CHPC)

Response Comment noted.

Comment A-50 Relevant agencies should immediately identify publicly owned sites in the area that can be reserved for future affordable housing development and to allocate sufficient subsidy funds in their long-term budget plans to ensure that those and other suitable sites can be developed. Allocating approximately \$200 million over the next 10 years for affordable housing in the Hudson Yards area is essential to facilitate the development of housing affordable to middle-income households. (CHPC)

Response Comment noted.

Comment A-51 The Proposed Action has no concrete affordable housing plan. The potential construction of 455 units through inclusionary housing bonus and 1,675 units through the 80/20 program are inadequate for this community. The CPC should adjust the bonus formulas so developers can attain maximum FAR bonus by providing a combination of low/moderate/middle income, with a minimum of 30 percent affordable housing units to be broken down by income ranges. (C.V. Fields)

Response Comment noted.

Comment A-52 Currently inclusionary housing units must be managed by a non-profit organization. Remove the nonprofit requirement for the Hudson Yards Plan. (C.V. Fields)

Response Comment noted.

Comment A-53 Currently the affordable housing units can be developed within a ½ mile radius of the market rate housing. Affordable units should preferably be built either on-site or within the Community Board of the market rate housing. Bonus should be given if built on site for higher percentage of higher income affordable units. (C.V. Fields)

Response Comment noted.

Comment A-54 Currently a developer is restricted from receiving real estate tax exemptions or government operating assistance. Eliminate this restriction, thereby giving more opportunities for developers to build affordable housing units and more flexibility in overall development costs. (C.V. Fields)

Response Comment noted.

Comment A-55 Currently Inclusionary Housing Bonus can be used only in R10 districts with a base FAR of 10. The key to affordable housing will require reducing the FAR. The Inclusionary Housing Bonus should be used with 7.5 FAR. This will allow for more development opportunities and will include R7, R8 and R9 districts. (C.V. Fields)

Response Comment noted.

Comment A-56 Affordable housing units should be of equal quality to the market rate. (C.V. Fields)

Response Comment noted.

Comment A-57 Affordable housing units should be dispersed throughout the developments. (C.V. Fields)

Response Comment noted.

Comment A-58 Developers should set aside a percentage of the units for senior citizens. (C.V. Fields)

Response Comment noted.

Comment A-59 While 421a and J51 type proposals are flawed, they can be used as a starting point for providing permanent affordable, low income and special needs housing. Penn South provides one excellent blueprint. (T. Duane)

Response Comment noted.

B LAND USE, ZONING, & PUBLIC POLICY

Comment B-1 The corridor from the new Moynihan Station to the river is the most appropriate location for high-density commercial space. (MAS)

Response Comment noted. The Proposed Action identifies this corridor as a dense commercial subdistrict of the proposed Special Hudson Yards District.

Comment B-2 As it has for four hundred years, New York will grow and its neighborhood will evolve organically. (T. Clay)

Response Since 1916, the evolution of neighborhoods has taken place within the regulations of the City's Zoning Resolution. As described in Chapter 1, "Project Purpose and Need," Chapter 2, "Description of the Proposed Action," and Chapter 4, "Land Use, Zoning and Public Policy," current zoning in the Hudson Yards area has discouraged change and development; the Proposed Action is intended to encourage it.

Comment B-3 Portions of the proposed zoning are inadequate in their ability to accommodate a modified mix of commercial and residential space as future market needs are revealed. For instance, in Subdistricts A-2 and A-3 proposed zoning allows 4 residential FAR only after a development attains at least 20 commercial FAR. If sufficient demand for 20 FAR of commercial space fails to materialize, residential uses will be eliminated from any new development, thus undermining financing, transportation, and incremental design elements of the entire plan. The zoning should be flexible enough so that if in the future commercial demand is not as expected, residential buildings could be built instead. In recent changes to the proposed zoning text, the City has begun to make changes that would allow for a more liberal mixing of uses throughout the site, particularly with respect to housing. We would encourage even more flexibility on this issue. There is a proven and immediate demand for residential development on the West Side. As it is very difficult to predict the nature of real estate demand in this area for a 20-year horizon, it is important to allow for the flexibility that will make the plan both financially and socially viable. (AIA, WCC, CHPC)

Response As described in Chapter 2, "Description of the Proposed Action," and Chapter 4, "Land Use, Zoning, and Public Policy," the proposed zoning has been carefully crafted to encourage high-density commercial development in specific subdistricts of the rezoning area over a 30-year period in response to

projected demand. This commercial development would be supported by the extension of the No. 7 Subway. As described in Chapter 26, “Alternatives,” Alternative S evaluates greater flexibility of land uses while maintaining the goal of accommodating needed economic growth.

Comment B-4 Higher rents and gentrification in Clinton as a result of development pressure from the Hudson Yards project would also be contrary to public policy, an impact the DGEIS does not examine. (D. Gutman)

Response As discussed in Chapter 5, “Socioeconomic Conditions,” indirect displacement of residents is not expected as a result of the Proposed Action.

Comment B-5 If enacted, the Hudson Yards’ proposed district would allow some buildings along Eleventh Avenue to reach 24 FAR and others to achieve unlimited bulk with the purchase of development rights. Questions have been raised about the amount of floor area and its impact on light, air and quality of life at the street level. There are particular concerns about the plan’s impact on the proposed open spaces at the time of build-out. These concerns are only exacerbated by the continued problem of uncounted floor area mechanical space, a persistent zoning resolution problem which this project has yet to address. (MAS)

Response As discussed in Chapter 8, “Shadows,” and Chapter 11, “Urban Design and Visual Resources,” the anticipated development along Eleventh Avenue, although dense, would be subject to design regulations controlling streetwall heights, tower placement, and streetscapes (including landscaping and retail/transparency) so that it would not result in major shadows on open space and instead would contribute to the creation of a lively streetscape, with ample light and air.

Comment B-6 The DGEIS describes the proposed rezoning of the eastern half of Caemmerer Yard, but does not mention that the act of decking over the yard is also part of the Proposed Action. The DGEIS should fully describe this deck and the Quill Bus depot’s relation to it. (CB4, HKNA)

Response A deck would be constructed over the eastern half of Caemmerer Yard, covering all open areas between West 30th and West 33rd Streets, from Tenth Avenue to Eleventh Avenue. The block between West 30th and West 31st Streets, would be entirely occupied below grade by the relocated Quill Bus Depot. At-grade would be occupied by retail uses and entrances for parking and loading to serve future development on top of the platform.

Comment B-7 In contrast to the attention paid to zoning and urban design concerns along the newly created boulevard, the omission of urban design controls along an existing street at Eleventh Avenue is particularly troubling. In the absence of more stringent urban design requirements mandating retail and streetwall setbacks, the Eleventh Avenue facing the Convention Center today might be very similar to the Eleventh Avenue of the future, despite all of the proposed investment in this neglected area. (MAS)

- Response** As identified in Appendix A.1, “Proposed Zoning Text and Maps,” retail uses are allowed on Eleventh Avenue under the zoning proposal, but not required, because the DCP believes that this location is not appropriate to mandate retail for private development. However, the Convention Center and Multi-Use Facility would include retail uses along Eleventh Avenue.
- Comment B-8** To the extent that transfer of development rights is justified on economic grounds to defray the cost of infrastructure, the transfer should be strictly limited and not used to produce excessive building heights. Further, the transfer program aggravates a bias in favor of tall office buildings with floor area ratios as high as 24 over residential buildings with a lower permitted FAR. (CIVITAS)
- Response** As described in Chapter 2, “Description of the Proposed Action,” and Chapter 4, “Land Use, Zoning, and Public Policy,” the proposed zoning has been carefully crafted to encourage high-density commercial development in specific subdistricts of the rezoning area. This development would be similar to new development in Midtown, Lower Manhattan and central business districts in other cities. The transfer of development rights mechanisms are used to achieve high-density development that meets the goal of accommodating economic growth and facilitating new open space on the eastern portion of Caemmerer Yard.
- Comment B-9** The Seventh Avenue frontage (2 Penn Plaza) of the block on which the Garden is located is proposed to have a base FAR of 15. The only reason for the lower FAR on the Garden site is to generate a contribution to the District Improvement Fund. There is no land use rationale for the disparate treatment of these properties. The proposed base FAR of 10 for the Madison Square Garden site is too low for a site located above the City’s largest transit hub. (MSG, HKNA)
- Response** The proposed zoning for the Seventh Avenue frontage which allows a base of 15 FAR is consistent with the zoning of the area. Currently, the C6-6 district (15 FAR base) extends to a distance of 200 feet west of Seventh Avenue between West 33rd and West 34th Streets, beyond which is a C6-4 district (10 FAR base). The zoning proposed for the block containing 2 Penn Plaza and Madison Square Garden (MSG) reflects the same approach in which the Seventh Avenue frontage is zoned for a base of 15 FAR with the remainder of the block a base of 10 FAR. The zoning thus consistently provides for a higher base FAR along Seventh Avenue than it does to the west of the Seventh Avenue frontage. The base FAR of 10 proposed for the MSG site is consistent with the existing and proposed base FAR of West 34th Street near Eighth Avenue. In addition, One Penn Plaza has a base of 10 FAR consistent with the base FAR on the MSG site directly to the south.
- Comment B-10** The DIF requirements should not be imposed on the Madison Square Garden Site. It will not benefit from infrastructure improvements. Other nearby properties do not bear similar burdens. (MSG, HKNA)
- Response** The Madison Square Garden site would benefit from the proposed District Improvement Bonus (DIB) improvements. Implementation of the plan

would result in a concentration of significant new office development along both Eleventh Avenue and the West 33rd Street/Farley Corridor to the west of the Garden site. Currently, the site and the Pennsylvania Plaza buildings are at the periphery of the Midtown Manhattan Business District. The peripheral location has economic consequences that are reflected in, among other things, lower rents than in the core of Midtown. The Proposed Action would dramatically enhance the value of the site by including it within Hudson Yards, and significantly improving the surrounding open space, pedestrian environment, and streetscape. The Hudson Yards plan can only be successfully accomplished through transit-oriented development and the provision of other supporting infrastructure. The provisions of the zoning text amendments which apply the DIB to the site have been designed accordingly.

Comment B-11 515 West 41st Street (Block 1070, Lot 20) is a development site already permitting an FAR of 10, with a bonus of 2 FAR for inclusionary housing. We are working with the DCP to explore the feasibility of developing our property with a new residential building and providing an access point to the new park through our property without a park mapping, but we have serious concerns about the viability and legality of the provisions of the proposed zoning text that would prohibit development of our property. (Robert Born Assoc.)

Response Comment noted. The DCP believes the proposed zoning text is both viable and lawful.

Comment B-12 Maintain medium residential density with a maximum building height of 95 feet along Ninth Avenue from West 41st Street to West 35th Street; maintain the lower residential density with a maximum building height of 85 feet between Ninth and Tenth Avenues from West 41st to West 35th Streets; increase residential density with a maximum building height to 125 feet on Tenth Avenue, from West 41st to West 35th Streets; increase maximum commercial density along West 30th to West 35th Street from Eighth Avenue to Twelfth Avenue as a mixed-use zone; allow high commercial density on Eleventh and Twelfth Avenues with a maximum building height not to exceed 37 stories from West 41st Street to West 35th Street for mixed-use, while preserving air and light to the neighborhood. (Hells Kitchen/Hudson Yards Alliance)

Response Two alternatives which consider lower density and consequently lower buildings, based on recommendations from community groups, are examined in Chapter 26, “Alternatives” (see Alternatives J and T).

Comment B-13 The proposed zoning prohibits auto showrooms on the ground floor for the Mercedes-Benz Manhattan site on West 41st Street, and would interfere with Mercedes-Benz’s intention to expand its showroom. Therefore, MB requests an expansion of the Use Group 9 showroom use. (Mercedes-Benz Manhattan)

Response Alternative S includes provisions that would permit expansion of existing showroom use.

Comment B-14 We believe the proposed 6 FAR is insufficient and propose a 10 FAR for the West 41st Street Mercedes Benz site. In addition, a mid-block driveway may be necessary but is prohibited by the proposal. We also propose a 30-foot transit easement, rather than a 100-foot transit easement. (Mercedes-Benz Manhattan)

Response Given the size of the Mercedes Benz site, DCP believes that 6 FAR of residential development would be marketable based upon discussions with developers during the planning process. Alternative S allows for the creation of a midblock driveway. Under the Proposed Action, the 100-foot transit easement is required to provide access to the proposed No. 7 Subway Extension station.

Comment B-15 Edison Properties' lot on the west side of Ninth Avenue between West 35th and West 36th Streets is more closely aligned with the commercial corridor running along West 34th Street than with the Ninth Avenue corridor running from West 42nd Street south, and it is an important site for the anticipated migration of commercial buildings to the west. We suggest the Commission leave our property available for commercial or residential development based on market conditions. (Edison Properties)

Response Comment noted.

Comment B-16 The Hudson Yards Infrastructure Corporation (HYIC) should include representatives from the Borough President and Community Boards 4 and 5, and elected representatives. (C.V. Fields)

Response The HYIC would be a financing entity with a Board of Directors comparable to that of other financing entities such as the Transitional Finance Authority and Jay Street Development Corporation. The HYIC would not be a development corporation.

Comment B-17 Each of the sub-districts has a finely grained set of bulk regulations with some design flexibility. Adding or subtracting performance-based regulations such as those used in the Midtown Special District would allow for more creativity and variety in the streetscape and should be considered by the Commission. (AIA)

Response The bulk regulations are designed to provide more flexibility in the higher density commercial areas, while allowing more predictable forms in the residential areas. The regulations in Hudson Yards provide flexibility to commercial buildings similar to that allowed for commercial buildings under the Midtown regulations.

Comment B-18 AIA would like to note that in reviewing City Planning's studies for partial block development, the zoning now provides a more varied build-out, better fitting with typical New York conditions. (AIA)

Response Comment noted.

Comment B-19 Ninth Avenue has been essentially preserved in its current density and bulk. We understand the concerns of the neighborhood and community; however, the density of the zoning in this area may need to be reconsidered as larger scale development occurs on all sides. (AIA)

Response Comment noted.

Comment B-20 Block 675 is described as being occupied by low buildings. In fact, more than half of this block is occupied by a large at-grade private bus parking facility that will be displaced by the Proposed Action. (CB4, HKNA)

Response Block 675 is accurately described in Chapter 2, “Description of the Proposed Action” (see Table 2-2 and Figure 2-59), and in Chapter 5, “Socioeconomic Conditions.”

Comment B-21 The stadium is an example of poor land use planning. It seems likely that the stadium will be used only a dozen times per year, leaving an empty stadium on the waterfront. Conversely, if it is used as much as the DGEIS indicates, it will negatively impact traffic and pedestrians. (Riverkeeper, HKNA)

Response The Multi-Use Facility would support the City’s land use, planning, and policy goals for the waterfront. Its construction would result in the placement of a sports and convention use adjacent to the Hudson River waterfront with a design that has been recognized as outstanding (AIA New York Chapter, 2002 Unbuilt Design Award, MIPIM 2004 Award - Sustainable Urban Development). Furthermore, it would replace a rail yard that is lined on all sides by concrete barriers with open space, active retail, and cultural uses. Rather than being a “hulking” presence, the facility would provide an appropriate transition in scale from the taller buildings proposed for the eastern side of Eleventh Avenue as development meets the waterfront.

The Multi-Use Facility would increase, rather than detract from, the public’s use and enjoyment of the waterfront, because it would facilitate access to the Hudson River and improve the appearance of existing connections. This would further New York City’s public policy goal of bringing more residents to the waterfront on a more regular basis. The predominant use of the Multi-Use Facility during the day would be for convention-related activities which would bring people to the Multi-Use Facility over the course of the day. Some of these visitors will spend time in the park, supporting the purpose and goals of the park’s creation. Significantly more people would visit the park for limited times on weekends during the year, at least half of which would occur during winter months when the park would not be actively used. This limited intensive use would not overwhelm the parks or the waterfront area.

See also response to Comment A-24. Traffic and pedestrian impacts are fully discussed in Chapters 19 and 20.

C SOCIOECONOMIC CONDITIONS

1. Residential Development and Displacement

Comment C-1 The EIS dismisses all concern about secondary residential displacement because “the Proposed Action would ameliorate increases in rents and property values by substantially increasing the supply of housing” (DGEIS, p. 5-33). This analysis fails to acknowledge the potential demand for nearby residences by the 112,000 workers in the new commercial space. Some of those workers will want to live nearby, and it won’t take many to overwhelm any “amelioration” and add substantially to development pressure in Clinton and Chelsea. (D. Gutman)

Response The pressure created by a strong housing demand in Manhattan exists presently and into the future with or without the Proposed Action. One of the key factors that amplifies this pressure is the lack of substantial numbers of new housing units introduced to the market place. The analysis in Chapter 5, “Socioeconomic Conditions,” indicates that the Proposed Action, while increasing locally based employment, would add substantially to the housing stock of the area, and that there would not be a significant adverse secondary or indirect residential displacement impact. The estimated demand for new housing units in Hudson Yards is based on capturing a substantial share of the projected household growth in Manhattan over the 2005-2025 period. The projected household growth accounts for households with workers that might work in Hudson Yards, and households with workers that will work elsewhere.

The additional workforce attracted to Hudson Yards would not be expected to uniformly seek residence in the area. Currently, of the approximately 2 million workers in Manhattan, about 600,000 or about 30 percent live in Manhattan, and only a small percentage of those live in the communities in and around Hudson Yards (the FGEIS Socioeconomic secondary study area accounts for only about three percent of the overall Manhattan population under existing conditions and would likely increase to no more than four percent with the Proposed Action). Applying these percentages to the anticipated 112,000 new workers indicates that the amount of housing created by the Proposed Action would far exceed the demand created by new workers seeking to live locally in Hudson Yards.

Comment C-2 The DGEIS assumes that all residential buildings constructed prior to 1974 with six or more units are subject to rent stabilization and that tenants of those buildings are not vulnerable to indirect displacement. The DGEIS also takes account of Mitchell-Lama buildings and those that have entered rent stabilization through tax abatement and exemption programs. The DGEIS does not take note of vacancy decontrol, luxury decontrol, the expiration of limitations imposed via tax abatement and exemption programs, and the ability to opt out of Mitchell-Lama, Section 8, and other housing programs. According to a June 2003 study prepared by the Rent Guidelines Board (RGB), 105,421 units lost rent regulation between 1994 and 2002. Given the loss of apartments from rent regulation, it is unrealistic to assume that all of the rent-regulated units in the Hell’s Kitchen area will remain regulated for

the next 20 years. It is also unlikely that all pre-1974 apartment buildings are still in rent regulation. Will a more realistic analysis of indirect displacement, with these factors taken into account, be included in the FGEIS? (CB4)

Response The analysis of indirect displacement examines whether there exists a “population at risk” of indirect displacement, as characterized by the *CEQR Technical Manual*. Vacancy decontrol applies to vacant units and, having left voluntarily, the former residents of those units do not represent a “population at risk.” (The potential for involuntary departure due to tenant harassment is discussed in Comment C-3, below). Luxury decontrol applies to high-income households and these, too, do not represent a “population at risk.” The status of tenants in Mitchell-Lama or Section 8 developments that are at the end of their regulatory periods is not affected by the Proposed Action. Since, under existing conditions, market rents in the Project Area, and the primary and secondary study areas are already increasingly out of reach of low- and moderate-income households, the continued tenure of these households will depend on the institution of additional regulatory requirements or new public subsidies, both in the future with, and the future without the Proposed Action.

Comment C-3 Tenant departures are often the result of harassment or disinvestment by the landlord. Following departure the rent is often pushed above the \$2,000 rent regulation ceiling. (CB4)

Response The City is committed to enforcing existing laws against harassment, as it is throughout the City. The vast majority of landlords that own rent-regulated apartment buildings are law-abiding regardless of whether their property is in an area to be rezoned. The assurance of prosecution is considered an effective deterrent against any that would violate the law.

Comment C-4 Even law-abiding landlords may, under certain circumstances, demolish rent-regulated buildings and replace them with new construction. Will the FGEIS consider this practice? (CB4)

Response Regulations permitting demolition of rent-regulated buildings would not be affected by the Proposed Action, and the FGEIS does indicate a few instances where rent-regulated units are on parcels to be redeveloped as part of the Proposed Action (see Tables 5-6 and 5-7). However, as with the overall level of direct residential displacement, the number of total units is small and substantially less than new market rate or affordable housing units that are added by the Proposed Action. With or without the Proposed Action, the continued tenure of households residing in these buildings would be subject to the potential for legally conducted building demolition.

Comment C-5 Many currently rent-regulated tenants in lower-priced neighborhoods pay less than the on-book value of the apartment. As these neighborhoods gentrify, landlords will likely stop providing these discounts to tenants, some of whom will be displaced as a result. (CB4)

Response This is a trend that can be expected to occur with or without the Proposed Action, particularly in the existing condition and in the Future Without the Proposed Action, neither of which benefit from the new housing supply created by the Proposed Action. As presented in Chapter 5, “Socioeconomic Conditions,” the Project Area is not a uniformly low-rent neighborhood, and unregulated rents are already well out of reach of low- and moderate-income households. Further, if a below-market rent is part of a rent-regulated lease, then it cannot be arbitrarily brought up to market value, since it would be subject to per annum increase regulations.

Comment C-6 As the development and housing markets improve, developers are using the 421-a Affordable Housing Program bonuses less and are choosing to build condominiums instead. Use of the voluntary bonus was down 24 percent overall from the prior year in 2003. The Affordable Housing Certificate component of this program was down 80.8 percent from 2002 to 2003. We do not believe that 13 percent of new residential units will be affordable, as was the case in Sixth Ave. rezoning, and the percentage of affordable units in Hudson Yards could fall below 10 percent. (Pratt Center)

Response Over the varying real estate market conditions of the 2005 to 2025 period, the balance of condominium and rental production is expected to reflect historical trends which form the basis for the development scenario in the Proposed Action.

Comment C-7 It has recently been reported that a contractor has been hired to provide relocation assistance to businesses and residents that will be directly displaced by the Proposed Action. What form will that assistance take? (CB4)

Response The City has retained a specialized relocation firm, the Cornerstone Group, to facilitate the City’s effort to relocate residents and businesses. The Cornerstone Group has worked on numerous large-scale redevelopment projects that have required land acquisition and relocation assistance, including: Metrotech in Brooklyn, 42nd Street/Times Square, and the New York Times development. Cornerstone would provide individualized services to residential and commercial relocatees. Cornerstone would work in conjunction with City agencies such as EDC and HPD to, among other things, assess the relocation needs of relocatees, assist relocatees in identifying and eventually securing alternative locations, and assist with organizing the logistics of any move. In addition, Cornerstone, again working with the City and its agencies, would seek to ensure that relocatees receive any and all compensation and/or benefits to which they are entitled by law. The City and Cornerstone would provide this relocation assistance specifically for the residents and businesses on parcels to be acquired by the City for construction of the No. 7 Subway Extension, creation of the Midblock Park and Boulevard System, and to construct the new DSNY garage, NYPD tow pound facilities, and open space on Block 675.

Comment C-8 The Proposed Action will result in the creation of luxury apartment buildings and will encourage landlords to raise rents and squeeze people out of the

neighborhood. The DGEIS is wrong when it says that people in rent-stabilized apartments will not be displaced. (HKNA)

Response The Proposed Action is expected to generate a substantial amount of new housing both at a market rate and affordable basis. The estimated 1,560 new affordable units generated by the Proposed Action is a far greater number than the 120 total units (market rate or affordable) that would be displaced by the Proposed Action. The analysis of indirect displacement in the FGEIS finds that the population that would inhabit new units created by the Proposed Action would be similar to the population currently found in new and unregulated housing units. Remaining low- and moderate-income renters would have their continued tenure protected by rent regulation and other government regulations. This is likely to be true both in the future with and the future without the Proposed Action.

Comment C-9 The Midblock Park and Boulevard directly displaces too many businesses and residents. The plan would result in direct displacement of 85 housing units and a 290-unit shelter. An estimated 338 to 344 businesses and 1,200 to 3,000 jobs would be displaced (D. Zichichi; CB4; Housing Conservation Coordinators; Hell’s Kitchen/Hudson Yards Alliance, C.V. Fields)

Response The Midblock Park and Boulevard System would not displace the numbers of businesses or residents identified above (which are for the entire displacement potential including Block 675 (NYPD Tow Pound and DSNY garages and open space), the Convention Center, the No. 7 Subway Extension and the Projected Development Sites located throughout the rezoning area. The FGEIS estimates that the cumulative Midblock Park and Boulevard System displacement would be 50 residential units and 93 businesses.

The assessment of cumulative residential and commercial displacement found that the Proposed Action would not adversely affect a sensitive population, a neighborhood character-defining industry, or result in the loss of an industry critical to the New York City economy. Thus, a significant socioeconomic impact was not identified.

Comment C-10 Artists and young people will no longer be able to live in the area. Only wealthy people will be able to afford to live here. (M. Sirasky)

Response The Proposed Action would produce a mix of market-rate and affordable housing that would provide opportunities to households at both low and high incomes.

Comment C-11 We believe the Proposed Action is likely to affect neighborhood character throughout the Special Clinton District. The study area for Chapter 5 must be expanded so that it reaches the northern boundary of Community District No. 4. (CB4)

Response As set forth in the *CEQR Technical Manual*, study areas for socioeconomic analyses are typically drawn for up to a half mile around a Project Area, and inclusive of basic census blocks and tracts that would comprise the study

area. This is consistent with the study area used in the FGEIS up to 50th Street. While the Special Clinton District does extend further to the north, no significant impacts were identified from 50th Street and south, therefore, no need was seen to extend the boundaries of the study area.

Comment C-12 Will the FGEIS identify mitigation for all of the indirect displacement noted in our comments? (CB4)

Response No significant adverse impacts from indirect displacement have been identified for the Proposed Action. Therefore, no mitigation is proposed. The Community Board's concerns are reflected in the analysis of existing trends and likely changes with or without the Proposed Action, and were therefore considered in the analysis of potential adverse impacts.

Comment C-13 The number of residential units expected to be developed in the Project Area by 2025 is inconsistent (listed as 10,600 on p. 3-10, 12,800 on p. 4-2, 12,887 on p. 5-2, and 12,600 on p. 19-28 of the DGEIS). (MSG, HKNA)

Response The 10,600 is a net increase in dwelling units by 2025 while the larger numbers reflect total build-out conditions in the Reasonable Worst-Case Development Scenario (RWCDs) with and without existing residential units (12,887 versus 12,600). The 12,800 unit citation in Chapter 4 is a rounded number used in the introductory description of the action.

Comment C-14 The DGEIS's population count of 11,565 misses as many as 3,579 added since 2000. CB4's count is closer to 21,331. How would use of Department of Finance Real Property Assessment data, rather than Census data, affect the analysis? (CB4)

Response As presented in the FGEIS (Chapter 5, "Socioeconomic Conditions"), multiple sources of data were utilized to compile the demographic baseline of the study area, including 2000 Census data, Real Property Assessment Data (RPAD), completed and ongoing EISs for development projects, and other available resources. The current population was estimated at 15,560 following the process identified in the comment, namely, taking the 2000 baseline numbers and adding all known projects completed in the study area by 2003.

Comment C-15 The Proposed Action will continue and accelerate the gentrifying trend, displacing existing low- and moderate-income residents. (CB4, HKNA)

Response As discussed in Chapter 5, "Socioeconomic Conditions," the FGEIS concludes that the project and secondary study areas have already experienced socioeconomic change. As a consequence, unregulated rental units are already largely out of reach of low- and moderate-income households and the remaining low- and moderate-income residents have their tenancies protected by rent regulation or other government controls. Therefore, there is not a "population at risk" as defined by the *CEQR Technical Manual*. The Proposed Action would produce market rate housing that is consistent with the market rate housing that has been built in the recent past and whose population would have characteristics similar to the

population that has already been moving into unregulated housing units in the study areas. The Proposed Action would also lead to the creation of additional units of low- and moderate-income housing, through the 80/20 and Inclusionary Housing programs, promoting continued economic integration in the Project Area.

2. Commercial Development and Displacement

Comment C-16 The DGEIS fails to analyze the traffic and socioeconomic impacts of displacing FedEx’s West 34th Street facility. There currently is no alternative Manhattan location for the facility. Locating in New Jersey will result in increased traffic from river crossing. With regard to socioeconomic impacts, the West 34th Street facility employs 395 people, the minority of who reside outside the City. Most City residents would not commute to New Jersey to keep their FedEx jobs. Find a way to keep the businesses such as FedEx and smaller businesses. (FedEx Express, C.V. Fields)

Response For traffic-related response to this comment, see response to Comment N-57.

The FGEIS discloses that the acquisition of this building on West 34th Street would result in the displacement of all tenants, including Federal Express. However, this displacement is not considered a significant adverse socioeconomic impact, in that the loss of either business at this location does not constitute the elimination of a neighborhood character-defining industry, and does not result in the elimination of an industry of City-wide importance. Given the number of distribution centers currently operating in Manhattan’s west side (including relatively recently developed sites for Federal Express, UPS, the United States Postal Service, and others), there would appear to be viable options remaining on the West Side, elsewhere in Manhattan, or within New York City. The City is working with Federal Express to find a satisfactory replacement facility. With the extensive level of Federal Express activity in New York City, it is not expected that relocation of this one Federal Express facility elsewhere in the City, or even to New Jersey, would result in the significant loss of jobs for current employees.

Comment C-17 The DGEIS assumes that the Federal Express and catering facilities on the Bulwark site will find another location nearby. The more probable result is that these businesses will relocate to New Jersey, reducing jobs, and increasing the level of traffic in the Lincoln Tunnel. (Bulwark)

Response See response to Comment C-16, above, specifically regarding Federal Express. The catering facility is likely to be reestablished through relocation efforts with little likelihood of a move to New Jersey. Overall, the catering business is a relatively small business and thus should not have a material impact on City employment or traffic.

Comment C-18 The State of New York has previously recognized that commercial development in nearby portions of Midtown, such as Times Square, “will undoubtedly accelerate development pressures in Clinton” (see Times Square FGEIS, pp. 2-53, 10-101). The Hudson Yards proposal, with over three

times the commercial space of the Times Square Redevelopment project, will have commensurably larger negative impacts on Clinton. (D. Gutman)

Response

There are significant differences between the Times Square redevelopment effort and the Proposed Action, and in their relationship to the adjacent Clinton neighborhood. The differences are both temporal (i.e., a 20-plus year history of Times Square revitalization) and in the goal and intent of the redevelopment effort (urban renewal and blight removal versus creating opportunities for new growth in a relatively undeveloped area of Manhattan).

The Times Square redevelopment effort addressed a chronic urban blight condition that had depressed and held back new investment in West Midtown. It was recognized at the time that if Times Square were successful in reversing these trends—as the marketplace has shown to be true—one obvious effect would be to create newly viable areas for development and increase development pressure on adjacent areas like Clinton. Times Square, along with other Midtown West zoning incentives resulting in new developments such as World Wide Plaza on Eighth Avenue and the new residential development that has happened along the West 42nd Street corridor, thus created a new template for development and neighborhood change. By contrast with other surrounding neighborhoods, Hudson Yards remained relatively unchanged by the large commercial transformation in Times Square.

With the passage of 20 years of Times Square revitalization, the Hudson Yards FGEIS considers a very different set of existing conditions than those in evidence at the time of the Times Square FEIS. The conclusions reached in the Hudson Yards FGEIS that the Proposed Action would not have significant adverse impacts on the Clinton neighborhood are reasonable in light of existing conditions, different from those which prevailed 20 years ago.

Comment C-19

The number of direct new jobs (i.e., not including indirect jobs such as those created due to demand for goods and services by activity in the Project Area) generated by the Proposed Action by 2025 is listed as 127,100 on p. 5-2, but is listed as 110,930 on p. 5-6 of the DGEIS. (MSG, HKNA)

Response

The employment estimates identified in the comment are summaries from two tables presenting employment statistics used for two different purposes. The higher number presumes full capacity employment associated with the Proposed Action and was used as a conservative assumption for impact categories such as traffic, transit, pedestrians, and open space. The lower number is a more conservative estimate used to calculate future wages and tax revenues by incorporating a vacancy contingency for the new space.

Comment C-20

The DGEIS does not sufficiently lay out a plan to assist businesses that are directly and indirectly displaced by the Proposed Action. Commercial displacement caused by rising rents, by condemnation or by pressures resulting from incompatibility with new uses will occur as a result of the Proposed Action. Many of these businesses cannot relocate elsewhere on the West Side because zoning is too restrictive, or because there is too little

space available in nearby areas where they are allowed by zoning. The DGEIS does not address the many existing small- and medium-sized businesses which will be displaced – some of which invested heavily in the current space. Many businesses and residents will be displaced by this project, including FedEx. The analysis largely ignores this problem. Will the FGEIS cover the full extent of commercial displacement and a plan to address to relocation assistance? (CB4, T. Duane, Council of Chelsea Block Associations, FedEx, HKNA)

Response

The purpose of the business displacement analysis in the FGEIS is to analyze the displacement potential and assess its significance against threshold questions set forth in the *CEQR Technical Manual* as a measure of potential adverse environmental impact. The FGEIS does not find significant direct or indirect displacement impacts on businesses, and therefore no mitigation is required. In addition, displacement of businesses by development is projected to occur over a 20-year or more period, and the FGEIS finds that the pace of dislocation is likely to be a continuation of the decline and job loss already happening in the area.

Public agencies are obligated to assist those businesses and residents that are facing direct displacement as a consequence of condemnation. To this end, EDC has contracted with a relocation specialist, the Cornerstone Group, to provide assistance to potential relocatees in identifying and securing new locations and arranging relocation logistics, and to ensure that all relocatees receive compensation and other benefits to which they would be entitled by law. The City and Cornerstone would provide this relocation assistance specifically for the residents and businesses on parcels to be acquired by the City for construction of the No. 7 Subway Extension, creation of the Midblock Park and Boulevard System, and to construct the new DSNY garage, NYPD tow pound facilities, and open space on Block 675.

Comment C-21

It is unlikely that displaced manufacturing uses will relocate in Clinton/Hell’s Kitchen. Only 15 blocks of Clinton remain zoned for manufacturing use outside of the Clinton Urban Renewal Area, and pressure for conversion to commercial zoning is intense. The FGEIS should reflect this. (CB4)

Response

Many of the directly displaced businesses would be similar in character to those found in the West Clinton area, and in the midblocks that are proposed to remain M-zoned in West Chelsea. Given the relatively small amount of direct displacement from condemnation, and the gradual pace of direct displacement from development sites, it would be possible to accommodate many of these businesses in the remaining Manhattan West Side M-zoned areas. As discussed in the FGEIS, some businesses may need to relocate to industrial areas in other parts of the city.

Comment C-22

The DGEIS incorrectly predicts that the construction of new office and retail space in the Hudson Yards area will “reduce the upward pressure of rents” in the secondary study area. This statement is conclusive and unsupported by any evidence. We are therefore concerned that the project will cause significant indirect business displacement in the secondary study area. (CB4)

Response The upward pressure on office and retail rents is a consequence of the growth in office employment and the growth in expected retail sales per square foot of retail space, respectively, combined with limited supply and low vacancy. The relationship of upward pressure on rents to tight supply is historically well-established. Increasing the supply of office space would accommodate the growth of office-based employment and therefore result in less competition for the available space. Increasing the supply of retail space will have a similar effect on competition for retail space.

Comment C-23 The owners of the Octagon nightclub on West 33rd Street will be displaced by condemnation. The proposed project will require the demolition of my property and the displacement of my tenants. (T. Adler, W. Ashe)

Response The comment refers to businesses and buildings which are proposed to be acquired for the No. 7 Subway Extension and the Midblock Park and Boulevard System; public uses which are integral and critical to the success of the Hudson Yards Plan. As noted in Comment C-20, above, businesses may be entitled to receive relocation-related compensation, even if not the owners of the affected properties. If the Proposed Action is approved, the City and its relocation consultant (the Cornerstone Group) would work to ensure that all businesses and residents receive all relocation assistance to which they are entitled.

Comment C-24 Where could the carriage horses to be displaced by the Proposed Action be relocated? (C. Byrne)

Response No carriage stables are expected to be directly displaced by the Proposed Action.

Comment C-25 The condemnation of the Mercedes-Benz garage will eliminate our ability to service vehicles in Manhattan. There are few relocation opportunities in the area, relocation to a distant site will increase traffic and increase our costs of business, and we have franchise limitations that restrict our ability to provide service outside of Manhattan. (Mercedes-Benz Manhattan)

Response Comment noted. Alternative S would permit expansion of the Mercedes-Benz showroom on West 40th Street to accommodate the garage function.

Comment C-26 Property owners should be able to receive true value for their land based on the value of the high rise buildings to come. (C. Byrne)

Response Any condemnation would be based on fair market value of any property.

Comment C-27 The Proposed Action will cause small businesses to fail and be replaced by corporate chains. (J. Spahn)

Response The addition of thousands of new residents and commercial workers to the area would provide substantial opportunities for existing small businesses to grow and prosper and new businesses to be established.

Comment C-28 The side streets are narrow and trucks and vans are constantly double and triple parked. Businesses could not afford to be closed each time an event is held at the stadium. (T. Clay)

Response The traffic analyses set forth in Chapter 19, “Traffic and Parking,” do not substantiate this comment. In addition, off-street marshalling and service operations for the Multi-Use Facility and the Convention Center would minimize potential conflicts with local businesses that may be located in the area in the future.

Comment C-29 The square footage of commercial office space to be developed by 2025 is inconsistent (29.5 million square feet on p. 4-2, 29 million square feet on p. 19-28, and 28 million square feet on p. 24-14 of the DGEIS). (MSG, HKNA)

Response The variation is based on how the build program of the Proposed Action was presented in the text of the document (i.e., using rounded or approximate numbers in the case of 29.5 versus 29 million square feet or in presenting the Proposed Action in terms of the initial market assessment of demand for new office space that could be met in Hudson Yards, in the case of the 28 million square feet). This variation does not have a material effect on the analyses in the relevant chapters.

Comment C-30 The DGEIS predicts that there will be significant lane and sidewalk closures along West 40th Street and West 41st Street, nearby to residences, stores, and community facilities, obstructing pedestrian, resident, and truck access and obstructing signage. The DGEIS concludes that this would result in no significant adverse impacts to these homes, businesses, and facilities. Four years of construction and lane and sidewalk closures will negatively affect residents and businesses (see for example the Time Warner Center construction project). (CB4)

Response Relatively long-term construction schedules are typically associated with large development projects or public works projects. As set forth in Chapter 23, “Construction Impacts,” these longer-term efforts of four years would be limited to very specific and small areas. Standard practices of maintenance of way would be utilized to ensure minimized hardship to existing businesses and residents.

3. Specific Industries Assessment

Comment C-31 We request a more thorough examination of the jobs likely to be lost in the Garment Industry and in displacement of businesses that support the Theater Industry and the characteristics of those job-holders, including their average salaries, their places of residence, and their ethnicity. (CB4)

Response Chapter 5, “Socioeconomic Conditions,” provides a thorough accounting of the number and types of jobs located in the Project Area, including a detailed assessment of job profiles in the apparel industry. The FGEIS analyzes the effect of the Proposed Action on the apparel and theater industries and finds that industry-specific job displacement would be small, and no significant

impacts were found. Thus, the provision of more detailed information about salaries and where workers live is not warranted.

Comment C-32 The Proposed Action will result in a loss of 17,000 jobs in the neighborhood, many in the theater and garment industries. The DGEIS dismisses this concern. The replacement of thousands of manufacturing, transportation, and communications jobs with office jobs would result in a serious and significant change to neighborhood character. We expect the new mix of employees to be less diverse than the present mix. We expect more workers to commute from outside our community. Will the FGEIS compare the average wages, ethnicity, and place of residence of the existing and expected workers? (HKNA, CB 4)

Response The comment is incorrect in its reference to a loss of 17,000 jobs. As set forth in Chapter 5, “Socioeconomic Conditions,” this is an estimate of total employment within existing manufacturing zones in the Project Area. The total amount of displacement is far lower, approximately 4,000 workers across a wide variety of job types, with less than half classified as industrial or manufacturing jobs. For the apparel industry, the direct displacement of apparel jobs would be far lower. For the five blocks where the Proposed Action overlaps with the Special Garment Center District, less than 50 of the current estimate of about 1,800 apparel jobs are expected to be directly displaced. Thus, the displacement impacts of the Proposed Action are found to be much smaller in magnitude than the commenter states, and to be not significant for environmental review purposes. The chapter also specifically analyzes the effects of the Proposed Action on the apparel and theater industries, and these effects are also found to be not significant. Thus, the additional information requested is not warranted.

Comment C-33 The DGEIS fails to mention any impacts on the theater industry due to the stadium. (Shubert Organization, CB4)

Response The FGEIS includes a discussion of these issues and determines that there is no significant adverse impact on the theater industry created by the Proposed Action.

Comment C-34 There is no definition of a legitimate theater, its need in the affected area and the economic benefit, if any, that it may provide. (Shubert Organization)

Response The Proposed Action does not include zoning provisions related to theaters, thus a definition of a legitimate theater is unrelated. It is noted that in the FGEIS, zoning provisions for theater space have been included in the new Alternative S. The term “legitimate theater” under the zoning text for Alternative S has been used for many years in the Theatre Subdistrict regulations and refers to straight play, musical, and similar performances, as distinguished, for example, from movie performances. The purpose of the Theater Bonus proposed under Alternative S is to encourage the further development of theater uses along the western portion of the 42nd Street corridor.

Comment C-35 There is no consideration whether there are any prospective legitimate theater operators who can afford to operate a new, full-size proscenium stage, Broadway-type legitimate theater. (Shubert Organization)

Response Recent trends have shown interest in development or rehabilitation of large legitimate theaters. The best example of this is Disney which, after several years of producing shows based on its media assets in locally owned theaters, took over as operator of the New Amsterdam on West 42nd Street. Examples of other recent theater operation deals involving large theaters include Studio 54 and the Roundabout and the Biltmore and the Manhattan Theater Club.

Comment C-36 The DGEIS should address older theaters that cannot be replaced, due to age, zoning, and landmark status. (Shubert Organization)

Response This comment does not relate to the Proposed Action.

4. Summary of Economic Benefits, Comments on Project Costs and Financing

a. Jobs and Economic Development

Comment C-37 Affordable housing should be created using union workers, not the current practice of using non-union workers. (Building & Construction Trades)

Response Comment noted.

Comment C-38 The Proposed Action should include provisions for minority- and women-owned businesses. (C.V. Fields)

Response The State and City of New York recognize that it is in the public interest to maximize opportunities for minority and women-owned businesses as well as job opportunities for all New Yorkers. As a result, the State and City of New York are prepared to implement a broad array of programmatic initiatives, within the current constraints of the law, to achieve the fullest maximum participation in contractual and employment opportunities. In addition to work undertaken directly by the City, MTA or other public agencies, it is noted that the General Project Plan for the Multi-Use Facility is also anticipated to include M/WBE requirements.

Comment C-39 Protections should be included in the Hudson Yards Development that ensure that all building service jobs in new commercial and residential buildings on the Far West Side will be good jobs that are in line with existing industry standards. Similarly, construction jobs should meet standards of state-of-the-art safety conditions and prevailing wages. (C.V. Fields)

Response Given the anticipated growth in Class A office space and high density residential buildings, it is anticipated that the private market response would dictate that new construction jobs or permanent building services jobs would be in line with existing standards.

- Comment C-40** Stadiums have been a catalyst for development in other cities, such as San Diego, Cleveland, Toronto, and Seoul. (REBNY)
- Response** Comment noted.
- Comment C-41** There is no record of a stadium having a positive economic benefit on an urban center. The stadium is proposed on the most valuable site and will discourage nearby development (Shubert Organization, Straphangers, R. Seward, W. Ashe, CB4, Housing Conservation Coordinators, R. Gottfried)
- Response** As noted in Comment C-40, above, there are numerous examples of stadiums having a positive benefit to urban centers, both in terms of direct revenues and as a catalyst for other development. Pittsburgh, Baltimore, San Diego, and San Francisco are other examples. None of these other cities enjoy the same sports or convention market that New York does increasing the potential for positive economic results from the Multi-Use Facility.
- Comment C-42** Stadiums and convention centers are not compatible. (T. Grace; E. Mandel; HVS International Convention & Sports Entertainment Facilities)
- Response** As noted Chapter 1, “Purpose and Need,” there are several examples of well-coordinated stadium and convention facilities in the United States, including: Atlanta, Houston, St. Louis, and Indianapolis. As in Comment C-41, above, New York City enjoys a stronger combined sports and convention market than these cities, thereby increasing the likelihood for positive economic results. In addition, the Multi-Use Facility would be used on the large majority of event days for expositions and conventions, including activities supporting shows at the Convention Center.
- Comment C-43** A football stadium is not needed to attract tourists to New York and it would destroy what is special about New York. (M. Yaghvian)
- Response** When used for Special Events, the Multi-Use Facility would provide one more reason for tourists to visit New York. Sports facilities such as Yankee Stadium, Madison Square Garden, and the National Tennis Center all are tourist destinations; the Multi-Use Facility would provide another sports destination.
- Comment C-44** The Stadium is a poor investment and may have a negative impact on neighborhood businesses. (Housing Conservation Coordinators; R. Gottfried, Straphangers)
- Response** As set forth in Chapter 1, “Purpose and Need,” of the FGEIS, the proposed Multi-Use Facility is a far more flexible structure than a single-purpose sports stadium, and is anticipated to increase convention and exhibition opportunities in New York City. As summarized in Chapter 5, “Socioeconomic Conditions,” independent review by the EDC shows that the Multi-Use Facility would generate substantial positive economic effects to the City and State.

Comment C-45 Will the FGEIS consider studies performed by independent economists in their assessment of the economic and development impacts of the proposed stadium? (CB4, Shubert Organization)

Response The City has reviewed available independent analyses and has performed its own independent analysis of the economic benefits of the construction and operation of the Multi-Use Facility. These are reflected in the revised economic benefit projections provided in Chapter 5, “Socioeconomic Conditions.”

Comment C-46 We question whether stadiums encourage or discourage development in the surrounding area and whether or not a stadium would attract the type of high-end development called for by the City’s plan on development sites across the street from the stadium site and throughout the Project Area. We also ask for detailed information about the kind of jobs likely to be created by the stadium, in terms of wages, benefits, hours, and seasonality, as compared to existing jobs likely to be displaced by the Proposed Action. (CB4)

Response The Multi-Use Facility would support the City’s planning initiative for Hudson Yards. As noted in Comments C-40 and C-41, stadiums have served as catalysts for development in numerous cities. Moreover, the proposed state-of-the-art facility would replace a desolate rail yard that is lined, on all sides, by concrete barriers that currently detract from the urban context of Hudson Yards. As described in Chapter 4, “Land Use, Zoning, and Public Policy,” the variety of uses at the facility, and the local retail and cultural resources included in the Multi-Use Facility, would create a positive urban environment consistent with the City’s goal for growth and development in Hudson Yards.

There is no employment displacement associated with the Multi-Use Facility component of the Proposed Action and the thousands of full-time jobs created by the Multi-Use Facility are new opportunities, not coming at the expense of an existing labor force. Chapter 5, “Socioeconomic Conditions,” summarizes the employment that would be generated by the Multi-Use Facility (as estimated independently by the EDC), including direct employment and wages and salaries. No further analysis of these jobs is warranted in the FGEIS.

Comment C-47 The FGEIS should state how many visitors are expected at the largest events at the Convention Center after its expansion is completed. (MSG, HKNA)

Response See Chapter 19, “Traffic and Parking,” and the appendices referred to within that chapter for detailed information on visitor estimates for the Convention Center.

Comment C-48 Conventioneers and Convention Center employees are the largest part of our customer base. The Convention Center expansion and Multi-Use Facility will aid my business. (F. Ford)

Response Comment noted.

Comment C-49 The Proposed Action will aid the tourism industry and strengthen ties between Times Square and the Convention Center. (Marriott International Hotels)

Response Comment noted.

Comment C-50 A stronger economic base in Manhattan will aid commercial areas in Brooklyn and other areas of the City and will give the City the resources to provide services elsewhere. (Downtown Brooklyn Development Council)

Response Comment noted.

b. Costs and Financing Plans

Comment C-51 A number of comments were submitted relating to the financing plans for the Proposed Action. These comments dealt largely with such matters as the cost of and financing for individual components of the Proposed Action, the wisdom or feasibility of individual financial proposals, concerns as to the sources of revenue for debt service used to finance project components, the use or diversion of public funds or assets for the Proposed Action, the use of public corporations or authorities for project financing, the diversion of resources from other public needs or services, and compensation levels for properties to be included in the Proposed Action. (CHPC, CAC, Straphangers, R. Gottfried, New York State Tenants & Neighbors Coalition, MSG, HKNA, G. Pananen, WCC, C.V. Fields, CB 4, S. Sano, Duane D. Duperroir, E. Luke, A. Yonenaka, G. Jacobson, Develop-Don't Destroy Brooklyn, NRDC, RPA, Housing Conservation Coordinators)

Response Although these comments are included in Appendices AA and BB, they are beyond the scope of the EIS process and thus do not require responses in this FGEIS. Current capital costs estimates for the public facilities and real estate development contemplated in the Proposed Action are set forth in Chapter 5, "Socioeconomic Conditions," which also includes a summary of expected mitigation costs. To the degree that the above comments include environmental concerns, they are responded to in the appropriate sections of this chapter (Chapter 29, "Response to Comments").

D. COMMUNITY FACILITIES AND SERVICES

Comment D-1 Where are the new electric substations, firehouse, schools, and other required community facilities likely to be located? When are they likely to be built, how will their location be determined, and what will be the effects of their construction? (CB4, C.V. Fields, HKNA)

Response Chapter 6, "Community Facilities and Services," and Chapter 18, "Energy," of the FGEIS address the need for these new facilities within the Hudson Yards area, the general timing of when they would need to be built, and the potential resultant effects on the surrounding areas. City facilities such as firehouses and schools would be located according to future site selection procedures. In connection with site selection at that time, potential issues associated with a K-8 school could include: playground noise near residential or other sensitive land uses, pedestrian safety in areas with major

busy streets, parking, site-specific issues, including historic resources, archaeological resources, and hazardous materials during construction, and traffic.

Proposals for the locations of electric substations within the Project Area would be made by private utilities pursuant to provisions of the Zoning Resolution established for that purpose. Chapter 18, "Energy," addresses the generic issues associated with the location of substations and their potential effects on surrounding areas.

Comment D-2 How can so much money be spent on building up the Hudson Yards area without any planning and developer-forced provisions for schools and sports fields for the children who will be born, live and grow up in this neighborhood? (K. La Reaux)

Response Construction of new schools, enlargement of existing schools and administrative measures are identified in Chapter 6, "Community Facilities and Services," of the FGEIS as mitigation, and funding measures would be adopted by the City to ensure that mitigation for the Proposed Action is implemented.

Comment D-3 The City's proposal creates the opportunity to expand on the housing that exists in this neighborhood. The City has heeded the call for more housing that was lacking in an earlier proposal. While 12 to 13 million square feet of residential is appropriate and will generate sorely needed housing, the planning for this population – 12,000 units, which is the size of Peter Cooper Village and Stuyvesant Town (11,250 units) or twice the size of Riverside South (5,700 units), is inadequate. More active open space is needed and specific sites for schools, a fire station, a police precinct, and other City facilities should be designated now. (C.V. Fields)

Response As discussed in Chapter 6, "Community Facilities and Services," the Hudson Yards rezoning provides substantial space for the location of community facilities in the Special Hudson Yards District. Specific locations for schools and a fire station would be determined through future site selection procedures conducted by the Department of Education/School Construction Authority and the Fire Department (the FGEIS does not identify a need for a new police precinct).

Comment D-4 The Proposed Action will force the City to pay for new schools and municipal services on the far West Side while other neighborhoods are underserved. (CAC).

Response The Proposed Action is intended to provide for the long-term growth of the City that is necessary to pay for municipal services throughout the City.

Comment D-5 The FGEIS needs to consider the effects of the Proposed Action on police services in more detail than done in the DGEIS, especially given the heightened terror alerts. (CB4, HKNA)

- Response** The NYPD reviewed the Proposed Action and, as stated in Chapter 6, “Community Facilities and Services,” has stated that with continued adjustment in deployment of personnel and equipment, there would be no significant adverse effects on its operation.
- Comment D-6** The FGEIS must analyze the impact of traffic congestion from the stadium both before and after games on the ability of the FDNY to respond in a timely manner to fires and medical emergencies. (HKNA, Block Association of West 55th Street, S. Sano, Uniformed Firefighters Association, MSG)
- Response** Coordination with fire and police service providers has been ongoing throughout the review process (see correspondence in Appendix G). Emergency service vehicles would be able to access Hudson Yards as they do other areas throughout New York City, including the most congested areas of Midtown and Downtown Manhattan.
- Comment D-7** To properly evaluate the impacts of the Proposed Action, more information about the capacity of the emergency and primary care facilities closest to the neighborhood, and the effect the additional population will have on those facilities is needed in the FGEIS. (CB4)
- Response** Chapter 6, “Community Facilities and Services,” of the FGEIS, using recommended methodologies from the *CEQR Technical Manual*, found that the Proposed Action would not have an impact on emergency or primary health care facilities in the one-mile catchment area that includes the Project Area.
- Comment D-8** The DGEIS states that the Proposed Action would require the construction of a new firehouse, but it is unlikely that the City will be able to afford construction of a new firehouse in the area. Where is it likely to be located? Have any sites been considered? What would be the cost of constructing and operating a new firehouse? What is the projected date for a new firehouse to come online? What will be the average emergency response time in the area if a new firehouse is not completed by 2010 or by 2025? (CB4)
- Response** The FGEIS identifies a need for a new firehouse between 2010 and 2025; the FDNY would monitor and determine when a firehouse is warranted. The City has built many firehouses in comparable areas. The FDNY would identify the precise location for the firehouse during site selection. The cost of the firehouse would be accommodated in the City's capital budget at that time. With the provision of a new fire station there would not be a significant adverse impact on response time.
- Comment D-9** The FGEIS should provide information on the effects of the Proposed Action on non-fire emergency response. Will there be an increase in emergency response time? Will a new emergency battalion or station be required? The FGEIS should include a discussion of private emergency medical response units. Do any of these units currently serve the area? Will the Proposed Action likely lead to an increase in the use of private units in the area? What are the projected capital and expense costs of providing additional non-fire

emergency services in the area? Discussion of fire and non-fire emergency response must reflect the increase in population in the area, and the predicted traffic conditions during the reasonable worst-case scenarios. What will emergency response times be like during regular rush hour traffic and during special events? (CB4)

Response As described in Chapter 6, “Community Facilities and Services,” of the FGEIS, EMS services were analyzed as part of the FDNY services and it was determined that new EMS services would be provided by 2025 when a new firehouse is constructed. With respect to private services, as shown in Chapter 6, there are ample emergency facilities in the area. These facilities would have private ambulance services that would respond to demand in the same manner as public EMS services, as noted in Comment D-6.

Comment D-10 The FGEIS should provide more information about the demand for after-school programs generated by the increase in the school-age population, about the predicted capital and expense needs of these programs, and about plans to fund these programs. (CB4)

Response The increase in the school-age population generated by the Proposed Action would result in significant adverse impacts to elementary and intermediate schools. As described in Chapter 6, “Community Facilities and Services,” measures have been identified to increase the capacity of public schools and mitigate these impacts. After-school programs could be accommodated by the increase in capacity of public schools.

Comment D-11 Given the existing uncertainty about the NYC Department of Education’s Capital Plan, it is questionable whether new capacity in the Project Area will be provided quickly enough to meet the projected demand. More information is needed on which mitigation option is most likely to be chosen, where physical capacity can be added to the system, which sites are under consideration, and how much mitigation measures will cost. How will school construction projects be prioritized if funding is not sufficient for all of them? (CB4)

Response As indicated in Chapter 6, “Community Facilities and Services,” of the FGEIS, an expansion of approximately four classrooms at an existing school facility would be needed by 2010 as a result of the Proposed Action. P.S. 51, the Elias Howe School, is a potential location for such an expansion. In the event that the West Chelsea rezoning is adopted, a new 630-seat P.S./I.S. would also be necessary by 2010. The Proposed Action provides for approximately 350,000 square feet of community facility space and a variety of locations for a new school building. A specific location for a school would be determined through future site selection procedures conducted by the Department of Education/School Construction Authority.

Comment D-12 Appendix S-1 predicts that a new 56,800 square foot elementary school, accommodating 500 children and 60 staff members, will be built as a result of the Proposed Action. Why is this not discussed further in Chapter 6? Was a location for the school assumed for purposes of the traffic analysis? (CB4)

Response As noted in response to Comment D-11, the need for new school space as a result of the Proposed Action is discussed in detail in Chapter 6, “Community Facilities and Services,” of the FGEIS. The actual location will be determined through future site selection procedures followed by the Department of Education/School Construction Authority. As discussed in Chapter 19, “Traffic and Parking,” the FGEIS assumes bus and other trips generated by a new school in its traffic analysis.

Comment D-13 The FGEIS should provide more information about the projected cost of the proposed mitigation measures of increasing the number of publicly funded day care vouchers, building a new day care facility, or adding capacity to existing facilities, and the potential location of additional capacity. (CB4)

Response Chapter 5, “Socioeconomic Conditions,” of the FGEIS provides a summary of the projected costs of proposed mitigation measures.

E. OPEN SPACE AND RECREATIONAL FACILITIES

Comment E-1 The DGEIS should disclose the impact of the proposed project on Hudson River Park. (MSG, HKNA, CB4, Friends of Hudson River Park)

Response The FGEIS comprehensively analyzed conditions that could result in impacts on the Park and specified mitigation for pedestrian bridges over Route 9A. As discussed in several chapters of the FGEIS, the Proposed Action would bring new users to Hudson River Park in the form of residents and workers. It would also connect the Park across Route 9A at West 33rd Street to a new full-block public open space and would increase the open space ratios throughout the study area, thus relieving demands on the Park. The FGEIS also addresses a peak condition in the Park. As described in Chapter 20, “Transit and Pedestrians,” during the weeknight late evening and Sunday Special Event (afternoon) peak hours, peak ferry trip generation would be approximately 6,960 and 6,850, respectively per peak hour. Two pedestrian overpass crossings for Route 9A at West 33rd Street and West 39th/40th Streets would be built to accommodate the pedestrian flows. The bridge would split the pedestrian flows, so that approximately 55 percent of those using the ferry for Jets games, or approximately 3,830 pedestrians, would travel along the existing 15-foot walkway in Hudson River Park to access the West 33rd Street pedestrian bridge. The other 45 percent, or 3,130 pedestrians, would cross the pedestrian bridge between West 39th and 40th Streets to the east side of Route 9A to get to the Multi-Use Facility. An analysis of the 15-foot wide pedestrian walkway in Hudson River Park found that it would operate at LOS C with the addition of 3,830 new pedestrians in the peak hour. Thus, there would be no significant adverse impact on the Park.

Comment E-2 The Plans for the Stadium appear to be inconsistent with the State statute concerning Hudson River Park. (MSG, HKNA)

Response The Multi-Use Facility would be located on the east side of Route 9A and would not conflict with use of Hudson River Park or otherwise be inconsistent with the Hudson River Park statute.

Comment E-3 Several of the parks and open spaces proposed as part of the plan are oddly configured or difficult to reach and should be further analyzed for usability. For example, how would residents, workers and visitors access the five acres of open space atop the Convention Center? (MAS)

Response The areas planned for parks and open space are integrated into their surroundings, are easily accessed from the street, and provide ample space for valuable amenity. The Midblock Park and Boulevard System from West 33rd to West 42nd Streets between Tenth and Eleventh Avenues is configured so as to allow for a variety of passive and active recreation spaces of benefit to worker and residential populations. The park on the rooftop of the multi-agency facility on Block 675 would provide a full block active recreation space, such as a soccer field, and would also be a valuable amenity. The open space on the roof of the Convention Center would be accessible by stairs and elevators and would provide passive recreation space with views of the Hudson River and new neighborhood. The full block open space between West 33rd and West 34th Streets from Eleventh to Twelfth Avenues would provide a visual connection between the Hudson River and upland neighborhood, and with a pedestrian bridge across Route 9A at West 33rd Street would provide a physical connection to Hudson River Park. The open space on the eastern portion of Caemmerer Yard would provide an urban plaza-like space at the hub of the commercial, residential, and cultural uses.

Comment E-4 The park proposed for atop the Convention Center would be difficult to reach and accessibility may be affected by security concerns. (MAS, CB4)

Response The publicly accessible open space on the roof of the Convention Center would not be difficult to reach. Convention Center attendees would be able to reach the publicly accessible portion of the roof via elevators from within the Convention Center. The public would be able to easily reach the publicly accessible portion of the roof from Hudson River Park by crossing Twelfth Avenue at the pedestrian bridge to be built at West 39th/40th Street and utilizing an elevator at the exterior of the Convention Center. Persons walking along Twelfth Avenue would use the same elevator. Persons staying at the headquarters hotel could access the roof from the bridge connecting the hotel and the Convention Center. Persons coming from Eleventh Avenue could access the roof via the hotel or by using the West 40th Street pedestrian connector to the elevator at Twelfth Avenue.

Comment E-5 The proposed elevated park for the roof of the new Tow Pound may not provide the community with the type of park resource it needs. (MAS)

Response Community Board 4 has consistently identified a need for more active recreation in the area. The rooftop park on Block 675, which would be at-grade at Eleventh Avenue, would provide such space.

Comment E-6 The proposed open space, including above the Lincoln Tunnel decks, should be integral to the plan and not dependent on developers constructing it. (MAS, CB4)

- Response** The Proposed Action employs a variety of strategies to create open space. Open spaces over the Lincoln Tunnel roadways would be created through use of zoning incentives provided to developers. The alternative proposed by community groups of acquiring and mapping Port Authority property over the Lincoln Tunnel roadways for park purposes is not feasible without Port Authority consent, which is not likely.
- Comment E-7** The plan does not provide for Hell’s Kitchen Park South. (CB4)
- Response** The proposed zoning text (Appendix A.1) and the conceptual analysis for neighborhood parks (Appendix A.3) propose the creation of neighborhood open space by private developers through a City Planning Commission authorization.
- Comment E-8** Will the FGEIS consider the open space impacts if the full development does not occur? (CB4)
- Response** The Proposed Action provides for significant open space by 2010, including the first portion of the Midblock Park and Boulevard System between West 33rd and West 34th Streets, the full-block active recreation park on Block 675, the open space on the eastern portion of Caemmerer Yard, the rooftop open space on the Convention Center, and the full-block open space between West 33rd and West 34th Streets from Eleventh to Twelfth Avenues. The remaining portions of the Midblock Park and Boulevard System would be built through a phased implementation. In order to facilitate phased implementation of the midblock park system, special zoning regulations are proposed for the Phase II Midblock Park area. Development of the Phase II sections of the park would occur in concert with the neighboring development, and full build-out would be achieved by 2025. Full implementation of the open space plan over the 20-year period is a reasonable assumption for analysis purposes.
- Comment E-9** The proposal provides only 0.68 acres of open space for each 1,000 residents. That is below the CEQR goal of 2.5. A study of how park space might better serve the community should be undertaken. (MAS)
- Response** The Proposed Action would provide over 23 acres of new, high-quality open space including a variety of passive and active recreation spaces. While below City Planning guidelines, the result would be to provide significant new open space in an area that has virtually none today. Also, the Proposed Action would increase the ratio of open space to residents and workers.
- Comment E-10** CB4 agrees that privately owned open space should not be included in the consideration of open space ratios, particularly since many do not provide quality open space. (CB4)
- Response** Consistent with CEQR methodology, the open space analysis includes privately owned public spaces, such as the plaza at 640 West 42nd Street (River Place). However, public spaces without usable recreational areas (such as spaces where seating is unavailable) were excluded from the open

space analysis, as were open spaces that were not available to the general public.

Comment E-11 The proposed project [Multi-Use Facility] appears to narrow the Park in front of the stadium to 30 feet, raising concerns about bicycle and pedestrian flow. (Friends of Hudson River Park)

Response The Proposed Action would not result in a narrowing of the Park in any location.

Comment E-12 The proposed berm to the west of the stadium will be steep, making it difficult to plant and at risk for erosion. If more decorative than usable, it may be a taking of parkland. (Friends of Hudson River Park)

Response This comment refers to Alternative Q. There is no berm in the Proposed Action.

Comment E-13 It is not clear if the stadium will be accessed by ferry service at the new Midtown West Ferry Terminal at West 39th Street or through a new pier. If access will be through the new pier, then increased and unanalyzed impacts to the Park may occur. This will be exacerbated by the closure of 39th Street. (Friends of Hudson River Park)

Response No new pier is proposed as part of the Proposed Action.

Comment E-14 There needs to be more consistency between the DGEIS and the Final EIS for the Park. The original Park EIS did not address the pier, berm or West 34th Street stairway and may therefore need to be supplemented. (Friends of Hudson River Park, CB4)

Response As noted in the above responses, there is no berm or pier contemplated as part of the Proposed Action.

Comment E-15 The proposed stairway across West 34th Street to the Park may be a taking of parkland. (Friends of Hudson River Park)

Response There would be no taking of parkland as part of the Proposed Action.

Comment E-16 The proposal for Pier 76 is ambiguous and does not include details or the potential impact on the Park. (Friends of Hudson River Park)

Response A future use for Pier 76 is not part of the Proposed Action. If the NYPD Tow Pound is relocated, then the Hudson River Park Trust would be responsible for future planning efforts in relation to Pier 76.

Comment E-17 The proposed park between West 33rd and West 34th Streets and Eleventh and Twelfth Avenues may function only as a waiting area for the stadium and be desolate at other times. Designs for this space should be included in the final study. (CB4)

Response The full block open space between West 33rd and West 34th Streets from Eleventh to Twelfth Avenues would provide a visual connection between the Hudson River and upland neighborhood, and with a pedestrian bridge over Route 9A at West 33rd Street would provide a physical connection to Hudson River Park. The detailed design of the park is not part of the FGEIS.

Comment E-18 The FGEIS should consider the wind and shadow impacts on open spaces. Shadows may impact open space between 33rd and 34th Streets and Eleventh and Twelfth Avenues, atop the Convention Center, the outdoor plaza and the Eastern Rail Yard Subarea and the mid-block boulevard. (CB4)

Response As described in Chapter 8, “Shadows,” there are no significant adverse shadow impacts on open space. The specified open spaces would be created by the Proposed Action and there would be no significant shadow impacts by the Proposed Action.

Comment E-19 The open space in the new Midblock Park and Boulevard System will not be an amenity if it is no more than a planted median. The FGEIS should provide a more detailed plan for the space, including width and pedestrian access. (CB4)

Response The dimensions of the Midblock Park and Boulevard System would allow for active and passive recreation space that would function as valuable community amenities. Preparation of a detailed design for the park would be the responsibility of the City’s Department of Parks and Recreation.

Comment E-20 Where will tailgating be allowed? (B. Feldt, S. Sano, K. Baskett; W. Ashe)

Response The Proposed Action does not provide locations for tailgating.

Comment E-21 Provide adequate funding for maintenance of any parkland or open space that is created by the Proposed Action. Will the City Department of Parks and Recreation have the resources to maintain the new parkland? (CB4, CIVITAS)

Response As is true of parkland elsewhere in the City, maintenance of parkland in Hudson Yards will be the responsibility of the City's Department of Parks and Recreation. Development in the Project Area is projected to generate tax revenues which would more than cover the costs of park maintenance in the Hudson Yards area.

Comment E-22 The Midblock Boulevard, subway entrance, and open space breaks the streetwall on West 34th Street, creates an open space that will be unusable the majority of the year due to weather conditions, and will provide little public benefit. The Proposed Action provides sufficient green space without requiring condemnation of the FedEx site. (Bulwark, Federal Express)

Response Block 705 is at the heart of the plan and would help to provide connections and access to the north, south, east, and west for existing and future residents, workers, and visitors. The 34th Street subway station would exit into the

public open space, providing direct pedestrian connections up the Midblock Park and Boulevard System and across the open space to the south. Due to the deep 34th Street subway station, long escalator runs would be required, making exiting and entering the station from the Eleventh Avenue frontage impractical.

Comment E-23 The Proposed Action, particularly the stadium, will foster partnerships between after school groups and businesses, including the New York Jets. (All-Stars Project)

Response Comment noted.

Comment E-24 The Plan should provide for enhanced access to the waterfront, particularly on West 39th Street, and replace the proposed mid-block boulevard with a string of residential parks. (Hells Kitchen/Hudson Yards Alliance)

Response As analyzed in the FGEIS, the expansion of the Convention Center would include a through-building pedestrian passageway approximately in line with West 40th Street, which in combination with a pedestrian bridge at West 39th/40th Street, would provide access from Eleventh Avenue to the waterfront. In addition, the FGEIS analyzes a full-block park from West 33rd to West 34th Streets from Eleventh to Twelfth Avenues which, in combination with a pedestrian bridge at West 33rd Street, would also enhance access to the waterfront. Alternative T, which includes the referenced string of parks, is evaluated in Chapter 26, “Alternatives.”

Comment E-25 Designated parkland should benefit residents, not commercial tenants. Parks should be open and accessible, and playgrounds and family areas should be part of any park designed in the neighborhood. (Housing Conservation Coordinators)

Response The City provides open space to benefit residents, office workers, and visitors. As analyzed and described in the FGEIS the proposed open spaces would be publicly accessible, would provide a mix of active and passive recreational space, and benefit to all of these populations.

F. ARCHITECTURAL HISTORIC AND ARCHAEOLOGICAL RESOURCES

Comment F-1 The area contains a large number of historic buildings. We encourage designating many of these resources as landmarks. (T. Duane, CB4)

Response Landmark designation of properties in the Project Area and study area would be at the discretion of the New York City Landmarks Preservation Commission.

Comment F-2 The DGEIS does not identify existing 19th century townhouses, some of which exist in an enclave on 29th and 30th Streets between Eighth and Ninth Avenues. (The Society for the Architecture of the City)

Response The FGEIS does not consider the townhouses on West 29th and 30th Streets as potential resources due to extensive alterations that have compromised

their integrity. Alterations to the row of townhouses at 333-353 West 29th Street include the loss of stoops and original entrances and enframements, altered basements and the introduction of new basement-level entrances, the loss of window lintels and front yard fencing, recladding, the full and partial infill of windows with brick, and the removal of a cornice. The loss of these original features, especially of the stoops and window lintels, has broken the original architectural rhythm of the row and compromised the group's integrity of design, materials, and feeling. Further, information on the townhouse at 355 West 29th Street was submitted to the OPRHP and LPC, who subsequently determined that the building did not meet the eligibility criteria for National Register listing or Landmark designation, respectively. The integrity of the other remaining townhouses on West 29th and 30th Streets between Eighth and Ninth Avenues has also been compromised through the loss of original features such as stoops, entrances, and window lintels and the alteration of ground floors with new cladding and entrances. In any case, the blocks of West 29th and 30th Streets between Eighth and Ninth Avenues are located outside the Project Area.

Comment F-3 The "Fur District" contains numerous art deco office and loft buildings and is located south of Madison Square Garden between Seventh and Eighth Avenues. This area is proposed as Subdistrict E3 in the Special Hudson Yards District and slated for a significant upzoning. The FAR of existing resources should be calculated and weighed against that under the proposed M1-6 zoning and Special Hudson Yards District Improvement Bonus. Also, the portion of the Special Garment Center District between 35th and 39th Streets proposed for rezoning to C6-4M contains historic resources. The existing FAR of those sites should be contrasted with that under the new zoning. Due to the potential impact on the proposed E3 Subdistrict and the Special Garment Center District, removal of these relatively small areas from the rezoning proposal should be considered. (The Society for the Architecture of the City)

Response Chapter 2, "Description of the Proposed Action," includes a detailed discussion of the set of criteria used in identifying the projected and potential development sites. In summary, those criteria focused on "appropriate size of site, its current utilization and land use, and the opportunity for assemblages and use of development rights from adjacent properties." The potential development sites in Subdistrict E-3 contain parking lots and low-rise garages and manufacturing buildings, and the majority of sites containing the National Register-eligible properties in Subdistrict E3 did not meet the criteria. Similarly, the development sites in the area between West 35th and West 39th Streets and Eighth and Ninth Avenues contain low-rise buildings, parking lots, and garages, and the majority of sites containing architectural resources do not meet the detailed criteria that would make them conducive to redevelopment.

In Subdistrict E3 and the portion of the Garment District between West 35th and 39th Streets and Eighth and Ninth Avenues, the allowable FAR would increase from 5.0 to a maximum of 12.0 under the Proposed Action. In those areas, the existing FAR of the sites containing loft buildings that have been determined eligible for S/NR-listing are all above 12.0 FAR, and, therefore,

those sites would remain overbuilt under the Proposed Action.

As described in Chapter 26, “Alternatives,” Alternatives B and C consider rezoning without including any portion of the Special Garment District. Alternative S does not include Subarea E3 in the rezoning area.

Comment F-4 The assumption in the DGEIS that historic religious properties will not be redeveloped may be inaccurate. Rezoning and incentives may spur change and this should be acknowledged. (The Society for the Architecture of the City)

Response The DGEIS does not make a blanket assumption that historic religious properties will not be redeveloped due to their current use and ownership. To illustrate: The Christ Church Memorial building at 334-344 West 36th Street is located on a potential development site. As described in response to Comment F-3, a set of criteria were used in identifying development sites, and a site’s current land use was not the only determining factor.

Comment F-5 The DGEIS includes a thorough and careful analysis of historic resources. (CB4)

Response Comment noted.

Comment F-6 Preservation of historic buildings while underutilized lots are developed will offer a chance to improve the context and preservation of these historic resources including through the use of transfers of development rights. (CB4)

Response Comment noted.

Comment F-7 CB4 proposes that the following buildings (noted by reference number in the DGEIS if possible) be considered for New York City landmark status: Hell’s Kitchen Tenements (65, 72); Hell’s Kitchen Immigrant Churches(9, 82, 86); Tenth Avenue Industrial Row (56, 93, 94); Christ Church Memorial Row (75, 76, Christ Church Memorial, 334-344 West 36th Street); Garment Center Buildings (11, 37); Printing Industry Buildings (61, 62, 63, 64); State Bank and Trust Company (15); Carnegie Library, Former 40th Street Branch (87); Early 20th Century Corridor of Commerce and Industry Historic District: West 34th Street from Eight Avenue to Tenth Avenue (57, 79, 80, 84, 85, 88, 108, 110); 43rd/44th Street Historic District - West (16, 67, 68, 70, 71, 81); 43rd/44th Street Historic District - East (14, 66); consideration of a Chelsea Waterfront Historic District should also be undertaken. (CB4)

Response Comment noted; see response to Comment F-1.

Comment F-8 Since sites 11 and 41 may contain historical period archaeological resources these sites should receive (E) designations indicating the need for mitigation. (CB4)

Response The Zoning Resolution does not provide any mechanism for the placement of (E) Designations for archaeological impacts.

G. URBAN DESIGN, VISUAL RESOURCES & NEIGHBORHOOD CHARACTER

Comment G-1 CB4 disagrees with the characterization of the neighborhood as an “unappealing context” for what would otherwise be nice views or that the neighborhood is “drab” and “characterless.” (CB4)

Response References to “characterless” have been deleted from the relevant chapters of the FGEIS. As described in Chapter 11, “Urban Design and Visual Resources,” the Project Area encompasses an approximately 42-block area of the Far West Side of Midtown Manhattan. Its urban design varies, depending on particular locations within the area. The overall area is unique in Midtown Manhattan, in that it lacks cohesive urban form and, for the most part, is dominated by the presence of transportation facilities. The urban form of the area is typified by vast open, underutilized areas punctuated by nondescript structures. This condition is most pronounced west of Ninth Avenue and south of West 41st Street, where the urban form is interrupted by major highway and rail facilities, including the approaches to the Lincoln Tunnel, the Amtrak Cut, Caemmerer Yard, and a substantial inventory of parking lots and areas for bus and truck storage, including truck marshalling facilities for the Convention Center.” Both Chapter 11 and Chapter 12, “Neighborhood Character,” go on to distinguish between the urban design and neighborhood character of the area described above and of the Hell’s Kitchen Subdistrict, the Clinton District/42nd Street Corridor, the portion of the Garment Center in the Project Area, and the Farley and 34th Street Corridors.

Comment G-2 On Page 12-1, the DGEIS states that the Proposed Action would “promote new, dense, mixed-use development with substantial open space, thus creating a strong new neighborhood character.” How is “strong character” defined in this context? (CB4)

Response “Strong character” refers to the new, mixed-use neighborhood defined by the design regulations of the proposed Special Hudson Yards District and provides a contrast to the current urban form of the area, which is typified by vast open, underutilized areas punctuated by non-descript structures.

Comment G-3 Traffic will destroy weekends in the neighborhood. (M. Treat)

Response The Proposed Action would permit the addition of an estimated 43 million square feet of development to the Project Area by 2025, resulting in increased residents, workers, visitors and traffic in the Project Area. As shown in the FGEIS, the worst traffic conditions would occur on the weekends during the approximately nine to ten Sundays in September through January when the Jets play their home games at the Multi-Use Facility. During these limited times, significant adverse unmitigated impacts would occur at four intersections along West 34th Street. As shown in Chapter 19, “Traffic and Parking,” all other impacted intersections of the Proposed Action would be able to be fully mitigated to below Future Without the Proposed Action. This adverse traffic impact would affect one corridor that already experiences high traffic volumes.

Comment G-4 With commercial development planned, there will be no retail uses on Eleventh Avenue. With commercial streetwalls soaring in excess of 100 feet on the east side of Eleventh Avenue and the Convention Center lining the west side of the street, a sterile and glazed canyon will be created. (CHPC)

Response As identified in Appendix A.1, “Proposed Zoning Text and Maps,” retail uses would be allowed on Eleventh Avenue under the zoning proposal, but not required, because the DCP believes that this location is not appropriate to mandate retail for private development. However, the Convention Center and Multi-Use Facility would include retail uses along Eleventh Avenue.

Comment G-5 The DGEIS states at first that the businesses likely to be directly displaced by the Proposed Action do not “define neighborhood character,” but then goes on to admit that these 225 businesses “are characteristic of the larger neighborhood,” but argues this is unimportant because the intent of the action “is to transform the existing community.” The loss of hundreds of businesses and thousands of jobs will substantially change the character of our neighborhood, and we demand that this transformation be taken seriously. We consider the loss of these businesses to be a significant adverse impact, and believe these businesses do define the character of the neighborhood. The FGEIS must analyze how the loss of jobs and the development of luxury housing will endanger existing residents and change neighborhood character. The DGEIS fails to adequately study the issue of the impact of the Proposed Action on neighborhood character. (CB4, HKNA)

Response One of the major objectives of the Proposed Action is to transform the Hudson Yards area from its current character of underutilization to a vibrant, dense, 24-hour mixed-used community, while also reinforcing the existing residential neighborhood and encouraging new housing opportunities. The analyses of both direct business displacement and neighborhood character impacts of the Proposed Action were undertaken in accordance with the methodologies of the *CEQR Technical Manual*, and no significant impacts were found in either category.

Comment G-6 The DGEIS notes that the No. 7 extension will make the Project Area more accessible, thereby contributing to an increase in rents. The study does not mention that the increased accessibility will also make the area more crowded. Will the FGEIS consider changes in community character due to the influx of large crowds into our neighborhood? (CB4)

Response The FGEIS does consider changes in community character due to this increased development and the new residents, workers, and visitors associated with the Proposed Action. Because of the underutilization and inaccessibility of much of the area now and the design and other regulations of the proposed rezoning promoting development of high quality, the FGEIS considers this to be a beneficial impact on neighborhood character, as discussed in Chapter 12, “Neighborhood Character.”

Comment G-7 The DGEIS states that the goal of the project is to accommodate residential and commercial development. We note that the commercial white collar jobs that will be attracted by this kind of development differ significantly from

those presently available in our community, and could well undermine our racial and economic diversity. Will the FGEIS assess the impact of thousands of new white collar jobs in the Project Area on neighborhood character? (CB4)

Response The Project Area already has a diversified employment mix, as described in Chapter 5, “Socioeconomic Conditions,” in which the number of industrial jobs has been declining and the number of service jobs has been increasing in the Project Area. The Proposed Action would result in the creation of a large number of new service jobs, many of which would be accessible to individuals at lower skill levels and thus would benefit all segments of the working population. Racial diversity exists at all occupational levels of the city’s labor force and is expected to become more pronounced in the 2005-2025 period as the result of changes in the racial composition of the labor force in the City and the region.

Comment G-8 The design of the Midblock Boulevard and the location of the terminal subway station entrance are poor examples of urban planning and design. (Bulwark)

Response The Midblock Park and Boulevard System serves three key urban design purposes—to create public open space, to facilitate access to and around the new buildings and to create City “blocks” and lots of reasonable sizes for development. The Midblock Park and Boulevard System would be an important street, allowing the flow of pedestrians from the proposed subway station north to the buildings along the boulevard, south to the development above the eastern portion of Caemmerer Yard, and also east and west from there to Eleventh and Tenth Avenues. The proposed station entrance would be across West 34th Street, on axis with the Midblock Park and Boulevard System. This is the logical location for most convenient access to most of the daily ridership destinations. Putting the station’s street access on Eleventh Avenue would be difficult to achieve, given the depth of the station and the length of street escalators required.

Comment G-9 The project will allow density that is unprecedented in the City. The proposed density and building heights are too great. We envision the transformation of Hudson Yards into the next Battery Park City, not a desolate Yankee Stadium. (MAS; B. Gotbaum; R. Gottfried; CB4; Hell’s Kitchen/Hudson Yards Alliance; NRDC; T. Cullinose; J. Isenstein; K. Treat, T. Clay; HKNA; C.V. Fields)

Response The Proposed Action would promote high density commercial development. However, the buildings envisioned in the proposed Special Hudson Yards District zoning regulations would not be the tallest in the City (estimated maximum height would be 600 to 800 feet), and would be no denser than a number of other structures in Midtown, built through the use of air-rights transfer and lot mergers. As discussed in Chapter 8, “Shadows,” and Chapter 11, “Urban Design and Visual Resources,” the anticipated development, although dense, would be subject to design regulations controlling streetwall heights, tower placement, and streetscapes (including landscaping and retail/transparency) so that it would not result in major shadows on open

space and instead would contribute to the creation of a lively streetscape, with ample light and air.

Comment G-10 The area would have traffic on event days and cause deadened street life on non-game days. (CIVITAS)

Response As noted in Chapter 2, “Description of the Proposed Action,” the Multi-Use Facility would be in use 291 days a year, mostly in convention/exhibition mode. It would provide retail along its east and north frontages, and would have an open air market at street level on its southern end. A full-block open space on West 34th Street between Eleventh and Twelfth Avenues with a pedestrian bridge to Hudson River Park would be a strong attraction in this area at all times. In contrast to today’s conditions, the area around the Multi-Use Facility would be much livelier, more attractive, and provide better waterfront access.

Comment G-11 As Manhattan’s western edge is the primary approach to its newly revitalized waterfront and Hudson River Park, it is important that the Proposed Action meet standards that will guarantee sufficient light, air and life on the streets. (MAS)

Response As discussed in Chapter 8, “Shadows,” and Chapter 11, “Urban Design and Visual Resources,” the anticipated development along Eleventh Avenue, although dense, would be subject to design regulations controlling streetwall heights, tower placement, and streetscapes (including landscaping and retail/transparency) so that it would not result in major shadows on open space and instead would contribute to the creation of a lively streetscape, with ample light and air.

Comment G-12 The potentially enormous office towers will create a “wall” that prevents residents and visitors from enjoying the many wonderful things on the West Side. (T. Duane)

Response The proposed rezoning would support development of a high-density office district similar to those elsewhere in Midtown, not the creation of barriers. The zoning would also support creation of a particularly pedestrian-friendly environment, through creation of a Midblock Park and Boulevard System—which has the double benefit of providing parks and at the same time reorganizing the street grid into shorter east-west blocks—and through a series of design controls requiring wide sidewalks and street trees and shop fronts with substantial transparency at street level, and strong curbcut restrictions. The combination of shorter east-west blocks, landscaped open spaces, wide sidewalks and street trees, and lively ground-floor retail activities, would attract residents and visitors through the area, to and from the waterfront, and to and from adjacent neighborhoods.

Comment G-13 The Proposed Action will create buildings that will block access to the waterfront and skyscrapers will block views of the Empire State Building. (CB4, HKNA)

Response As described in Chapter 11, “Urban Design and Visual Resources,” certain long views of the Empire State Building from publicly accessible locations within the Project Area would be eliminated as a result of the Proposed Action. However, enhanced views of the building would be provided from new publicly accessible open spaces that would be developed between West 33rd and West 34th Streets between Eleventh and Twelfth Avenues, on Block 675, on the eastern portion of Caemmerer Yard, and on the roof of the Convention Center. The full block open space between West 33rd and West 34th Streets from Eleventh to Twelfth Avenues would provide a visual connection between the Hudson River and upland neighborhood, and with a pedestrian bridge across Route 9A at West 33rd Street would provide a physical connection to Hudson River Park. The through-building connection along West 40th Street as part of the expanded Convention Center would provide access to Route 9A which would meet a pedestrian bridge across Route 9A between West 39th and West 40th Streets, thereby providing access to the waterfront and ferry terminal.

Comment G-14 The DGEIS states that views of the Hudson River that will be available from elevated open spaces can replace views currently available at street level. However, street level views and elevated park views are simply not equivalent. The super block construction planned for the Convention Center expansion will block three existing view corridors to and from the Hudson River, thus cutting New Yorkers off from their waterfront even more than they already are. The plan for development of Caemmerer Yard, though it does not cut off existing view corridors, squanders an opportunity to introduce new street level river views. This is contrary to other efforts by the City and State to enhance our connection to the waterfront. (CB4)

Response At the present time, views to the river along West 39th, West 40th and West 41st Streets are mostly blocked by pier structures and the Lincoln Tunnel ventilation building. The best views of the river would be from the full-block open space between West 33rd Street and West 34th Streets, which would be at grade at Eleventh Avenue and elevated at Twelfth Avenue, from the pedestrian bridges across Twelfth Avenue, and from the publicly accessible roof of the Convention Center.

Comment G-15 The DGEIS states that the construction of new residential towers in this neighborhood would be contextual with existing buildings. Existing buildings have an FAR of 10 that can be increased to 12 with bonuses. Buildings taller than that would not be in context. (CB4)

Response The Proposed Action would permit an FAR greater than 12 in mixed-use buildings at several locations along the south side of West 42nd Street in the Clinton District. Alternative S proposes to limit density in those areas primarily to an FAR of 12, except for a theater bonus of up to 3 FAR. In both cases, the design form of the buildings would conform to that of the Special Clinton District 42nd Street Perimeter Area and so would be in context with the relatively recent development in that area.

Comment G-16 The FGEIS should present alternatives to the plan to require ground floor retail on the Mid-Block Boulevard, Tenth Avenue, and the northern sides of each side street, while reserving the southern side of each block for building services, because pedestrians generally seek out streets that are lively on both sides, rather than active on one side and desolate on the other. (CB4)

Response The proposal to require ground floor retail on Tenth Avenue is consistent with its character as a major north-south avenue in New York City. Ground floor retail on the Midblock Boulevard would enliven the edges of this space and encourage use of the Midblock Park and Boulevard System. The proposal mandates retail on the northern side of each side street in order to take advantage of sunlight that attracts pedestrian activity. The southern side is not "reserved" for service uses, but instead allows, rather than requires retail.

Comment G-17 Chapter 12 of the DGEIS does not consider noise because the (E) Designations will supposedly resolve the noise problems. This methodology is wrong for two reasons. First, the (E) Designations will not ameliorate the noise pollution experienced by people outside on streets, sidewalks, and in open spaces. Second, changing a neighborhood so that residents and workers can no longer open their windows is a significant change in character. The FGEIS should study the effect of noise on neighborhood character. (CB4)

Response The FGEIS analyzes noise consistent with the guidance of the *CEQR Technical Manual*. All identified impacts would be mitigated or avoided. The analysis also reveals that the Project Area is and will be in the future subject to high noise levels.

Comment G-18 The DGEIS states that the area around the Convention Center and stadium will be "lively," "active," "vital," and "24-hour." We question this assumption. Although we appreciate that the plan includes new open space and ground floor retail, we wonder how these large facilities, which are designed to attract large masses of people to indoor special events, will create 24-hour active everyday communities. There are many studies available on the effects of stadium and convention centers on their surrounding communities. The FGEIS should refer to these studies in its assessment of the "vitality" that the new facilities will bring to the Project Area. (CB4)

Response Although it is clear that both the expanded Convention Center and Multi-Use Facility would be large facilities whose purpose would be to hold indoor special events over most days of the year, like Madison Square Garden and all the other convention hotels and entertainment venues in West Midtown/ Times Square, the provision at street level of local uses, such as stores, restaurants, open-air market and parks, and the development across the street of a substantial office and residential district would combine to create the community described in Chapter 12, "Neighborhood Character," of the FGEIS.

Comment G-19 The City has proposed a strong urban design and amenity package that RPA largely supports. (RPA)

Response	Comment noted.
Comment G-20	The Proposed Action will result in a stand-alone building at the Copacabana site at Eleventh Avenue between West 33rd and West 34th Streets, producing an anti-urban experience. (Bulwark)
Response	As discussed in Chapter 11, “Urban Design and Visual Resources,” the effect of the rezoning would be to create a 24-hour, mixed-use urban neighborhood. The site on which the Copacabana is currently located is projected in the RWCDs to be a development site after 2010. Accordingly, it is envisioned that eventually the existing building would be replaced by a new commercial building. This new commercial building, which would be across the street from several other new commercial and mixed-use buildings, would be part of that new urban neighborhood.
Comment G-21	This effort should also explore animating the blank wall along Eleventh Avenue with commercial and/or cultural activities. Design controls on Eleventh Avenue must be considered in the context of the proposed expansion and redesign of the Convention Center. It is anticipated that design controls for the Convention Center will be included the General Project Plan. (CHPC, AIA).
Response	As identified and analyzed in the FGEIS, the proposed expansion of the Convention Center and Multi-Use Facility would include retail uses at-grade along Eleventh Avenue and meeting rooms facing the avenue on the floors above the retail uses, thereby providing a more active streetwall and pedestrian presence.
Comment G-22	The proposed expansion of the Convention Center and the proposed stadium will create a largely unbroken wall of buildings. This could be alleviated if the Convention Center and Multi-Use Facility were expanded southward, eastward or westward instead of to the north. (Friends of Hudson River Park)
Response	Northward expansion is the only feasible direction for the Convention Center Expansion. Expansion to the east is not possible because: (1) the new exhibition space would not be contiguous with the Convention Center’s existing prime exhibition space; (2) there would be no way to marshal trucks off the City streets to serve both existing and new space; and (3) eastward expansion would conflict with the balance of the Proposed Action. Southward expansion would produce the same type of “wall” that is deemed objectionable in the Comment. Southward expansion is also not feasible because it would produce new exhibition space that is not contiguous to pre-function and existing prime exhibition space. The new space would not be prime. In addition, there would be no way to marshal trucks off City streets with a southerly expansion. Westerly expansion is not feasible because it would not produce additional prime contiguous exhibition space and would conflict with Hudson River Park. See also response to Comment K-5 and Alternatives J and T in Chapter 26, “Alternatives.” The Multi-Use Facility would replace what is now an unbroken concrete

retaining wall with an architecturally award-winning state of the art sports and convention facility surrounded by publicly accessible open space.

H. NATURAL RESOURCES

Comment H-1 The Proposed Action does not adequately protect the Hudson River from the specific harms it would cause. Several “off-the-shelf” technologies currently exist that should be directly incorporated into the project. Such methods were employed by the Solaire development in Battery Park City and the Durst Organization’s Four Times Square. These projects exemplify design features (such as green roofs, decentralized wastewater systems such as Membrane Bioreactors (MBR), and black water purification) that should be incorporated into all large New York City development projects. We recommend that the City, as part of a revised or supplemented DGEIS, examine the potential use of MBR and similar technologies. (Riverkeeper)

Response The analysis contained in the FGEIS demonstrates that there would be no significant adverse impacts to aquatic life within the Hudson River. Improved wastewater systems would be introduced as part of the City’s Amended Drainage Plan for the rezoning area, as mentioned in Chapter 16, “Infrastructure.” Separated sanitary and stormwater systems in four sub-drainage areas within the Project Area would be implemented as specified in the Amended Drainage Plan. These separate storm sewers would discharge storm water directly to the Hudson River and thus reduce flows being directed to the combined sewer. Also, separate from the Amended Drainage Plan, DEP would implement regulator upgrades, as necessary, to further improve the wastewater system serving the Project Area. The Proposed Action would also include measures to reduce stormwater runoff. The Convention Center Expansion and the proposed DSNY/Tow Pound Facility include plans for green roofs, the Midblock Park, open space on the eastern portion of Caemmerer Yard, and the open space between West 33rd and West 34th Streets. In addition, the Multi-Use Facility includes stormwater retention tanks which would be used for cooling water.

Comment H-2 The Hudson Yards Project will increase the discharge of untreated sanitary sewage and polluted stormwater into the Hudson River, which will significantly and adversely affect aquatic life and recreational uses. The DGEIS conclusion that such impacts are insignificant is erroneous and unsupported. The proposed project will increase sewage flows from the Project Area from 1.1 million gallons per day to 8.6 million gallons per day resulting in an increase in the discharge of raw sewage to the Hudson River. (Riverkeeper, CB4, NJAG, CAC, MSG, HKNA)

Response The analyses contained in the FGEIS demonstrate that there would be no significant adverse impacts to aquatic life and recreational uses within the Hudson River. The FGEIS provides calculations to support the conclusion that the water quality impacts are small, and likely to be undetectable. The results of these calculations are presented in Chapter 13, “Natural Resources,” and Appendix N, “Natural Resources.”

Comment H-3 Shortnose sturgeon, winter flounder, loggerhead sea turtles, green sea turtles, leatherback sea turtles, and Kemp’s Ridley sea turtles that are found in the Hudson River could all be affected by this action, as could bald eagles and a breeding pair of peregrine falcons that nests nearby. (CB4)

Response As explained in Chapter 13, “Natural Resources” of the FGEIS, given the undetectable effect of the Proposed Action on water quality, there would be no significant adverse impacts to the wildlife species indicated above.

Comment H-4 The study failed to evaluate the long-term fate and effect of pollutant transport, particularly pathogens and the potential effect on the beneficial uses of the downstream waters including, but not limited to, primary contact recreation and shellfish harvesting. (NJAG)

Response The FGEIS demonstrates that there would be no significant adverse impacts to water quality. Pollutant loadings from discharges attributable to the Proposed Action would not affect the attainment of NYSDEC water quality standards. The nearest shellfish beds and bathing waters, being many miles away from the Project Area, would experience even lesser impacts than those described in Chapter 13, “Natural Resources.” Although this area of the Hudson River is not classified for swimming, the water quality standards for this use would be met.

Comment H-5 Increasing the frequency or duration of wet weather discharges from CSOs or increasing the pollutant concentrations of CSO discharges is inconsistent with the National CSO Control Policy. (NJAG)

Response The CSO Control Policy does not prohibit increases in either frequency or duration of wet weather discharges from CSOs, nor does it prohibit increases in pollutant concentrations. For areas defined as sensitive areas under this Policy, it states that a Long Term Control Plan should prohibit new or significantly increased overflows. The Proposed Action would not result in either new CSO outfalls or significantly increased overflows. Rather, the water quality impacts from the additional volume of CSO releases resulting from the Proposed Action would be minimal, and most likely undetectable.

Comment H-6 Major redevelopment projects, of a magnitude such as this, should incorporate sewer separation and elimination of the combined sewer system and the elimination of CSO points as a requirement. (NJAG)

Response As stated in Chapter 16, “Infrastructure,” the DEP is committed to implementing sanitary and stormwater separation in four sub-drainage areas within the Project Area.

Comment H-7 Discharges of mercury from raw sewage can be converted to methyl mercury from biological processes that occur in all sediments. (NJAG)

Response Mercury is recognized to be a contaminant of concern on a harbor-wide basis. Studies by regulatory agencies are underway to identify sources of the mercury from urban areas.

The North River WPCP effluent currently discharges less than 0.1 pound per day of mercury, far below the SPDES permit limit of 1.1 pounds per day. Additional mercury from the WPCP associated with the Proposed Action would on the order of 0.002 pounds per day in 2025. The incremental increase in mercury in 2025 from CSO events associated with the Proposed Action would be about 0.9 pounds per year. These potential increases are minor and would not result in any significant adverse impacts on water quality.

Comment H-8 CSO overflows are masked by daily averages. (NJAG)

Response Chapter 13, “Natural Resources” of the FGEIS presents worst-case impacts of CSOs based on conservative estimates of future developments (including the Proposed Action) anticipated within the North River drainage area. Hourly rainfall is used in the analyses and hourly water quality impacts are calculated using a time-varying hydrodynamic and water quality model (this information is contained in Appendix N, “Natural Resources”).

Comment H-9 The DGEIS fails to address how often CSOs occur, the locations where they occur, how much raw sewage is released into the river when they occur, the concentration of raw sewage when it enters the river, or how much the concentration would be increased by the project. (NJAG)

Response The FGEIS addresses the CSO issues in detail, including the frequency of CSO events, the additional pollutant loadings from such events, and the locations of CSOs, as identified in Chapter 13, “Natural Resources” and Appendix N, “Natural Resources.” It is pollutant mass loadings, rather than concentrations, that are relevant for assessing potential impacts related to those discharges.

Comment H-10 CSOs and increases in pollutant levels from the project could cause eutrophication. (NJAG)

Response The FGEIS shows that the Proposed Action’s impacts on pollutant levels would be small and well below levels that could cause eutrophication.

Comment H-11 Elevated nitrogen inputs to the Hudson could lead to algal blooms, hypoxic and anoxic bottom waters, loss of sea grasses and reduced fish stocks. (NJAG)

Response As described in the FGEIS, the Proposed Action would result in imperceptible changes in nitrogen concentrations in the Hudson River, as is documented in Chapter 13, “Natural Resources.”

Comment H-12 CSOs send bacteria, toxins, excess nutrients and trash into Hudson River waters, impairing the human use and ecological function of the waters. CSO water is characterized by high concentrations of suspended solids, oxygen demanding organic matter, coliform bacteria, nutrients (i.e., nitrogen, phosphorus) trace metals and trace organic substances. (Riverkeeper, NJAG)

- Response** Chapter 13, “Natural Resources,” and Appendix N address in detail the concerns expressed in this comment.
- Comment H-13** CSOs are a human health concern, because they can create the potential for exposure to disease-causing pathogens, including protozoa, bacteria and viruses. (NJAG, MSG, HKNA)
- Response** See prior response.
- Comment H-14** Because of the City-wide lack of wet weather sewage treatment capacity, the 7.5 million gallons of increased sewage generation caused by development directly increases the volume of raw sewage discharging in CSO events. The North River Sewage Treatment Plant does not have sufficient wet weather capacity for the Proposed Action. (Riverkeeper, MSG, HKNA)
- Response** The North River WPCP is designed for two times the average dry weather flow and currently treats in excess of 90 percent of the wet weather flow present in the combined sewer system in wet weather on an annual basis. The number of CSO events and associated discharges, and the associated water quality impacts are documented in the FGEIS. Results of these analyses are described in Chapter 13, “Natural Resources” and Appendix N, “Natural Resources,” and demonstrate that the Proposed Action would not result in significant adverse impacts to the Hudson River.
- Comment H-15** The DGEIS acknowledges that the existing sewer infrastructure is inadequate to handle the additional wastewater flow that will be generated by the proposed project, particularly during wet weather. (MSG, HKNA)
- Response** The FGEIS describes the process for which sewer infrastructure upgrades (via Drainage Plan Amendments) would be made to accommodate the flows of the Proposed Action.
- Comment H-16** The Hudson River is already impaired by CSOs, a fact the DGEIS does not acknowledge. The Hudson River below the northern tip of Manhattan is not classified for swimming uses (Class SB), largely because of pathogens from CSOs. Furthermore, existing CSO discharges cause the Hudson off Manhattan (Class I) to violate some applicable water quality standards (dissolved oxygen and pathogens). This section of the Hudson will be polluted even more by the Proposed Action. (Riverkeeper)
- Response** The FGEIS has analyzed the effects of CSOs from the Proposed Action and has demonstrated that there would be no significant adverse impacts on the water quality of the Hudson River or Harlem River.
- Comment H-17** The CSO outfalls for the Project Area are within the designated Hudson River Park Estuarine Sanctuary, and will severely affect the inter-pier and under-pier area covered by the sanctuary. By increasing CSO discharges, the Proposed Action contradicts the resource protection objective of the Estuarine Sanctuary Management Plan. (Riverkeeper)

Response The Proposed Action is not inconsistent with the objectives of the Management Plan. While the Plan contemplates working with government agencies to achieve water quality levels needed for unrestricted use, and to find opportunities to abate CSO releases, nothing in the Plan implies that new development should be restrained because of potential increases in CSO discharges. The DEP continues to look for areas where improvements to the sewer system can reduce CSO discharges, as contemplated under the Management Plan. However, the Proposed Action would not detract from these efforts, because the water quality impacts resulting from its increased CSO discharges would most likely be undetectable. In addition, the City's Amended Drainage Plan would conservatively accommodate the wastewater generated from the Proposed Action, and would separate sanitary and stormwater in four sub-drainage areas within the Project Area. These separate storm sewers would discharge stormwater directly to the Hudson River and thus would reduce flows being directed to the combined sewer system. Also, separate from the Amended Drainage Plan, DEP would implement regulator upgrades, as necessary, to further improve the wastewater system serving the Project Area.

Comment H-18 The DGEIS fails to quantify the actual pre-and post-project volumes of stormwater discharged to the combined sewer system. (Riverkeeper)

Response The FGEIS quantifies this information in terms of the pre- and post-CSO overflows from the Proposed Action.

Comment H-19 No water quality data are reported for reactive nitrogen species (i.e., nitrate, ammonium, dissolved organic nitrogen), PCBs, mercury or other toxic trace substances to assess ambient concentrations of loadings. (NJAG)

Response Water quality data are presented in the FGEIS for nitrate and ammonia nitrogen. PCBs are recognized to be a contaminant of concern on a harbor-wide basis. Studies by regulatory agencies are underway to identify sources of PCBs from urban areas of New York and New Jersey. There are no detectable PCBs in the raw sewage influent to the North River WPCP or the effluent from that plant. Any PCBs from the Proposed Action are expected to be similarly non-detectable.

Comment H-20 Information on CSO discharges and relevant contaminant concentrations are needed to conduct mass balances to quantify material loadings from CSOs to the River/Harbor. (NJAG)

Response The requested information is presented in the FGEIS.

Comment H-21 CSO events are transient. In order to assess their impact, CSO events must be studied with time-intensive measurements. Routine dry-weather monitoring is not adequate to assess the impacts of CSO discharges on receiving waters. (NJAG)

Response The analysis reported within the FGEIS is consistent with this comment.

Comment H-22 There is no quantification of the amount of stormwater that would be captured by the stadium’s stormwater re-use system. (Riverkeeper)

Response As discussed in Chapter 16, “Infrastructure,” the Multi-Use Facility would incorporate a 150,000 gallon storage tank that would collect stormwater and use the recycled water or “gray water” for the facility’s cooling water make-up. During years with typical rainfall volume and frequency, this gray water system would satisfy approximately 25 percent of the Multi-Use Facility’s annual cooling tower water make-up requirement.

Comment H-23 The Administrative Consent Order (ACO) which resulted from a complaint by the State of New York Department of Environmental Conservation against the City of New York is of relevance to the proposal and is not addressed in the DGEIS. Without data on the quantity of additional pollutants contained in the CSOs, it is impossible to determine if the City will be in compliance with the ACO. (NJAG)

Response There is no requirement in the Administrative Consent Order related to the quantity of CSO pollutants from the North River WPCP area.

Comment H-24 The MTA has recently discovered that all of the stormwater falling on Caemmerer Yard is currently being discharged directly to the Hudson River. This is at odds with the DGEIS, which states that such stormwater is collected and conveyed to a collection sewer at 30th Street and Twelfth Avenue. The DGEIS must quantify this volume of stormwater, and the project will have to develop grey water systems to capture an equivalent amount of stormwater, either at the rail yards or elsewhere, in order to keep stormwater flows from exacerbating CSOs beyond current conditions. (Riverkeeper)

Response As described in Chapter 16, “Infrastructure,” stormwater runoff from Caemmerer Yard is collected and conveyed to the Hudson River. With the Proposed Action, the Multi-Use Facility, located over the western portion of Caemmerer Yard, would incorporate a 150,000 gallon storage tank to collect stormwater and recycle this “gray water” for the facility’s cooling water make-up. During years with typical rainfall volume and frequency, the gray water system would satisfy approximately 25 percent of the Multi-Use Facility’s annual cooling tower water make-up requirement. The City would construct a deck covering the eastern portion of Caemmerer Yard between Tenth and Eleventh Avenues, as well. Under the Amended Drainage Plan, the stormwater from the eastern portion of Caemmerer Yard would be collected from the deck (street level) and conveyed directly to the Hudson River via a sewer system that separates stormwater.

Comment H-25 To comply with SEQRA’s requirement that an EIS set forth mitigation measures for all significant adverse environmental impacts, the City should adopt a “no CSO increase” standard for the project, and demonstrate how it will be achieved. (Riverkeeper)

Response No mitigation is required because no significant adverse impacts to water quality or wildlife have been identified in the FGEIS.

Comment H-26 As an alternative to decentralized sewage treatment, the DGEIS should also consider detention of excess stormwater flows from the Project Area, with testing and treatment, before release to the Hudson. The FGEIS should state the quantity of stormwater that will be stored on-site; the capacity and location of the holding tank(s); and the magnitude of storm rainfall that the storage system would be capable of holding. (Riverkeeper, MSG, HKNA)

Response The DEP uniformly reviews City-wide Site Connection Applications as projects are proposed and determines if detention of stormwater is required for the development of a project, such as the individual developments that the Proposed Action encompasses. The requested information is not relevant to the required impact analyses for the Proposed Action.

Comment H-27 Wakes from ferries are greater in frequency, size and energy than virtually all other vessels in the harbor. The DGEIS must be revised to evaluate the impact from ferry boat wakes and mitigation measures (including operational controls such as routing, reducing speed and hull design) developed to address them. (Riverkeeper, CB4)

Response The wakes from already permitted ferries trips have been analyzed by a separate environmental review and permit process for the West Midtown Ferry Terminal. The number of passengers that would use ferry service as a result of the Proposed Action, and total ferry volumes to the Terminal, are well within the volumes considered in that environmental assessment.

Comment H-28 We disagree with the applicant's conclusion that there is no alternative that would limit construction within the floodplain. (CB4)

Response As described in Chapter 15, "Waterfront Revitalization Program" of the FGEIS, the western portion of the Project Area (see Figure 15-2) and a portion of Corona Yard are within the Federal Emergency Management Agency (FEMA) 100-year flood plain. Structures planned for this area would not be considered a significant encroachment or result in any increases in flood levels in surrounding areas. Structures under the Proposed Action would either be elevated above the base flood elevation or flood-proofed in accordance with all applicable City, State, and federal requirements. The Proposed Action would not eliminate or reduce existing beneficial floodplain characteristics of the Project Area. The Proposed Action would not increase impervious surfaces, and therefore, the potential for flooding would not be increased compared to the Future Without the Proposed Action. Design components of structures associated with the Proposed Action would comply with the relevant design criteria of all applicable laws and regulations.

Comment H-29 The FGEIS should state the location and average annual number of combined sewer overflows in the area served by the North River Water Pollution Control Plant. (MSG, HKNA)

Response Chapter 13, "Natural Resources," states the average annual number of CSO overflows for the North River WPCP area. Detailed modeled results of CSOs, including locations, are included in Appendix N, "Natural Resources".

Comment H-30 The FGEIS should state the total number of gallons of sewage generated by the project that would be discharged annually into the Hudson River without treatment in connection with CSO events due to the proposed project. (MSG, HKNA)

Response The FGEIS and Appendix N, "Natural Resources," specify the total annual volume of CSOs and associated mass pollutant loadings discharged to the Hudson River associated with the Proposed Action. The analyses of water quality used the mass pollutant loadings and demonstrated that there would be no significant adverse impacts on water quality as a result of the Proposed Action.

Comment H-31 The FGEIS should state efforts that will be undertaken to mitigate the effect of the proposed project on CSO events.

Response There is no need for mitigation because the FGEIS has identified no significant adverse water quality impacts of the Proposed Action. Measures implemented by the City, including the Amended Drainage Plan, storm sewer separation and adjustments to regulators, would further minimize CSO events attributable to the Proposed Action.

Comment H-32 The FGEIS should state the minimum rainfall amount that will lead to a CSO event in the area served by the North River Water Pollution Control Plant. (MSG, HKNA)

Response The FGEIS documents a conservatively predicted number of overflows and associated volumes and the rainfall intensity that triggers those events.

Comment H-33 The FGEIS should state the amount of water that will be needed to heat and cool the stadium; where that water will come from; and the environmental and infrastructure impacts of water withdrawal from the Hudson River. (MSG, HKNA)

Response The Multi-Use Facility would not draw water from the Hudson River and would not cause an adverse impact to the Hudson River. The Multi-Use Facility would require approximately 21 million gallons of water on an annual basis to meet its heating and cooling requirements. It is anticipated that the Multi-Use Facility would incorporate a storm water retention system which on an annual basis would provide approximately 5,600,000 gallons of recycled water i.e. "gray water", which would be used to offset approximately 25 percent of the cooling tower make up water annual requirement. The balance of the water would be supplied from the City's water system.

Comment H-34 Will the North River sewage treatment plant have sufficient capacity for the project? (NRDC, CB4).

Response Yes, as shown in Chapter 16, "Infrastructure," of the FGEIS.

I. INFRASTRUCTURE

Comment I-1 The FGEIS must consider additional development in New York City and in the Hudson Valley, and how that development will affect the availability of water for the Hudson Yards project. (CB4)

Response As set forth in Chapter 16, “Infrastructure,” the DEP has advised that there will be adequate water supply to accommodate the demand of the Proposed Action and future background growth in 2025.

Comment I-2 The DGEIS considers only water supply in an average year. The FGEIS should also look at conditions in a drought year. (CB4)

Response The DEP’s determination takes into account drought year conditions.

Comment I-3 The FGEIS should take into account the possibility that water tunnels No. 1 and 2 may be out of service for years to perform repairs, and that water tunnel No. 3, when it is completed, will have to serve the Hudson Yards area. (CB4)

Response Currently, Hudson Yards can be served by the New Croton Aqueduct and City Tunnels 1 and 2. The addition of the lower Manhattan section of City Tunnel No. 3 will only increase the dependability in the Hudson Yards Area. Three additional shafts on City Tunnel No. 3 will be installed in the vicinity of Hudson Yards. These shafts will have more than adequate supply should DEP need to shut down the New Croton Aqueduct and/or City Tunnel 1 for a long period of time. City Tunnel No. 3 has been designed to supply water for the entire City independent of the other tunnels.

Comment I-4 The official capacity numbers at the North River plant have changed over the years and this phenomenon has never been explained. (CB4)

Response The permitted capacity of North River WPCP has not changed and remains at 170 mgd. As set forth in Chapter 13, the North River WPCP has adequate capacity for the Proposed Action.

Comment I-5 The DGEIS does not take into account the effect on the North River plant of development in other parts of Manhattan that it serves. (CB4)

Response The FGEIS accounts for future flows from outside the Proposed Action, as discussed in Chapter 16, “Infrastructure.” These future flows reflect annual flow increases for the WPCP drainage area as projected by the DEP, based on population and employment projections.

Comment I-6 The DGEIS failed to present an assessment of the “effects of the incremental demand of the Proposed Action on the sewer system to determine if there will be a significant adverse impact” as promised in the Final Scope. (MSG, HKNA)

Response The FGEIS analyzes the potential impacts on the proposed sewer system (see Chapters 13, 16, and Appendix N).

Comment I-7 With respect to water supply, the DGEIS failed to present an estimate of “the capacity of the distribution system serving the area” as promised in the Final Scope.

Response The FGEIS analyzes the potential impacts on the proposed distribution system, (see Chapter 16).

Comment I-8 The DGEIS provided no information about interceptors, elevations, pipe friction, or other factors that bear on capacity. (MSG, HKNA)

Response Chapter 16 provides a thorough discussion and analysis of the sewer system within the Project Area.

Comment I-9 The Final Scope proposed to document current maximum monthly flow volumes of stormwater and sanitary discharge to the existing sewer system, but these data were not presented. (MSG, HKNA)

Response The requested information is contained in the FGEIS and in accompanying Appendix N.

J. HAZARDOUS MATERIALS

Comment J-1 Phase II Environmental Site Assessments and other appropriate site investigations for hazardous materials will be reported in the FGEIS. We are therefore unable to comment on the contamination and its management at these sites. (CB4)

Response The DGEIS disclosed the presence of a number of contaminants that may be located on sites in the Project Area based on Phase I Environmental Site Assessments (ESA) and other information. These contaminants included material that may have reasonably been released from the historic uses on the various sites, known spills, and the results of investigations performed prior to the DGEIS. The DGEIS also identified a range of management measures that could be employed to protect public health and safety. This disclosure provided an adequate basis for comment. Phase II ESAs or other site investigations were undertaken subsequent to the completion of the DGEIS on properties under the control of the project sponsors and at two acquisition properties. These Phase II ESAs or other appropriate site investigations have identified site-specific conditions that are either consistent with or less stringent than the conditions disclosed in the DGEIS.

Comment J-2 The cost of cleanup of parcels condemned by the City has not been included in the DGEIS. (MSG, HKNA)

Response The requested cost of remediation is beyond the scope of this FGEIS. Based on the analyses and information contained in Chapter 14, “Hazardous Materials,” of the FGEIS, it is not anticipated that there will be any extraordinary costs associated with management measures for the affected sites.

- Comment J-3** The FGEIS should include a map of the areas that will receive an (E) Designation as a result of suspected hazardous waste contamination. (MSG, HKNA)
- Response** The FGEIS provides a table identifying the blocks and lots slated for (E) Designations.
- Comment J-4** The FGEIS should include an estimate of the costs associated with cleaning up (E) Designated sites. (MSG, HKNA)
- Response** The (E) Designation process identifies the potential for contamination present on a given site and ensures that further investigation and, if necessary, remediation, will be conducted prior to development. The costs of any required clean-up are borne by the owner of the property.
- Comment J-5** The FGEIS should identify whether the City or another project proponent will pay for the costs of remediating contamination, or whether current or former owners or operators of sites will have to pay these costs. Environ estimates that such cleanups could add 15 to 20 million dollars to the City’s project-related costs. The additional cost of treating and disposing of contaminated groundwater should be evaluated. (MSG, CAC, HKNA)
- Response** The requested costs and allocation of cost details are beyond the scope of this environmental review and have not been determined. In respect to confirmation of the estimate of cleanup costs provided by Environ, no information has been provided to permit a response to this assertion. See response to Comment J-2.
- Comment J-6** The FGEIS should include Phase II reports for all the parcels that will be utilized or condemned in connection with the Proposed Action. (MSG, HKNA)
- Response** Phase II Environmental Site Assessments (ESAs) or other appropriate site investigations were performed at sites owned by the Project Sponsors and at two acquisition properties. Phase II ESAs will be performed prior to construction for other acquisition properties where the AHMSS Phase I ESAs or the geotechnical boring screening have revealed the potential presence of hazardous materials. SEQRA does not require that Phase II ESA reports be included in the FGEIS. These reports and the data contained in them are so voluminous as to render their inclusion impractical. These reports are available for public inspection, review and reproduction.
- Comment J-7** We oppose the hazardous materials (E) Designation for Tax Block 1032, Lots 4, 61, 63, 101, 103 and 162 (“Premises”) on the ground that there are no unused development rights on the Premises and the proposed rezoning will not create new development rights for the Premises. Accordingly, the Premises do not meet the criteria of either a Projected Development site or a Potential Development site, as defined by the DGEIS. Furthermore, the City has presented no evidence for singling out the Premises as a separate

development site for the purpose of mapping a hazardous materials (E) Designation. (Slater & Beckerman LLP)

Response These sites will no longer receive an (E) Designation, and thus the above comment is no longer applicable.

Comment J-8 Tax Block 1032, Lots 4, 61, 63, 101, 103 and 162 are part of Projected Development Site 35, which should be removed from the list of Projected Development Sites because it no longer satisfies most of the criteria for a Projected Development Site as set forth in the DGEIS, page 2-19. The former parking lot on Tax Lot 58 has been excavated and is being developed utilizing the air rights from Tax Lots 4, 54, 57, 58, 61, 63, 101, 103 and 162. As a consequence of the zoning lot merger, the remaining lots on Projected Development Site 35 -- Tax Lots 1, 5, 7 and 64 -- are split into three non-contiguous parcels, further supporting the removal of Projected Development Site 35 from the list of such sites. Since the Premises contain no unused development rights and the proposed ULURP actions generate no additional development rights for the Premises, the Premises should not be re-classified as a Potential Development Site. (Slater & Beckerman LLP)

Response Tax Block 1032, Lots 4, 61, 63, 101, 103, and 162 will no longer receive (E) Designations. For Projected Development Site 35, Lots 1 and 64 will no longer receive (E) Designations.

Comment J-9 Mercedes-Benz Manhattan opposes placing an (E) Designation on its showroom and garage sites. (Mercedes-Benz Manhattan)

Response The placement of an (E) Designation for the Mercedes-Benz Manhattan showroom (West 41st Street and Eleventh Avenue) and garage (528 West 39th Street) sites is appropriate if the site is rezoned since the showroom site was indicated in the regulatory database as having USTs present and the garage site has USTs, a site history of concern, and several spills nearby.

Comment J-10 The proposed project will disrupt hazardous waste. (MSG, HKNA)

Response Chapter 14, "Hazardous Materials," of the FGEIS provides analyses of the potential impact of the Proposed Action on subsurface conditions and identifies the management measures to be employed to manage identified contaminants.

Comment J-11 Remediation of hazardous wastes will generate potentially toxic emissions. (MSG, HKNA)

Response Remediation will be accomplished in conformity with all the management measures specified in Chapter 14, "Hazardous Materials," of the FGEIS and all applicable laws and regulations.

Comment J-12 Construction of the No. 7 event layup tracks along Eleventh Avenue will be in "polluted muck" near West Chelsea residences. (West 300 Block Assn.)

Response The No. 7 Subway line event lay up tracks would be located approximately 80 feet below grade in bedrock, and well below organic matter or other overburden.

Comment J-13 What environmental liabilities is the City assuming with acquisitions? (CB4)

Response The FGEIS, to the extent practicable, identifies and analyzes environmental conditions at all of the sites to be acquired by the City.

Comment J-14 Several Properties (Block 734, Lot 13; Block 733, Lots 43-46) that have been notified that they will receive (E) Designations due to hazardous materials onsite are long-occupied residential buildings that the DGEIS misidentifies as parking lots and garages. The DGEIS identifies these as potential development sites. We are concerned that the Phase I analyses that have been done are inaccurate and will unfairly saddle clean properties with undeserved (E) Designations. The FGEIS should include a more thorough assessment of each property before (E) Designations are assigned. (CB4, HKNA)

Response The (E) Designations for the referenced blocks and lots have been removed. The (E) Designations for all of the other properties identified in the FGEIS have been reviewed and determined to be properly made as described in Chapter 14, “Hazardous Materials.”

Comment J-15 The DGEIS fails to discuss the effect that the (E) Designations will have on property values of these sites and on the costs of construction. It does not consider the effect seen so often at brownfields sites, that contaminated sites often languish undeveloped due to the costs of cleanup. There is no discussion of whether these sites will be eligible for New York State brownfields programs and the financial burden they will place on these programs. There is no discussion of how much additional funding and staff DEP will require in order to carry out the monitoring responsibilities assigned to it under this section. (CB4, HKNA)

Response This comment is beyond the scope of this environmental review.

K. WATERFRONT REVITALIZATION PROGRAM

Comment K-1 The Proposed Action conflicts with or directly contravenes a number of fundamental policies of the Coastal Management Program codified at 19 N.Y.C.R.R. 600.5, including policies 19, 21 and 22, which require promotion and protection of public access and water-related recreational activities. (Riverkeeper)

Response The Proposed Action was shown to be consistent with all policies of the Coastal Management Program. The Proposed Action was evaluated for consistency with the Coastal Zone Management Program and the City’s Waterfront Revitalization Program (see Chapter 15, “Waterfront Revitalization Program”). The Proposed Action would significantly enhance public access to the waterfront and Hudson River Park by replacing a multi-block wide desolate area with a 24-hour mixed use community, by bringing

the No. 7 Subway within one block of the waterfront at West 34th Street and two blocks at West 41st Street; by providing pedestrian bridges at West 33rd and West 39th/40th Streets allowing for grade-separated pedestrian crossing of West Street; and by providing a pedestrian passage through the Convention Center at West 40th Street.

Comment K-2 The DGEIS fails to analyze the significant impacts from ferries on recreational users of the harbor. (Riverkeeper)

Response The Midtown Ferry Terminal is currently under construction with an expanded capacity. This facility was the subject of a separate environmental review completed in 2001 and is not part of this Proposed Action. The number of passengers that would use ferry service as a result of the Proposed Action, and total ferry volumes to the Terminal, are well within the capacity analyzed as part of the environmental review and permitting for the Terminal.

Comment K-3 A combined Sports and Convention Center would occupy 12 City blocks between Eleventh and Twelfth Avenues with only one throughway to the waterfront, at West 34th Street. Because of security concerns, it is questionable whether West 34th Street will even be open during major events, further limiting access. (CHPC)

Response The Proposed Action would result in a Multi-Use Facility located between West 30th and West 33rd Streets, blocks which are currently closed and separated from the City street grid, an open space between West 33rd Street and West 34th Street, an open West 34th Street, then an expansion of the existing Convention Center north to West 42nd Street, with a pedestrian connection through the facility at West 40th Street.

Comment K-4 The FGEIS should disclose the environmental impacts of building a new pier, and discuss the permits that it will require. (MSG, HKNA, Friends of Hudson River Park)

Response The Proposed Action does not include the construction of a new pier.

Comment K-5 AIA recommends initiating a joint city-state-civic effort to explore alternate expansion configurations, such as stacking the building, building over the highway, or mixed use convention/community park and access structures to the north. The MAS has developed an alternative to the proposed Convention Center expansion plan that provides for enhanced passage and views to the waterfront. (AIA, MAS)

Response As identified in the DGEIS, the Convention Center Operating Corporation [CCOC] has worked with HOK and Pricewaterhouse on an alternative configuration study. This study and further discussions with exhibitors enabled the CCOC to determine that it needs contiguous, uninterrupted floor space to meet the needs of the convention industry. The proposed dual direction expansion (north and west) would not be feasible nor preferable. The new exhibition space proposed to be created west of Twelfth Avenue would not function. If existing loading docks are to be utilized to serve the

new proposed space west of Twelfth Avenue, then that space would be completely isolated from the prefunction space along Eleventh Avenue. Under such a scenario, the new space is not an expansion of existing prime contiguous exhibition space, but creation of a separate facility abutting the existing Convention Center. The MAS proposal would not satisfy one of the Convention Center's principal goals -- significantly expanding the existing Center's prime contiguous exhibition space.

If loading docks are relocated to the west end of the proposed westerly expansion, then additional contiguous space would be created and a true expansion of the Convention Center would occur. However, such loading dock relocation is not feasible. It would conflict with Hudson River Park and would overwhelm the Park with a large number of heavy truck movements. Also, the configuration of the exhibition area resulting from such a westward expansion would, when subdivided, result in halls of 180 feet by 630 feet. Such long and narrow halls are an impractical proportion to divide for a show. The expansion of the Convention Center in such a configuration would be less profitable than that proposed by the Proposed Action.

To the extent that the MAS's proposed north expansion zone is used primarily for truck docks, such an expansion would have to function at 90 degrees to the existing convention center below. Under such a scenario, the north expansion's loading and prefunction areas would not be contiguous with the existing Convention Center. The north expansion would also result in long halls of approximately 900 feet. This is not an appropriate shape for a convention center hall. As with the MAS proposed westerly expansion, operational expenses would increase and marketability would decrease. In addition, new exhibition area would have to be constructed above the existing Convention Center, resulting in substantial disruptions of the Convention Center and significantly limiting its operations during such construction. Truck access would be required at West 39th Street and Eleventh Avenue. This is clearly less preferable than the truck access via the tunnel that is proposed in the Proposed Action.

In all, the MAS proposal would not satisfy the Convention Center's goals and would produce a new convention center that is less functional, less marketable, and more operationally expensive than that in the Proposed Action.

Comment K-6 It is important that the proposed project meets standards that will guarantee sufficient light, air and life on the streets and near the newly revitalized waterfront. (MAS)

Response The Proposed Action would add a vibrant 24-hour mixed-use community to the City. The Project Area would experience a significant increase in quality open space.

The Multi-Use Facility and Convention Center Expansion would include public open spaces adjacent to the waterfront area (within the City Coastal Zone): a "green" Convention Center roof with public access and an open space between West 33rd and West 34th Streets between Eleventh and

Twelfth Avenues. Additionally, the proposed DSNY/Tow Pound facility, between West 29th and West 30th Streets between Eleventh and Twelfth Avenues would include an active open space on its roof.

Comment K-7 The relocation of the NYPD Tow Pound and Gansevoort Sanitation garage may be delayed and the FGEIS should analyze this possibility. (CB4)

Response The assumed relocation of these facilities to the Project Area represents a more conservative scenario for the traffic, air quality and noise analyses than assuming that they remain in place. The FGEIS states that if these facilities do not relocate, the park on Block 675 would remain at grade.

Comment K-8 The extension of the Convention Center to block 39th, 40th and 41st Streets is inconsistent with the requirement that if a development blocks waterfront access, it should be sited to allow access later. The use of Pier 76 as an extension of the Convention Center by bridge should be studied as mitigation. (CB4)

Response See response to Comment K-5.

Comment K-9 The Proposed Action reduces access to the waterfront. (HKNA, CB4, MAS, R. Gottfried; G. Ortiz; R. Cross; Hudson Yards Alliance, CHPC)

Response The Proposed Action would increase access to the waterfront. See response to Comment K-1.

Comment K-10 The Multi-Use Facility will block access to the Hudson River waterfront. (AIA; NRDC; CB4; B. Feldt; NRDC; WCC; J. Finch; J. Auslander; J. Isenstein; CIVITAS)

Response The Multi-Use Facility would be built on a parcel of land that is presently surrounded by concrete walls and that is inaccessible to the waterfront. Unlike the present condition, the Multi-Use Facility would be surrounded by publicly accessible open space, including from a linear walkway along the western edge of the Facility. In addition, a pedestrian walkway over Route 9A would connect the West 33rd Street/West 34th Street open space to the Hudson River and Hudson River Park, all of which would facilitate access to and views of the Hudson River waterfront.

Comment K-11 The project should improve access and site lines to the Hudson River. (CHPC)

Response See response to Comment G-14.

Comment K-12 The stadium should not be built on the most valuable piece of waterfront property. (Shubert Organization; J. Auslander)

Response Comment noted.

L. SOLID WASTE AND SANITATION SERVICES

Comment L-1 The FGEIS should consider the costs of additional solid waste and sanitation services required by the Proposed Action, taking into account rising tipping fees at communities that receive New York City waste. (CB4)

Response This comment is beyond the scope of the FGEIS.

M. ENERGY

Comment M-1 The construction of what will be tantamount to an entire new, modern city should incorporate all the elements of environmentally responsible “green” buildings, as outlined in the Hugh L. Carey Battery Park City Authority Guidelines for residential and commercial development, and available from the U.S. Green Building Council. Such elements include: systems engineered to conserve and reduce the use of water, such as gray-water re-use (double-plumbing systems); energy, air and air conditioning; as well as selection of sustainable and non-polluting building materials. These features should be required in all new residential and commercial construction. (C.V. Fields)

Response Comment noted.

Comment M-2 The project will increase energy demand considerably but the need for a new power plant is not discussed. No location for a new power plant or its air impacts are identified. The cost of the new plant is not specified. (MSG, HKNA, CB4)

Response As indicated in Chapter 18, “Energy,” the Proposed Action alone would not require a new power plant.

Comment M-3 NYCDOT and Amtrak have proposed bridges over the Amtrak tracks, which would limit Con Edison’s ability to deliver services to customers. The FGEIS should consider the differences between bridge types under future scenarios with and without the Proposed Action. (CB4)

Response Con Edison by law is required to supply necessary electrical services. New York City, Amtrak, and Con Edison are coordinating plans to ensure the availability of the referenced services.

Comment M-4 The rezoning should mandate “eco roofs,” specially layered lawns atop buildings to absorb heat and stormwater, muffle noise, improve air quality and provide open space. At the least, bonuses should be provided for use of eco roofs. (C. Harris)

Response Comment noted.

Comment M-5 The final plan needs binding commitments on guidelines for “green” development in both residential and commercial development, using the Battery Park City as one good model. The plan needs commitments for net

zero carbon dioxide emissions that should be incorporated for each new building and lead standards as well. (NRDC)

Response Comment noted.

Comment M-6 Where will Con Edison substations be sited, and what will the mechanism be for siting substations and how much will they cost? (C.V. Fields, Chelsea Coalition on Housing)

Response Chapter 18, “Energy,” addresses how Con Edison substations would be located under the Proposed Action and includes a discussion of the generic impacts of siting such substations. The costs to Con Edison are outside the scope of this FGEIS.

Comment M-7 The FGEIS must analyze the cogeneration facility that will be integrated into the Stadium. (CB4)

Response The Multi-Use Facility would not contain a co-generation facility.

N. TRAFFIC

1. Modal Split

Comment N-1 The stadium modal split assumptions in the DGEIS are unrealistic compared to Madison Square Garden and other United States sports facilities. Between 40 and 50 percent of visitors to Madison Square Garden, which is better served by public transit, use mass transit. The DGEIS underestimates by half the number of Jets fans who will drive. Only 40-50 percent of Jets fans will use mass transportation. (Straphangers, MSG, HKNA)

Response Recent surveys of MSG attendees (Sam Schwartz LLC, *Madison Square Garden Modal Split Analysis*, July 22, 2004) indicate that the commenter’s estimate of 50 percent auto and 50 percent transit usage is inappropriate because it refers to a Sunday night game. According to these surveys, 36 percent of attendees use autos/taxis for Sunday afternoon sports events and 37 percent of attendees use autos/taxis for weekday evening sports events. This level of auto use also reflects off-street parking discounts MSG offers to season ticket holders.

Multi-Use Facility modal split assumptions used in the FGEIS reflect the results of an independent survey of New York Jets season ticket holders for Sunday afternoon games. The survey indicated 29 percent auto/taxi use without the proposed No. 7 Subway Extension and 22 percent auto/taxi use with the proposed No. 7 Subway Extension for a Sunday football game at the Multi-Use Facility. These survey results are consistent with an earlier survey conducted by the New York Jets in 2002. For the Sunday afternoon Special Event peak hour, the FGEIS conservatively assumes a 36 percent primary auto/taxi share without the No. 7 Subway Extension (the remaining 64 percent are projected to travel by transit) and a 32 percent primary auto/taxi share with the No. 7 Subway Extension (the remaining 68 percent are projected to travel by transit).

As stated in the FGEIS, although the projected auto modal split of approximately 32 percent (including both autos and taxis) for the Multi-Use Facility would be slightly lower than some of the auto modal splits exhibited at MSG, a 75,000-seat stadium would draw approximately four times as many patrons as MSG events (MSG's seating capacities range from 18,295 for hockey games to 20,629 for concerts). This level of attendance, coupled with the variety of available mass transit options, would serve as a major deterrent to driving to the proposed Multi-Use Facility. The proposed Multi-Use Facility would be located in close proximity to the proposed No. 7 Subway Extension (which would provide a direct connection to Grand Central Terminal), as well as ferry service from New Jersey. Each of these factors is anticipated to reduce the population group driving to the site.

Comment N-2 Surveys of existing facilities are a far more appropriate source of data on mode choice than asking fans to predict their future behavior. (CB4)

Response Travel data was collected from people who would use each facility. For the Convention Center, existing attendees and exhibitors were surveyed; for the proposed Multi-Use Facility, New York Jets season ticket holders were surveyed, who collectively represent 100 percent of ticket sales to New York Jets home games. In both cases, the people who will ultimately travel to the facility were the basis for the survey results, and therefore the most accurate basis for determining modal split. In comparison, surveys of MSG would provide information about attendees at different types of events, with smaller total attendances, which would make results suspect for application to the Proposed Action.

Comment N-3 The FGEIS must reconsider the modal split to reflect the recent development and expected growth of New Jersey's bedroom communities. (CB4)

Response Modal split for office uses was based on 1990 Census reverse journey-to-work data (most recent data validated by the U.S. Department of Commerce). 1990 Census reverse journey-to-work data has been validated by the U.S. Department of Commerce, state Departments of Transportation and Metropolitan Planning Organizations. A shift in demographics would result in marginal differences in the number of trips compared to data utilized and would not materially affect modal splits.

Comment N-4 We question the modal splits for Convention Center attendance. Although the No. 7 line will have some effect on how people travel to the Convention Center, we note that most Convention Center visitors are not New York City residents used to riding the subway. We also note that exhibitors must bring their wares and promotional materials with them to shows. As it is, three times as many people come by car and taxi as by subway. It is simply impossible that an 85 percent increase in the size of the Convention Center will generate only a two percent increase in the number of vehicles arriving at the Center on a weekday morning. Using more realistic numbers, the FGEIS must redo the trip generation analysis conducted for the DGEIS. (CB4)

Response

As presented in Appendix S.1 of the DGEIS, one third of Convention Center users that currently use autos or taxis would be expected to shift to subway after extension of the No. 7 Subway line is completed due to the increased proximity of service. The Convention Center is currently located approximately ½-mile from the nearest subway station (on Eighth Avenue and West 34th Street.) Extension of the No. 7 Subway line would result in the construction of a terminal station at Eleventh Avenue and West 34th Street with a direct connection to the Convention Center.

Furthermore, a significant number of existing Convention Center attendees reside or work within New York City. The results of the surveys conducted at the Convention Center in April and May of 2003 show that 95 percent of attendees to weekend public shows arrived from their homes (55 percent came from locations within New York City). For weekday trade shows, 55 percent of attendees arrived from home/work (76 percent came from locations within New York City) and 31 percent of exhibitors arrived from home/work (79 percent came from locations within New York City). It should also be noted that many exhibitors arrived from hotels in Midtown Manhattan that would be served by subways including the No. 7 line.

The Convention Center presently allows exhibitors to transport hand-carriable items by personally owned vehicles. Deliveries of this nature would be expected to occur outside of the peak hours analyzed in the DGEIS as Convention Center regulations generally prohibit the use of luggage carts during show hours. Additionally, set-up hours for exhibitors are often provided prior to the start of shows, including on “dark days.”

Table 19-7 of the FGEIS presents the calculation of net incremental trips to convention events compared to the distribution of existing and projected trips. Net incremental trips were calculated by subtracting the distribution of existing trips to convention events (the existing attendance applied to existing modal splits) from the distribution of projected trips to convention events (the projected attendance applied to projected modal splits with the extended No. 7 subway line).

Comment N-5

Transit share as predicted in the DGEIS for the Multi-Use Facility—the Jets Stadium—are based upon a very optimistic scenario since a 70 percent transit share has never been achieved for any football event anywhere in the U.S. or Canada or any sporting event in New York City. (MSG)

Response

As stated in Chapter 19 of the FGEIS, it is projected that 68 percent of the attendees for a Sunday afternoon football game at the proposed Multi-Use Facility would utilize transit. This is a conservative modal share, since the independent survey of New York Jets season ticket holders indicated that 75 percent of attendees would utilize transit with the No. 7 Subway Extension complete. Moreover, New York City achieves transit/walking shares in excess of 70 percent every workday while no other city in the United States or Canada exceeds 50 percent. Other cities achieve higher transit usage for fans attending football games than they achieve for weekday commuter usage. For example, transit usage in Seattle is approximately 18 percent on a game day compared to seven percent on a typical weekday, and transit usage

in Pittsburgh is approximately 14 percent on a game day compared to 12 percent on a typical weekday.

Comment N-6 A detailed modal split survey of Madison Square Garden events was compiled in a report prepared by the Sam Schwartz Company, LLC. The DGEIS did not use this data even though it is the most accurate and relevant data available for use in predicting the modal split for a Jets game. (MSG)

Response The projected modal split for Multi-Use Facility attendees reflects the results of an independent survey of New York Jets season ticket holders. The regional distributions of New York Jets attendees differ from those of the New York Knicks and New York Rangers. For this reason, the project team requested cross tabulations of trip origins and travel modes from the 2003 MSG surveys (Sam Schwartz LLC, *Madison Square Garden Modal Split Analysis*, July 11, 2003) so that modal splits could be applied on a regional basis to the projected New York Jets season ticket holder base.

The cross tabulations provided yielded several anomalous results (i.e., for a weeknight sports event the Long Island Rail Road was reported to serve seven percent of the trips from Staten Island and PATH was reported to serve three percent of the trips from Brooklyn; for a Sunday sports event New Jersey Transit was reported to serve 13 percent of the trips from both Queens and the Bronx and 14 percent of the attendees from Staten Island reportedly walked), making the accuracy of this data suspect. Concerns regarding the reliability of the data were not fully resolved. The DGEIS utilized a portion of the data contained within the 2003 MSG surveys (vehicle occupancy rates and temporal distribution of arrivals).

For these reasons, it is believed that the modal split data developed by the project's consultant were more appropriate for analysis.

Comment N-7 The DGEIS discounts the far more extensive surveys conducted at Madison Square Garden events that inquired how attendees actually traveled to the facility. (MSG)

Response See responses to Comment N-1, Comment N-2, and Comment N-6.

Comment N-8 DGEIS modal split data for the stadium is outdated or erroneous (see Table II.2 in the ORA report). ORA staff contacted many of the venues identified in the DGEIS and found the data presented in the DGEIS for several of the venues to be old or incorrect (see Table III.5 in the ORA report). (MSG)

Response The modal split data cited by this comment were used for comparative purposes as presented in Appendix S.1 of the FGEIS. Modal splits developed for the Multi-Use Facility and used for analysis reflect the results of an independent survey of New York Jets season ticket holders, not the sources cited by the commenter.

- Comment N-9** It is not logical that the stadium will have a higher rate of transit ridership than MSG which sits atop a transit hub, especially before the No. 7 line is built. (MSG)
- Response** See the response to Comment N-1. It should also be noted that the Multi-Use Facility would be located within a 10-15 minute walk from Penn Station, which is similar to average walk times from parking lots at New York Jets games at the Meadowlands. In addition, the ferries provide another transit option for the Multi-Use Facility.
- The proposed Multi-Use Facility would open four months before the subway extension, resulting in one season of events without this transit service. This scenario (which would only be applicable in 2009) would be similar to the conditions analyzed in Alternative P (Multi-Use Facility Only), which does not include an extension of the No. 7 subway line and includes trips from the existing Convention Center. This is a reasonable portrayal of conditions that would be applicable to this period. Based on this analysis, all impacts could be mitigated in the AM, Midday, and PM peak periods. Two impacts would remain in the weeknight Special Event peak period, and three in the Sunday afternoon Special Event peak period. While Alternative P does not include traffic generated by other projected land uses, Tables 19-5 and 19-6 of the FGEIS show that the trips associated with the rezoning action during the Special Event peak hours are significantly less and account for less than two and 17 percent of vehicle trips in 2010 and 2025, respectively.
- Comment N-10** The DGEIS projects a transit share increase from 70 percent to 80 percent after the No. 7 Line is extended to a point adjacent to the Multi-Purpose Facility. (MSG)
- Response** This comment is inaccurate. With the No. 7 Subway Extension, the DGEIS projects a transit share of 74 percent for Multi-Use Facility attendees during the weeknight Special Event peak hour and a transit share of 68 percent for Multi-Use Facility attendees during the Sunday afternoon Special Event peak hour.
- Comment N-11** Given the long history of data compiled for Madison Square Garden, a reasonable conclusion would be that any major venue within a short distance and with similar event types would more than likely have a mode of arrival similar to Madison Square Garden. (MSG)
- Response** See response to Comment N-1.
- Comment N-12** The proposed stadium is to be constructed one half mile from Penn Station. This means that the modal split would be *lower* by about the difference the DGEIS claims for the *improvement* in transit ridership of the No. 7 Line Extension. In short, it is the opinion of Orth-Rodgers & Associates, Inc. that 42 percent of the Jets fans (approx. 10 percent less than Knicks or Rangers fans) would take public transportation to the game, not 70 percent. In short, the number of vehicles on the streets of Manhattan will be about 17,400 vehicles—more than twice the number of vehicles projected in the DGEIS. (MSG)

Response See response to Comment N-1. Furthermore, the opinion expressed is based on data from MSG. As indicated in the response to Comment N-2, this data is inappropriate for the Multi-Use Facility. The number of vehicles projected in the FGEIS is based on a conservative analysis of conditions in the future.

Comment N-13 Failure to examine the impact of the range of modal splits and vehicle occupancies is a major omission that, as seen in the subsequent chapters, hides the actual impact of the proposed stadium. (MSG)

Response The assumptions presented in the FGEIS are conservative and analyze the reasonable worst-case scenario, were done in accordance with the *CEQR Technical Manual*, and were reviewed and approved by NYCDOT.

Comment N-14 The DGEIS relies upon two telephone surveys of Jets season ticket holders in which 600 fans were asked how they would travel to a game at a stadium to be located at a West Midtown Manhattan site. The DGEIS does not provide a copy of the survey instrument or the “cross tabulations” so that MSG could not independently analyze the surveys. (MSG)

Response After this comment was received, copies of McLaughlin & Associates, Inc. and Schulman, Ronca & Bucuvalas Inc. (SRBI) survey instruments were provided to the commenter. Cross tabulations from the SRBI survey, which was sponsored by the co-lead agencies, were also provided.

2. Vehicle Occupancy

Comment N-15 The assumption of three people per car going to the stadium is not realistic. The vehicle occupancy rates calculated for Knicks (2.24 persons per vehicle) and Rangers (2.76 persons per vehicle) fans attending these games are all significantly less than the 3.0 vehicle occupancy rate used in the DGEIS. (MSG, HKNA)

Response Multi-Use Facility auto occupancy reflects the results of an independent survey of New York Jets season ticket holders. While the survey indicated an average auto occupancy of 3.2 persons per vehicle, in order to provide a more conservative assumption, an average auto occupancy rate of only 3.0 persons per vehicle was incorporated into the analysis.

3. Trip Assignments

Comment N-16 A mathematical error that appears several times in the DEIS is that hundreds of taxis arrive at the stadium but never leave. (MSG)

Response As specified in the *CEQR Technical Manual*, all taxi trips assigned “in” to a site were also assigned “out” from a site, regardless of whether they are occupied or unoccupied. As such, taxi trips were balanced on a site-by-site basis for the traffic analysis assuming that one half of inbound full taxis would be available for outbound demand from a site. Tables 19-5 and 19-6 of the FGEIS provide a summary of vehicle trips for each projected land use. Both tables note that net unbalanced taxi trips were listed for all components and that the total taxi trips were balanced on a site-by-site basis.

Comment N-17 Charter bus and taxi loading/unloading and drop off/pick up areas are not accounted for at the proposed stadium. (MSG)

Response While a designated loading/unloading area for the proposed Multi-Use Facility has not been determined, passenger drop-offs and pick-ups were assigned no more than two blocks from the site.

Comment N-18 Taxi trip assignment does not make sense: 732 taxis arrive at the stadium during a weeknight from 8pm to 9pm but 0 leave. (MSG)

Response See response to Comment N-16.

Comment N-19 The DGEIS appears to assume no increase in taxi trips to the Convention Center as a result of its doubling in size. (MSG)

Response As discussed in Chapter 19 of the FGEIS, a portion of existing auto and taxi trips to the Convention Center would be projected to shift to the extended No. 7 Subway line, therefore resulting in a minimal net increment in vehicular trips generated to convention events. This shift in modes is illustrated in Table 19-7. See also response to Comment N-4.

Comment N-20 The DGEIS does not acknowledge the many buses and vans that use neighborhood streets as daytime parking between commuter trips. Do the parking, noise, traffic, and air quality analyses take this phenomenon into account? If not, they must be redone accordingly. (CB4)

Response Buses and vans that may use neighborhood streets for daytime parking were included in the traffic volume and vehicle classification data collected as part of the FGEIS analysis.

4. Temporal Distribution

Comment N-21 The Jets study assumes that 80 percent of the vehicles will depart in the one hour following the game (the critical hour for traffic analysis) while 90 percent was cited in an earlier report prepared by Eng-Wong Taub. (MSG)

Response The comment does not accurately describe the results of the studies. Both the *West Midtown Manhattan Football Stadium Surveys and Recommendations* study (Eng-Wong Taub & Associates, February 2003) and the earlier report (STV Incorporated and Eng-Wong Taub & Associates, *West Side Sports and Exhibition Center Feasibility Study – Transportation Study Report*, January 2001) estimated that 80 percent of attendees who drove to a game would leave in the peak hour. The February 2003 report is based on observations at five downtown NFL stadiums in the United States (Baltimore, Cincinnati, Cleveland, Pittsburgh, and Seattle). The January 2001 report projects that 80 percent of auto trips, 85 percent of transit trips, and 90 percent of walk-only trips would occur in the one hour period immediately following the game. The FGEIS conservatively assumes that 85 percent of all attendees (including those using autos) would depart in the peak one hour period following the game.

Comment N-22 Some attendees at football games and other special events are likely to arrive early on weeknights to tailgate, to have dinner in the City, or to avoid the traffic. How many are likely to arrive early and how will they affect rush hour commuters? (CB4)

Response As described in Appendix S.1 of the FGEIS, the analysis considered arrivals over several hours prior to a weeknight special event at the Multi-Use Facility and compared them to background traffic volumes during these hours. The comparison demonstrated that the 8:00 – 9:00 PM hour was most critical for a weeknight special event at the Multi-Use Facility.

The independent survey of New York Jets season ticket holders indicated that 55 percent of attendees would expect to arrive at the proposed Multi-Use Facility area within an hour immediately preceding the game (the remainder would arrive earlier). This compares to an arrival temporal distribution of 75 percent during the 8:00 – 9:00 PM peak hour that was analyzed in the FGEIS. A decrease in the number of attendees arriving during the peak hour would reduce the amount of Manhattan-bound vehicle and transit trips, many of which would be opposite the direction of peak commuter flow. Additionally, the independent survey of New York Jets season ticket holders indicated that approximately eight percent of the total attendees (6,000 persons) would arrive directly from Manhattan workplaces for a weeknight game.

The survey also indicated that approximately 70 percent of the total attendees (52,500 persons) would arrive from locations outside the five boroughs of New York City. These attendees would be traveling in the reverse direction from the rush hour commute. Therefore, these additional travelers would not affect the rush hour capacity of transportation services.

5. Mitigation

Comment N-23 An incomplete and flawed set of mitigation measures was provided in the DGEIS; full mitigation was deferred to the FGEIS. (MSG, HKNA)

Response The effectiveness of the proposed mitigation measures has been analyzed using the Transportation Research Board’s *Highway Capacity Manual*, as described in the New York City *CEQR Technical Manual*. Proposed mitigation measures presented in the DGEIS were based on standard transportation engineering and planning, including modification of signal phasing and/or timing, elimination of on-street parking within 150 feet of intersections to add a limited travel lane (known as “daylighting”), channelization and lane designation changes to make more efficient use of available street widths, installation of pedestrian overpasses and mid-block crosswalks, restriction of turn movements, and installation of traffic signals at appropriate unsignalized intersections (if warranted). The FGEIS presents additional mitigation measures including turn prohibitions, shifting of the roadway center line, protected phasing, lead/lag phasing, etc. Such additional measures were applied to previously unmitigated intersections within the study area. As a result, the number of unmitigated intersections projected in 2025 were reduced to six during the AM, two during the Midday, seven during the PM, four during the weeknight Special Event, and four during the

Sunday afternoon Special Event peak hours. The DGEIS properly indicated that further efforts would be made to identify additional mitigation measures during the review period. The additional measures identified in the FGEIS serve to reduce the number of unmitigated impacts disclosed in the DGEIS.

Comment N-24 The FGEIS should describe the environmental impacts of any traffic mitigation measures, such as reversing the direction of avenues or streets, restricting other uses of streets (such as street fairs and other events), altering the lane configuration of Route 9A, or otherwise. (MSG, HKNA, CB4)

Response The FGEIS presents Future (2010 and 2025) With the Proposed Action and Mitigation. These analyses incorporate all proposed mitigation measures and their potential environmental effects, including modifications to signal timing, redesignation of lanes, daylighting of parking, turn restrictions, and elimination of pedestrian bulbs on Route 9A/Twelfth Avenue. Street fairs are recurrent and common events and were reflected in the surveys of existing conditions presented in the FGEIS.

Comment N-25 Since NYSDOT must comply with SEQRA at the time it grants permission for the elimination of curb bulb outs, construction of auxiliary lanes, pedestrian bridges, or other mitigation within the right of way of Route 9A in the future, NYSDOT will rely on the DGEIS as it will be finalized to the maximum extent possible, in considering such requests. To the extent that federal permission must also be granted for any such action, the FGEIS will be relied on to the extent possible. (NYSDOT)

Response Comment noted.

Comment N-26 In 1994, NYSDOT produced an FGEIS and Record of Decision for the Route 9A Project from 59th Street to Battery Place which developed traffic volumes generated based on future development. Comparison with the Hudson Yards DGEIS shows that the traffic volumes and impacts identified therein are extremely conservative since accelerated development plus background growth are assumed. Neither of those factors is considered necessary or appropriate under the traffic generation assumptions used by NYSDOT in the development of our FGEIS. This means mitigation identified in the DGEIS may not be required as soon as projected in the document. Thus, we recommend implementation of a monitoring program to most appropriately plan and schedule mitigation implementation. We generally concur with the mitigation concepts in the DGEIS, would consider alternative or additional measures, and commit to carrying out a monitoring program in conjunction with NYCDOT. (NYSDOT)

Response Comment noted.

Comment N-27 What specific improvements are called for along Dyer Avenue and other access points to Lincoln Tunnel to improve the pedestrian environment and avoid conflicts with vehicular traffic? (CB4)

Response Due to the minimal projected demand for pedestrian access along Dyer Avenue, no impacts are anticipated along this roadway and thus no

mitigation is proposed. Throughout the area, proposed mitigation measures include crosswalk widenings and changes to signal timings to allow additional pedestrian crossing time.

Comment N-28 Possible steps to alleviate congestion include raising tolls in the Lincoln Tunnel and building a bus parking facility near the Tunnel. (Housing Conservation Coordinators)

Response Lincoln Tunnel toll policy is the purview of the Port Authority of New York and New Jersey. For the purposes of this analysis, a bus parking facility has been evaluated near the Lincoln Tunnel at Projected Development Site 21 (between West 38th and West 39th Streets, Ninth to Tenth Avenues).

Comment N-29 Mitigation measures are identified, but their effectiveness is in serious doubt. Moreover, their ability to work in concert with one another has not been tested, and their cost has not been disclosed. (RPA, CB4, TSTC, M. Treat, Housing Conservation Coordinators)

Response Proposed mitigation measures have been evaluated and reviewed by the appropriate agencies and are expected to accomplish the goals stated in the FGEIS. Costs associated with these measures are summarized in Chapter 5, “Socioeconomic Conditions.”

Comment N-30 In 2010 and 2025, traffic improvement measures to mitigate stadium-generated traffic would need to be “further evaluated between the Draft and Final GEIS.” (MSG)

Response See responses to Comment N-23 and Comment N-29.

Comment N-31 All mitigation measures would require agency cooperation and are not guaranteed. (MSG)

Response Mitigation measures proposed in the FGEIS have been reviewed by the appropriate operating agencies. It is expected they would be implemented when required.

Comment N-32 The DGEIS promises to “return delay to future without the Proposed Action levels” but fails to show how this can be done. (MSG)

Response The mitigation measures proposed in the FGEIS were used to return future intersection delays with the Proposed Action to within accepted thresholds (without the Proposed Action) identified in the New York City *CEQR Technical Manual*. Summary tables have been provided within the Draft and Final GEIS that document the delay values for conditions both without the Proposed Action and with the Proposed Action with mitigation.

Comment N-33 Projected traffic does not include the one hundred and thirty new buses that will be needed. (CB4)

Response The DGEIS and FGEIS both present Future (2010 and 2025) With the Proposed Action and Mitigation. These analyses incorporate all proposed mitigation measures, including the additional buses required for transit mitigation.

6. Event and Facility Scenarios

Comment N-34 The FGEIS should analyze the traffic and parking conditions that would occur when a football game coincides with the largest events at the Convention Center (subsequent to the expansion), sold-out events at Madison Square Garden and Radio City Music Hall, and other sports and entertainment venues in the study area. (MSG, HKNA)

Response The DGEIS analyzed a highly conservative reasonable worst-case scenario for the Sunday afternoon Special Event traffic level of service based on simultaneous high capacity events at the Convention Center (a “design event day” or 85th percentile public show, approximately twice the average daily attendance), Multi-Use Facility (football game with a capacity crowd, although typically 10 percent are no-shows) and MSG (Rangers game at 95 percent attendance capacity), as described in Appendix S.1 (Multi-Use Facility Transportation Planning Assumptions Technical Memorandum). Moreover, the MSG trip generation reflects a facility expansion from 19,500 seats to 23,000 seats, as well as a shift in location of MSG one block west, closer to the Multi-Use Facility and Convention Center. The Proposed Action also assumes an additional 11.6 percent increase in background traffic by 2025. Considering the largest event at the Convention Center in the context of these conservative assumptions would present an unrealistic and inappropriate basis for impact assessment.

Recent EISs that utilize 85th percentile facility data include the *USTA National Tennis Center Project FEIS*, 1993; *34th Street Rezoning FEIS*, 1990; *Rezoning of the Block Bounded by 42nd Street, 41st Street, 11th Avenue and 12th Avenue*, 1989, and *Ninth Avenue and 31st Street Project*, 1989.

Comment N-35 Football games always occur in the fall and winter. Some of the biggest events at the Convention Center also occur in the winter. The biggest -- the Gift Show -- takes place in January and could coincide with a football game (see EIS, Appendix S-1). (D. Gutman, MSG, HKNA, CB4)

Response Projected attendance at the expanded Convention Center was based on the existing attendance patterns, and the potential for both additional events and additional attendance at existing events due to the increase in exhibition floor area. Although the New York International Gift Fair is the largest event (in terms of exhibition area) held at the Convention Center, it does not have the highest daily attendance. Furthermore, because the winter Gift Fair is traditionally held at the end of January, it is unlikely that this event would coincide with a home playoff football game at the Multi-Use Facility.

Comment N-36 The Boat Show is held in January in combination with two or three trade shows (see EIS, Appendix S-1). The combined Sunday attendance is higher

than the 85th percentile Convention Center event (43,000 vs. 38,000). The same kind of analysis should be applied to events at MSG. For example, hockey and football occur in the same season, and both the Rangers and Jets are playing home games this year on November 1, a Monday evening. (D. Gutman)

Response See response to Comment N-34.

Comment N-37 There must also be consideration of a Saturday special event that coincides with normal Broadway theater schedules as well as cruise ship arrivals and departures from the Passenger Ship Terminal and events at the Convention Center and Madison Square Garden. (CB4)

Response The existing 85th percentile attendance at the Convention Center is higher on Sundays compared to Saturdays and nearly all New York Jets weekend football games are played on Sundays. As described in Appendix S.1, the Sunday afternoon Special Event peak hour of 4:00 PM – 5:00 PM selected for analysis in the FGEIS analyzes the effect of a football game at the Multi-Use Facility, a public show at the expanded Convention Center, and a Rangers game at MSG. This combination of events is the worst-case scenario for trip generation during a weekend event and is not anticipated to occur more than once per year. Existing traffic counts for the Sunday afternoon Special Event peak hour included attendance at Broadway theaters, MSG, the Convention Center, and trips to the Passenger Ship Terminal on Twelfth Avenue.

Comment N-38 The DGEIS analyzed sold out conditions at the proposed Jets Stadium, but used 85th percentile attendance for the Convention Center. The 85th percentile may be valid for normal distributions but when it leads to values that are 60 percent less than the peak attendance it should not be used. MSG suggests using the industry standard of 90 percent of the peak flow for a Convention Center event. (MSG)

Response As described in Appendix S.1, the analysis of events at the Convention Center uses 85th percentile attendance data based on precedent documented in several New York City-certified EIS's (*USTA National Tennis Center Project FEIS*, 1993; *34th Street Rezoning FEIS*, 1990; *Rezoning of the Block Bounded by 42nd Street, 41st Street, 11th Avenue and 12th Avenue*, 1989; and *Ninth Avenue and 31st Street Project*, 1989.) 85th percentile attendances would represent a “design event day” condition that would occur with enough frequency to warrant consideration for analysis. The “industry standard” is by no means uniform; for example Robert A. Weant and Herbert S. Levinson (*Parking*, Westport, Connecticut: Eno Foundation for Transportation, 1990), cite the 85th percentile demand should be used for planning purposes.

Comment N-39 The FGEIS should address the phenomenon of tailgating. (CB4)

Response Since tailgating would not be permitted at the proposed Multi-Use Facility, incorporation of this factor is not appropriate for analysis.

Comment N-40 The DGEIS failed to look at the combined effect of vehicles exiting parking garages simultaneously after a Jets' game. (RPA)

Response The Sunday afternoon Special Event peak hour analyzed in the FGEIS evaluated the combined effect of vehicles exiting parking facilities simultaneously after a football game at the Multi-Use Facility.

Comment N-41 The Auto Show with 100,000 people in attendance could occur at the same time as a basketball game with 40,000 people in attendance. (MSG)

Response Such an event would be expected to occur at best once every several years (i.e., the NCAA Final Four) and would therefore not constitute a reasonable worst-case scenario. Because the projected attendance capacity for a basketball game at the expanded MSG would be 23,618, the Multi-Use Facility would be the only venue in the study area with the capability to hold a basketball game with a capacity of 40,000 seats. Moreover, this combination of events would result in a lower attendance than the total attendance at special events analyzed in the FGEIS. The methodology used to determine an appropriate analysis scenario for a combination of events held at the Multi-Use Facility, the Convention Center, and MSG is outlined in Appendix S.1 (Multi-Use Transportation Planning Assumptions Technical Memorandum).

Comment N-42 A 6,000-person ballroom at the proposed expanded Convention Center is not analyzed as part of traffic analysis nor is the passenger ship terminal and other events and venues. (MSG)

Response Most ballroom attendees are already included in the Convention Center trip generation. Any additional trips would likely occur outside of peak hours analyzed.

Continuous, 24-hour, directional Automatic Traffic Recorder (ATR) machine counts were collected at 100 locations in May 2003, including counts on five consecutive weekdays and two consecutive weekend days. The ATR counts included major approach routes, including 12 locations along Route 9A/West Side Highway/Twelfth Avenue (from Canal Street to West 57th Street). Since the ATR counts were taken at the appropriate locations for nine days straight, vehicles currently utilizing the West Side Highway to access the passenger ship terminal were included in the data collection.

Comment N-43 A "highly conservative combination of events" would actually include: Boat Show, Jets game, other venues having holiday shows, Convention Center's ballroom packed, etc. (MSG)

Response The methodology used to determine an appropriate analysis scenario for a combination of events held at the Multi-Use Facility, the Convention Center, and MSG is outlined in Appendix S.1 (Multi-Use Transportation Planning Assumptions Technical Memorandum). The Sunday afternoon Special Event peak hour of 4:00 PM – 5:00 PM selected for analysis in the FGEIS determines the effect of a football game at the Multi-Use Facility, a public show at the expanded Convention Center, and a Rangers game at MSG. This

combination of events is not anticipated to occur more than once per year.

Table II.1 of the MSG report compares the attendances at venues analyzed in the DGEIS yet these are less than the combinations of events that were included as part of the DGEIS analysis: a 62,284-person public show at the Convention Center was analyzed in the DGEIS (compared to Table II.1, which lists an attendance of 28,000); a football game at the Multi-Use Facility with a capacity crowd of 75,000 was analyzed in the DGEIS (compared to Table II.1, which only lists 70,000 attendees); and a Rangers game with an attendance of 20,499 was analyzed in the DGEIS (compared to Table II.1, which lists a Knicks game with 19,000 attendees).

In order to model the reasonable worst-case scenario, a relocation of MSG has been evaluated because the relocated site would no longer be located above Penn Station and the percentage of attendees driving as opposed to using transit is assumed to increase.

The dates of New York Jets home football games have not regularly coincided with the New York National Boat Show. In the past five years (2000-2004), there have been only two instances of days on which the New York Jets played a home football game during the New York National Boat Show (one of which was a playoff game). Since this combination of events has occurred on average less than once per year it does not constitute the reasonable worst-case scenario of events. Furthermore, although the New York Jets might play in a regular season or playoff football game on the same day as the New York National Boat Show, this game would not necessarily be played at home.

The *CEQR Technical Manual* notes that traffic counts should not be taken during periods of the year within which traffic volumes or patterns are unusually low or high and do not provide representative traffic data. This includes the peak pre-Christmas and post-holiday shopping season, encompassing all of December and the first half of January.

Comment N-44 The DGEIS assumes that no evening events would occur at a trade show or evening hours held at a public show simultaneously to a weeknight stadium event. These are not reasonable assumptions. (MSG)

Response Travel projections for a weekday event at the expanded Convention Center were based on surveys conducted at a combination of three trade shows. Trade shows represent the predominant type of events held on weekdays and a review of 1999 Convention Center events shows that there were 147 days with trade shows and only 20 days with public shows. The temporal distributions used for analysis in the FGEIS of a weekday trade show include attendee trips until 8:00 – 9:00 PM and exhibitor trips until 9:00 – 10:00 PM.

Comment N-45 Page 19-16 of the DGEIS says, “Visitation of all other shows is expected to increase by 84 percent—approximately the same factor as the increase in exhibition floor space.” But, in Table 19-4 net increases are just 52.9 percent on weekdays and 63.8 percent on weekends. The DGEIS uses statistics to

reduce the impact of the large shows at the Convention Center and as a result seriously underestimates the potential impact of a Jets Game and a major show at the Convention Center. (MSG)

Response As stated in Page 19-17 of the FGEIS, in order to project the future 85th percentile attendance at the expanded Convention Center in the Future With the Proposed Action, the daily attendances of all Convention Center events held in 1999 would increase by 15 percent for public shows and 85 percent for trade shows.

Comment N-46 The number of cars generated by a Jets football game is underestimated by a factor of more than two. (MSG)

Response See responses to Comment N-1 and Comment N-15.

Comment N-47 The DGEIS does not consider overlapping departures from multiple simultaneous events (i.e. a concert at MSG and a football game). For this purpose, the FGEIS should use the 11:30 PM to 12:30 AM peak period for study. (CB4)

Response The methodology used to determine an appropriate analysis scenario for a combination of events held at the Multi-Use Facility, the Convention Center, and MSG is outlined in Appendix S.1 (Multi-Use Transportation Planning Assumptions Technical Memorandum).

It is unlikely that departures from an event at MSG would overlap with those from a football game at the Multi-Use Facility. A review of all weekday events held at MSG in 2002 showed that New York Rangers games typically began at 7:00 PM, New York Knicks games typically began at 7:30 PM, and the starting times of concerts were generally split between 7:30 PM and 8:00 PM. Since the normal durations of NBA Basketball and NHL Hockey games are 2 ½ hours and 2 ¾ hours, respectively, New York Knicks Games and New York Rangers games would end before 10:30 PM, well before the conclusion of a football game at the Multi-Use Facility (approximately after midnight). Three-hour concert durations would result in end times of 10:30 PM or 11:00 PM and associated departures would not overlap those from a football game at the Multi-Use Facility. Moreover, Chapter 19 of the DGEIS states that future ambient traffic volumes are expected to be significantly lower during this late night period.

Comment N-48 Any year that the Jets make the playoffs (or that the regular season runs late, as it does this year), the Jets' schedule will coincide with the boat show. The FGEIS must study the impact of this "coincidence." (CB4)

Response The dates of New York Jets home football games have not regularly coincided with the New York National Boat Show. In the past five years (2000-2004), there have been only two instances of days on which the New York Jets played a home football game during the New York National Boat Show (one of which was a playoff game). Since this combination of events has occurred on average less than once per year it does not constitute the reasonable worst-case scenario of events. Furthermore, although the New

York Jets might play in a regular season or playoff football game on the same day as the New York National Boat Show, this game would not necessarily be played at home.

Comment N-49 The stadium will cause unacceptable traffic. (Block Assn. of West 55th Street, K. LaReaux, MSG, HKNA, R. Seward, Straphangers)

Response Upon implementation of proposed mitigation measures, no unmitigated impacts would occur during the 2010 AM, Midday, and PM peak periods, and at four intersections in both of the 2010 Special Event peak periods. In 2025, unmitigated significant impacts would occur at six, two, and seven intersections during the AM, Midday, and PM peak periods (respectively), and at four intersections in both of the Special Event peak periods. The Proposed Action would therefore result in unmitigated significant impacts at a relatively small number of intersections.

Comment N-50 The DGEIS has underestimated the number of intersections that will receive Level of Service F due to Jets fans traveling to and from the stadium. (MSG, HKNA)

Response See responses to Comment N-1 and Comment N-15. Sixty intersections were analyzed specifically for the 2025 Special Event peak hours generated by major events (including New York Jets games) at the proposed Multi-Use Facility. Based upon the reasonable worst-case scenario, which includes simultaneous high capacity events at the Multi-Use Facility (specifically, sold out football game, although typically 10 percent are no-shows), Convention Center (85th percentile show), and MSG (an 85th percentile concert for the weeknight Special Event peak hour and a Rangers game at 95 percent attendance capacity for the Sunday afternoon Special Event peak hour), four intersections would remain with unmitigated significant traffic impacts during weeknight and Sunday afternoon Special Event peak hours in 2025.

Comment N-51 The DGEIS underestimates the number of visitors to the Convention Center in considering the potential for traffic impacts from a combination of Convention Center and stadium events. (MSG, HKNA)

Response See response to Comment N-34.

7. River Crossings

Comment N-52 The following areas warrant additional analysis and interagency consultation as the environmental review and other approval processes move forward: Lincoln Tunnel traffic flows including but not limited to the New Jersey approaches and the Exclusive Bus Lane operations; Potential for displacement of West-Midtown-based commercial operations to New Jersey, with consequent increases in Lincoln Tunnel bus and truck traffic as noted by others and acknowledged in interagency consultation with the sponsors; assurance of ongoing interagency coordination to monitor West Midtown transportation conditions, refine and augment mitigation measures, and manage limited available transportation capacity. (PANY&NJ)

Response The project sponsors, MTA and the City of New York, are committed to working with the Port Authority on transportation planning issues referred to in the comment.

Comment N-53 The FGEIS should describe the traffic conditions that will occur at the New Jersey approaches to the Lincoln Tunnel, Holland Tunnel, George Washington Bridge, and at and near New Jersey ferry terminals, before Jets games. (MSG, HKNA, CB4)

Response The New York Jets currently play at the Meadowlands Sports Complex which has approximately 80,000 seats and 25,000 on-site parking spaces. Approximately 10,000 patron vehicles cross the Hudson River westbound before each game and eastbound after each game under current conditions for a total of 20,000 patron vehicle crossings on a game day. Ferries do not serve the Meadowlands.

The proposed Multi-Use Facility would have 75,000 seats and no parking would be provided on-site. Convenient ferry service to New Jersey would be available as well as a new subway station at the Multi-Use Facility. Approximately 4,320 patron vehicles would cross the Hudson River eastbound before a game and westbound after a game for a total of 8,640 crossings. Approximately 6,800 patrons would use ferries to access the Multi-Use Facility from New Jersey.

The Proposed Action would therefore result in a reduction of 5,680 trans-Hudson patron vehicles before and after a game, or a total reduction of 11,360 patron vehicles trans-Hudson on a game day spread across the Lincoln Tunnel, Holland Tunnel and George Washington Bridge. As the fan base migrates east of the Hudson as projected, this reduction would increase, further improving conditions at the toll plazas. Sunday traffic volumes in the vicinity of the ferry terminals would increase on special event days under the Proposed Action, and traffic operations would be expected to be similar to those experienced during weekday peak hours.

Comment N-54 The DGEIS uses 1990 census data and assumes that the percent of workers coming from New Jersey is less than 19.5 percent (this figure includes commuters from Rockland County) while RPA analysts suggest that 25 percent is a more realistic figure given the development of New Jersey's commuter communities over the past 15 years. We note that 89 percent of all increase in commuters in the city over the last 20 years came from areas west of the Hudson. The location of the new office space in west Midtown will reinforce this trend. The traffic analysis must be redone to reflect the actual numbers of New Jersey commuters. As it is now, the travel route assignment seriously underestimates traffic on Route 9A and through the Hudson River crossings. There is no discussion of the George Washington Bridge at all. Nor is there any discussion of traffic in New Jersey itself. (CB4)

Response See responses to Comment N-3 and Comment N-53.

Comment N-55 The DGEIS relies on river crossing data from 1998 and then increases it by the background level of traffic growth for Manhattan. This is likely to significantly underestimate the use of Hudson River crossings due to recent growth in New Jersey bedroom communities and related increase in commuting from New Jersey. The FGEIS must account for real growth in the region and not rely on generic projections. (CB4, MSG)

Response The portal analysis presented in the FGEIS has been updated to reflect 2003 data. See Chapter 19, “Traffic and Parking.”

Comment N-56 The DGEIS assumes that 800 additional vehicles using the Lincoln Tunnel will have no backup effect on the overall system. This seems unrealistic. We also question the ability of the Lincoln Tunnel to handle thousands of new commuters from New Jersey leaving work at the same time that attendees to stadium events from New Jersey and elsewhere begin to arrive for a special event. The Lincoln Tunnel has no spare capacity today and there is already a minimum of 10 blocks backup everyday. (CB4, HKNA)

Response The DGEIS identifies intersections with significant peak hour traffic impacts and recommends appropriate mitigation measures. Upon implementation of recommended mitigation measures, significant traffic impacts in 2025 would occur at six intersections in the AM peak hour, two in the Midday peak hour, seven in the PM peak hour, and four in each of the Special Event peak hours.

Comment N-57 The DGEIS fails to analyze the increased number of river crossings and associated traffic if the FedEx 34th St. facility is relocated to New Jersey. (FedEx Express)

Response The DGEIS assumes that the FedEx Express operation at the 34th Street Facility would be closed as a result of the Proposed Action. According to FedEx, 119 pick-up and delivery vehicles (PUDs) are currently dispatched from the 34th Street Facility. In the event that the existing facility was relocated to New Jersey, all of these PUDs would be required to use either the Holland or Lincoln Tunnels to serve Midtown Manhattan. FedEx estimates that that the company would need to add approximately 45 PUDs to make deliveries to the same area in Midtown Manhattan currently served by the 34th Street Facility from a new facility in New Jersey.

Conservatively assuming that all of these vehicles (164) would use the Lincoln Tunnel during the AM peak hour, Lincoln Tunnel volumes would increase less than three percent during the 2025 morning peak hour. This increase would be within the tunnel’s estimated mainline capacity, and no new significant impacts would result. It should be noted that in the event of such a move, larger tractor-trailers loaded with cargo containers (CTVs), which shuttle packages between FedEx’s sorting facilities and the airport, would no longer travel into Manhattan (mostly during the off-peak hours of the day) through the tunnels to serve the relocated facility.

Comment N-58 The DGEIS overestimates the capacities for Manhattan River crossings as calculated by the New York City Department of Transportation [in a 1977 report]. (MSG)

Response The FGEIS includes a refined portal analysis using facility-specific geometric data, vehicle characteristics and operational policies. Facility-specific capacities were estimated by direction and time of day to reflect operational policies such as the reversal of lane directions to accommodate peak traffic flows. The FGEIS' refined capacities are based on actual portal conditions and are lower than the DGEIS screening capacities. These results are reported in Chapter 19, "Traffic and Parking." The capacity analysis cited in the 1977 report are outdated as existing volumes generally exceed these capacities.

Comment N-59 According to the DGEIS, by 2010, there will be no traffic jams at any of Manhattan's bridges and tunnels during the AM and PM peak hours or at any other time. (MSG)

Response The refined portal analysis is provided within Chapter 19 of the FGEIS.

8. Existing and Changed Conditions

Comment N-60 The EIS traffic analysis does not accurately portray the extent of current traffic congestion. It is well known that traffic congestion, largely due to the Lincoln Tunnel, currently causes extensive queuing on area streets. Yet the EIS portrays most intersections as operating well below capacity. For example the intersection of 42nd Street and Ninth Avenue is portrayed as having a level of service of "C" in the PM peak hour, with a southbound volume-to-capacity ratio of 0.88, even though it is well known that the intersection operates well over capacity (in modeling terms), causing backups into upstream blocks. Thus there is no spare capacity at that intersection for future increases in traffic. Additional traffic will simply extend the Ninth Avenue queue north of 50th Street. Another example is northbound Eighth Avenue in front of the Port Authority Bus Terminal at West 42nd Street, which is said to operate at a volume-to-capacity ratio of 0.71 in the PM peak hour. (D. Gutman)

Response Traffic data was collected throughout the study area and existing conditions of 229 intersections are presented in the FGEIS. As described in Chapter 19 and shown in Figures 19-4 and 19-5, the data collection plan included manual turning movement counts for three consecutive weekdays and continuous, 24-hour, directional Automatic Traffic Recorder (ATR) counts for five consecutive weekdays at the referenced intersections. Traffic operations were analyzed utilizing the procedures detailed in the Transportation Research Board's *Highway Capacity Manual* for both signalized and unsignalized intersections, as described in the New York City *CEQR Technical Manual*, and were reviewed and approved by NYCDOT as an appropriate representation of existing conditions.

Comment N-61 Already choking traffic prevents businesses from bringing materials into the City or exporting products out of the City. The Proposed Action will cause unacceptable traffic. (T. Duane)

Response The FGEIS comprehensively analyzes the traffic impacts of the Proposed Action in Chapter 19.

Comment N-62 Even using extremely optimistic assumptions, the Proposed Action will significantly adversely affect 130 intersections during a typical afternoon commute in 2025. The proposed level of commercial density simply cannot be handled by the City's street network. It is clear that, as early as 2010, with or without a stadium, the density proposed by the city combined with the Convention Center expansion cannot be supported by the proposed upgraded infrastructure. (CB4)

Response Upon implementation of proposed mitigation measures, no unmitigated impacts would occur during the 2010 AM, Midday, and PM peak periods, and at four intersections in each of the 2010 Special Event peak periods. In 2025, unmitigated significant impacts would occur at six, two, and seven intersections during the AM, Midday, and PM peak periods (respectively), and at four intersections in each of the Special Event peak periods. The Proposed Action would therefore result in unmitigated significant impacts at a relatively small number of intersections.

Comment N-63 The DGEIS does not consider the recent changes to Eleventh Avenue, the concentration of long trucks rerouted from the Holland Tunnel, the closing of streets for security, and the change in flow toward the Lincoln Tunnel. We expect that the FGEIS will rely on more recent data, as the DGEIS says that it will. We note that we are unable to fully review this traffic analysis due to the omission. (CB4, HKNA)

Response The data and analyses presented in the FGEIS have been updated to reflect changes in the study area, including NYCDOT's redesignation of Eleventh Avenue for one-way operations southbound between West 42nd and West 44th Street, implementation of a Lincoln Tunnel Access project, the effects of recent Holland Tunnel truck restrictions, and the implementation of Midtown *THRU* street restrictions.

Comment N-64 Projected traffic does not include the cars that already clog the West Side Highway on weekends when the passenger ship terminals are busy. (CB4)

Response Continuous, 24-hour, directional Automatic Traffic Recorder (ATR) machine counts were collected at 100 locations in May 2003, including counts on five consecutive weekdays and two consecutive weekend days. The ATR counts included major approach routes, including 12 locations along Route 9A/West Side Highway/Twelfth Avenue (from Canal Street to West 57th Street). Since the ATR counts were taken at the appropriate locations for nine consecutive days, vehicles currently utilizing the West Side Highway to access the passenger ship terminal were included in the data collection.

Comment N-65 The DEIS assumes that a number of infrastructure projects will be completed by the project build year of 2010. However it is unlikely that many, if not all, of the cited projects will be in service by the build year. These include the following: No. 7 Line Extension, Pedestrian Bridge over Route 9A, the relocation of the Tow Pound, and Second Avenue Subway. (MSG)

Response Extension of the No. 7 subway line, as part of the Proposed Action, is scheduled for completion in 2010. All changes to study area conditions

attributed to this project are included in the 2010 Future with the Proposed Action. In contrast, since the Second Avenue Subway line and East Side Access projects are not scheduled for completion prior to 2010, the 2010 Future conditions do not include these projects.

Two pedestrian bridges over Route 9A are proposed as mitigation for potential impacts to pedestrian conditions. Analysis of the future conditions upon incorporation of this mitigation measure is appropriate, as per the *CEQR Technical Manual*.

Comment N-66 In the DGEIS, 41st St. is considered open between Eighth and Ninth Avenues, but should be closed. (MSG)

Response This change is incorporated into the FGEIS.

Comment N-67 Study the Ninth Avenue queue to the Lincoln Tunnel, and its affect on pedestrians. (HKNA)

Response Vehicular traffic and pedestrian operations along Ninth Avenue have been analyzed and presented in the FGEIS.

Comment N-68 During weekday and weekend field reviews of the study area, there were numerous long back-ups of traffic not noted in the traffic analysis in the DGEIS. (MSG)

Response Intersections that operate at level of service mid-D, E, and F are identified within the existing conditions section of Chapter 19, "Traffic and Parking."

Comment N-69 In the cases of West 34th and West 42nd Streets, the cause of backups was not just the amount of traffic but the presence of pedestrians, a fact not acknowledged in the DGEIS. (MSG)

Response Pedestrian volumes derived from field counts were incorporated as part of the input data used in the HCS program to analyze signalized intersections throughout the study area. The effect of the pedestrian movements worsened the level of service for conflicting right and left turn movements at these intersections.

Comment N-70 The DGEIS does not address the short blocks and friction from the parked vehicles reduced the capacity of the lanes adjacent to the curbs on Tenth and Eleventh Avenues in the vicinity of West 34th Street. (MSG)

Response Parking maneuvers were incorporated as part of the input data used in the HCS program to analyze signalized intersections throughout the study area. The effect of the parking maneuvers worsened the level of service for approach movements at these intersections.

Comment N-71 Eleventh Avenue was converted from two-way to one-way southbound between West 44th Street and West 42nd Street in October 2003. This change is not reflected in the DGEIS. (MSG)

- Response** The data and analyses presented in the FGEIS have been updated to reflect changes in the study area after completion of the DGEIS, including NYCDOT’s redesignation of Eleventh Avenue for one-way operations southbound between West 42nd and West 44th Streets.
- Comment N-72** The traffic analysis in the FGEIS should reflect the possibility that the bus garage is not built or is built in a different location than that proposed. (CB4)
- Response** The subject buses are in operation during the AM and PM peak hours and are included in the traffic analysis. These buses would be stored in the new facility during off-peak hours and no credit was taken for the removal of these buses during these hours.
- Comment N-73** How will the required new schools, firehouse, and other community facilities affect traffic? (CB4)
- Response** As part of the 2025 Future with the Proposed Action, over 300,000 square feet of new community facility space was analyzed for projected trip generation. The additional traffic generated by these uses (including schools, museums, churches, day care centers, etc.) were included in the projected traffic operations.
- Comment N-74** The relocation of the Tow Pound would significantly affect traffic as trucks queue up for entry to a secure facility. However, the DGEIS states on p. 31, “no additional traffic volumes or traffic-related impacts are associated with this element.” (MSG)
- Response** Existing demand for the Tow Pound facility is included in the traffic volumes presented in the Existing Conditions section, and maintained within the study area in all future years for the site’s potential relocation. As peak hour utilization for the Tow Pound facility does not coincide with the peak traffic hour of either the existing street network or the trips generated by the Proposed Action, this element is not considered a significant traffic generator and would not impact the peak hours analyzed.
- Comment N-75** The DGEIS assumes that all streets in the study area are open and available to traffic. Especially on Sundays, many streets are closed because of street fairs, parades, foot or bicycle races, and other such events. Much road maintenance work is also performed on Sundays. The DGEIS should analyze traffic conditions taking account of all these kinds of street closures. If the plan is to prohibit such street closures on football game days, the number and nature of events and roadway maintenance that would have to be cancelled or rescheduled should be disclosed. (MSG, HKNA)
- Response** A comparison of 2003 schedules indicates that on only one day (September 5, 2003) throughout the year was a street fair held within the study area on the same day that the New York Jets played a home football game (either regular or pre-season). Inclusion of this additional and infrequent confluence of events is not considered an appropriate representation of future Hudson Yards activities. See also response to Comment N-24.

Comment N-76 The Jets stadium would curtail street activities that are part of the fun and fabric of city life. The DGEIS assumes full capacity of all roads during game days, meaning no closures for other events. (MSG)

Response Except for West 30th and West 33rd Street in the immediate vicinity of the Multi-Use Facility, there would be no street closures that would preclude street activities. In view of the limited number of days with special events, it is not expected that the Proposed Action would have a significant impact on these street activities. All street fairs would remain subject to the review of the Street Activity Permit Office. The current practice of scheduling roadway maintenance falls under the jurisdiction of NYCDOT and NYSDOT. These agencies would be expected to continue the coordination of construction activities so as to minimize their impact upon the traveling public.

Comment N-77 In ignoring the normal level of City-approved street activities, the DGEIS Sunday peak analysis is flawed. The DGEIS does not commit the City to deny activities such as those listed above when they conflict with the Jets. (MSG)

Response See response to Comment N-76.

Comment N-78 The transportation analysis in the DGEIS assumes coordinated implementation of its public-sector components and phased emergence of private commercial and residential development in the area. A specific example is the need to maintain bus staging and storage activity on Port Authority-owned properties in the area currently leased to bus carriers and proposed for redevelopment in the City's rezoning plan. The Port Authority anticipates the continued need for bus storage at these locations pending the completion of the joint Port Authority-NYC Bus Staging and Storage Study and the selection, approval, funding, and construction of a replacement facility or facilities for this purpose. (PANY&NJ)

Response See response to Comment N-52. It is assumed that the existing off-street bus parking facilities owned by PANY&NJ would be maintained until a new facility is constructed.

Comment N-79 The suitability of the site assumed in the DGEIS for a bus staging and storage facility relative to other candidate sites identified in the Port Authority's Bus Staging and Storage Study has not been established. Final action on the environmental review and ULURP package should not preclude the ability to locate needed bus storage capacity at the most appropriate site or sites. A decision to add such a facility or facilities to the Port Authority capital program would follow completion of the study and would require certain approvals beyond the scope of the DGEIS. (PANY&NJ)

Response Comment noted.

Comment N-80 The Port Authority and the Economic Development Corp. are currently performing an inventory of bus parking and storage as part of their plan to

build a new bus garage. The results of this study should be used in the FGEIS to more accurately estimate bus traffic in the area. (CB4)

Response As the conclusions of this study have not been published, a preliminary site has been assumed for generic purposes for trip generation and roadway operational analyses.

Comment N-81 The FGEIS should consider what will happen if the bus parking on Block 675 stays where it is, and must also consider where it is likely to be relocated if the development does occur as planned. (CB4)

Response The Future Without the Proposed Action condition of the FGEIS evaluates the scenario in which the bus parking on Block 675 would remain. Development of this block as a multi-agency facility for the DSNY and NYPD Tow Pound functions in the Future With the Proposed Action condition would displace the bus parking. It is anticipated that the displaced bus parking could be accommodated in a new planned PANY&NJ Bus Garage.

9. Safety

Comment N-82 Traffic study area selection did not specifically take into consideration high accident locations and intersections that may be problematic from a safety standpoint, as required by the *CEQR Technical Manual*. (MSG, HKNA)

Response As stated in Chapter 20 of the DGEIS, accident summary data was obtained from the NYSDOT Centralized Local Accident Surveillance System (CLASS) for the three-year period from May 1, 1998 to April 30, 2001. The selection of the traffic study area, which was done in consultation with the co-lead agencies and NYCDOT, considered locations that may be problematic from the safety viewpoint.

10. Methodology

Comment N-83 The wrong data was used. June traffic volumes and parking data were used as the background condition even though football, hockey and NBA basketball are all played in the fall and winter. (MSG)

Response 2003 Existing traffic volumes for the AM, Midday, and PM peak hours were based on 2000 traffic counts collected as part of DCP's *Far West Midtown Transportation Study*. As described in Appendix S.2, this data was updated with turning movement counts at 40 intersections for three days and Automatic Traffic Recorder (ATR) counts at 100 locations for five consecutive weekdays and two consecutive weekend days. Both the Convention Center and Madison Square Garden hosted several events during this period and the traffic generated by these events was included in the existing conditions.

Adjustments were made to traffic volumes to account for operational changes (e.g., the implementation of bi-directional traffic on Eleventh Avenue and the reconfiguration of several intersections along the Route 9A corridor). Additionally, all 2000 traffic count data was increased by a growth rate of 0.5

percent per year. The final balanced traffic volumes were compared with recent counts at the Lincoln Tunnel and the *Proposed Sale of Con Edison First Avenue Properties to FSM East River Associates LLC DGEIS* and determined to meet or exceed these volumes. 2003 Existing traffic volumes for the weekday and Sunday afternoon Special Event peak hours were based entirely from data collected in June 2003.

Visual inspection and interviews with parking facility operators were conducted in May and June 2003. Parking utilization data were adjusted based on surveys collected in May 2000, October 2000, October 2003, and November 2003 to reflect demand associated with concurrent events at Madison Square Garden and the Convention Center.

Comment N-84 Rush hour lasts from approximately 10AM to 8PM each weekday. (T. Clay)

Response Peak hours represent the highest levels of project-generated trips. Weekday peak hours, which also coincide with peak existing traffic volumes included AM (8:00 AM – 9:00 AM), Midday (12:00 PM – 1:00 PM), and PM (5:00 PM – 6:00 PM). Additional Special Event peak periods, including weeknight (8:00 PM – 9:00 PM) and Sunday afternoon (4:00 PM – 5:00 PM) represent the greatest increase of traffic volumes, generated by a combination of events at the proposed Multi-Use Facility, expanded Convention Center, and other area facilities.

Comment N-85 The 6pm-7pm or 7pm-8pm Monday and Friday night periods must be studied if the DGEIS is to consider peak traffic volumes. Events at the study area venues combine in various manners and that impacts traffic and parking. (MSG)

Response Appendix S.1 of the FGEIS provides a comparison of total vehicle trip generation for eight possible combinations of weeknight events at the Multi-Use Facility and Madison Square Garden. The combination of special events that would generate the highest amount of vehicle trips over a one hour period—a 9:00 PM regular season football game at the Multi-Use Facility and a 8:00 PM concert at Madison Square Garden—was selected for analysis in the FGEIS. Although pre-season New York Jets games could start before 9:00 PM on weeknights, a review of attendance data from 1999-2003 shows that New York Jets home pre-season games have a significant amount of no-shows (approximately 46 percent) compared to regular-season games (approximately 8-12 percent) and therefore have fewer overall attendees. Additionally, pre-season games would occur during the summer when schools are closed and many people are away on summer vacation, so existing traffic volumes are typically lower than during the remainder of the year. By analyzing a regular season football game with a capacity crowd of 75,000 attendees, the FGEIS considers the worst-case scenario.

Comment N-86 We disagree with the limited choice of times for the Special Event peak hour. We believe that departures from the stadium should also be studied because departures occur in a more compressed time period than arrivals, and also because a night-time football game and a concert at Madison Square Garden

are likely to end at about the same time. The FGEIS should study departures times of stadium events as part of its peak hour traffic analysis. (CB4)

Response See response to Comment N-47.

Comment N-87 The Final Scope (pages 26-27) promised a presentation of “travel speed and delay runs,” which are conducted by driving vehicles along “selected routes.” This was not provided in the DGEIS. (MSG, HKNA)

Response This information was collected as part of the FGEIS analysis and incorporated, as appropriate into the analysis of air quality conditions. This information is located in Appendix T.

Comment N-88 The DGEIS did not include an assessment of traffic north to 72nd street. (MSG, HKNA, D. Gutman)

Response The FGEIS includes analysis of additional intersections representing traffic conditions in the Upper West Side. These intersections include West End Avenue at West 72nd Street, Amsterdam Avenue at West 65th Street, and Columbus Avenue/Broadway at West 65th Street.

Comment N-89 Future base traffic volumes are derived from existing traffic volumes. Existing traffic volumes are based on counts taken in June, 2003, which probably did not represent an 85th percentile, or higher, day at either the convention center or MSG. Quite possible nothing was happening at either venue. Thus adding only the incremental changes in 85th percentile convention center and MSG trips to base traffic does not represent simultaneous “major” events, as claimed. The full traffic from 85th percentile events should have been used instead, after subtracting the actual traffic, if any, at MSG and the Convention Center on those particular June days. (D. Gutman)

Response Continuous, 24-hour, directional Automatic Traffic Recorder (ATR) machine counts were collected at 100 locations in May 2003. The data collection period included counts on five consecutive weekdays and two consecutive weekend days. Both the Convention Center and Madison Square Garden hosted several events during the data collection period. Therefore, the traffic generated by these events was included in the existing conditions.

Comment N-90 The EIS increases background traffic by 0.5 percent per year up to the assumed build-year of 2025, increasing base traffic by 10.5 percent over the twenty year period. The analysis was not “conservative.” In reality EDC expects that the amount of office and residential space projected will be built over a thirty-year period from 2005 to 2035. Over that period background traffic will grow by 16 percent, not 10.5 percent. Hudson Yards traffic added to the larger base traffic volumes in 2035 would cause devastating traffic impacts throughout the area. (D. Gutman)

Response The conservative nature of the 0.5 percent annual background growth rate compounded over 22 years substantially accounts for any additional background growth that may occur if projected developments in the

Proposed Action are delayed beyond 2025. Analysis of the Proposed Action included the conservative assumption that the complete build-out of residential and office space would occur by 2025. Should the same amount of development occur over a greater amount of time (e.g., 30 years), impacts would be less compressed than those represented in the FGEIS, and operating agencies would have additional time to implement mitigation.

Comment N-91 Growth rate calculation does not appear to be calculated correctly on page 28. The growth rate in traffic volumes should be 11.6 percent for 2025, not 11.32 percent. This rate was compounded to 2010 and then rounded off before continuing the growth to 2025. (MSG)

Response A cumulative background growth rate of 11.60 percent was applied to 2003 conditions to represent background growth in traffic volumes occurring over the 2003-2025 period. This was correctly described in the hard copy version of the DGEIS but was incorrectly listed in the electronic version of the DGEIS.

Comment N-92 Severe traffic congestion on the West Side will cause traffic backups across town and across the Hudson River. Game day traffic should be studied all along 42nd Street and 34th Street. East side intersections should be studied more thoroughly, particularly along the streets north and south of 42nd Street and 34th Street that motorists are likely to use as alternate routes to avoid congestion when the main thoroughfares are backed up. (CB4)

Response The study area for the weeknight and Sunday afternoon Special Event peak hours was selected to include critical intersections in the immediate vicinity and along key approach routes to the Multi-Use Facility and the Convention Center, including Route 9A (Twelfth Avenue), Eleventh Avenue, Tenth Avenue, West 34th Street, and West 42nd Street, as well as the streets north and south which would provide alternate routes to the facilities. The study area also includes the intersection of Second Avenue and East 36th Street at the approach to the Queens Midtown Tunnel.

Comment N-93 The DGEIS does not study any unsignalized intersections during a Special Event peak hour. In other words, it does not adequately address traffic backing up on Twelfth Avenue as people come and go from Jets games, conventions, and concerts. The FGEIS must rectify this serious oversight. (CB4)

Response Analysis of the five unsignalized intersections within the study area revealed that impacts would be anticipated during the weekday AM, Midday, and PM peak periods. Recommended mitigation of these impacts includes installation of traffic signals at these locations which would remain in operation during all time periods. A separate analysis of the Special Event periods was not required in view of this mitigation. Additionally, ambient traffic volumes along Route 9A are lower in the Special Event periods compared to the weekday AM and PM peak periods.

Comment N-94 According to the DGEIS, the Midblock Park and Boulevard System will lie on top of a 950 space public parking garage with vehicular ingress and egress at 35th and 36th streets. The traffic on this boulevard is omitted from the discussion of 2010 and 2025 conditions, presumably under the theory that if it didn't exist before, it can't be adversely affected. Traffic on the Boulevard at peak hours must be studied in the FGEIS. (CB4)

Response Traffic operations at two intersections along the proposed Midblock Boulevard were analyzed in the 2010 Future with the Proposed Action (only the southern portion between West 33rd and West 34th Streets would be completed by 2010). Traffic operations at all intersections along the proposed Midblock Boulevard were analyzed in the 2025 Future with the Proposed Action. All intersections along the proposed Midblock Boulevard are anticipated to operate at acceptable levels of service in 2010 and 2025 conditions; therefore, no impacts are anticipated.

Comment N-95 The DGEIS states that Clinton's narrow east-west streets between West 43rd and West 49th Streets "serve a local function." Although this is indeed the use for which they are intended, their actual use is more complex. These streets carry through traffic to midtown and serve as staging areas for commercial vehicles, taxis, and limousines. Local residents have to compete with these other users for limited parking spaces. The FGEIS should study the actual use of the streets in the primary study area, and an assessment of how the Proposed Action will affect those streets and the people who live on them. (CB4)

Response A comprehensive analysis of traffic and parking are included in Chapter 19, "Traffic and Parking," of the FGEIS.

Comment N-96 The DGEIS identifies many critical intersections as having delays exceeding 300 seconds (5 minutes). A five-minute delay clearly will impact other intersections in the network yet this is not analyzed. The authors claim that delays calculated at greater than 300 seconds are unreliable yet they do not say why. The simple fact is that these delays are indicative of gridlock and the document ignores that fact. For example, the West 34th Street corridor between Eighth and Eleventh Avenues would be at a standstill—effectively creating a ¾-mile long wall of traffic blocking north-south movement as a result of a stadium event. No attempt was made in the document to determine the system-wide gridlock issue. The traffic model only looks at individual intersections. A more sophisticated model would show spillback and cumulative effects of traffic. We see the failure to perform a micro-simulation of the study area to be a serious omission. The simulation analysis performed by MSG clearly demonstrates the failure of the DGEIS to accurately describe the traffic conditions following a Jets game and provided clear evidence that serious congestion would extend for a prolonged period far beyond the undersized study area in the DGEIS. (MSG, HKNA, TSTC, CB4, HKNA, Straphangers)

Response As noted previously, the FGEIS projected traffic volumes reflect extremely conservative trip generation and travel growth assumptions. The Chapter 19, "Traffic and Parking," traffic impact analysis utilizes the procedures detailed

in the nationally observed Transportation Research Board's *Highway Capacity Manual* (HCM) for both signalized and unsignalized intersections. The use of HCM is directed by the *2001 CEQR Technical Manual* because it is the most appropriate methodology for impact analysis under CEQR. Adherence to this methodology provides a consistent basis for land use and environmental determinations by City agencies.

The HCM methodology, which was applied to an extensive network of nearly 250 intersections for the Proposed Action, is based on a conservative "demand assignment" approach, in which traffic is routed along the shortest route, without any option to divert from areas of congestion. The results of this conservative analysis reveal the potential for significant impacts at a number of study area intersections in all time periods. The excessive delay at most of these locations would be attributable to left-turn movements; through movements generally would not be subject to comparable delays.

Network simulation models are primarily planning tools, intended to optimize traffic flows in a given network. Applied to the Proposed Action, these models would reflect the diversion of traffic away from congestion and portray less conservative impacts at intersections of concern.

As shown in the FGEIS, some intersections in Hudson Yards are subject to congestion during peak hours that would be exacerbated by the Proposed Action, leading to conditions similar to Midtown Manhattan. As described in Chapter 19, "Traffic and Parking," at locations with chronic queuing problems "DON'T BLOCK THE BOX" pavement marking would be installed and increased point penalties would be enforced in order to keep intersections clear and permit cross-stream traffic to flow. In addition, it is City practice to employ traffic control agents where necessary to avoid, to the extent practicable, areawide congestion and any resulting spillback. The mitigation plan for Special Events at the Multi-Use Facility includes the deployment of 20 traffic control agents and partial closures of West 30th and West 33rd Streets, in order to expedite traffic operations before and after Special Events.

Comment N-97 An analysis of the street network, using accurate projections of the number of cars generated by a Jets game, shows that gridlock would extend from SOHO to 70th Street for two hours after a game and congestion would extend from the Battery to the George Washington Bridge and from the East River Crossings to the Hudson River. (MSG)

Response As shown in the FGEIS traffic at times of Special Events would results in a limited number of unmitigated traffic impacts, all on West 34th Street.

Comment N-98 West 43rd Street and Ninth Avenue does not appear in the traffic analysis, nor do many intersections along Ninth Avenue. (M. Treat)

Response The primary study area included traffic analysis at every intersection along Ninth Avenue from West 28th Street to West 46th Street. The secondary study area also included additional analysis at Ninth Avenue at West 14th, West 23rd, West 50th, and West 57th Streets.

Comment N-99 The study area intersections analyzed for the weeknight and Sunday special events conditions are far too limited to account for potential impacts (only 50 intersections for the stadium analysis as compared with 239 intersections for the rezoning action). (MSG)

Response The selection of the traffic study area was done in consultation with NYCDOT. As described in Appendix S.2 of the FGEIS, the study area for the weeknight and Sunday afternoon Special Event peak hours was selected to include critical intersections in the immediate vicinity and along key approach routes to the Multi-Use Facility and the Convention Center. Table 19-6 shows that these two facilities would generate the majority of vehicle trips during these peak hours compared to the other projected land uses in the Proposed Action.

Comment N-100 Traffic counts are from 2000 or earlier. CEQR requires data be within three years. Some updates were made to the data but most of the data is still old. (MSG)

Response 2003 Existing traffic volumes for the AM, Midday, and PM peak hours were based on 2000 traffic counts collected as part of DCP's *Far West Midtown Transportation Study*. As described in Appendix S.2, these data were updated with intersection turning movement counts at 40 intersections for three days and Automatic Traffic Recorder (ATR) counts at 100 locations for five consecutive weekdays and two consecutive weekend days. Adjustments were made to traffic volumes to account for operational changes (e.g., the implementation of bi-directional traffic on Eleventh Avenue and the reconfiguration of several intersections along the Route 9A corridor). Additionally, all 2000 traffic count data was increased by a growth rate of 0.5 percent per year. The final balanced traffic volumes were compared with recent counts at the Lincoln Tunnel and the *Proposed Sale of Con Edison First Avenue Properties to FSM East River Associates LLC DGEIS* and determined to meet or exceed these volumes. 2003 Existing traffic volumes for the weeknight and Sunday afternoon Special Event peak hours were based entirely from data collected in June 2003.

Comment N-101 1999 data from the Convention Center was used instead of more recent data from 2000 or later. (MSG)

Response As stated in Appendix S.1 of the DGEIS, 1999 was determined to be a "typical" year for analysis purposes based on input from Convention Center management and a review of attendance patterns from 1997-2000. The 1999 attendance data was subsequently increased by 6.2 percent to account for modest growth experienced in Convention Center attendance between 1999 and 2000. Attendance data after 2000 was not considered due to the events of September 11, 2001.

Comment N-102 The DGEIS states that 2000 Census data is not available (including Journey to Work data). (MSG)

Response The DGEIS states that 2000 Census *reverse* journey-to-work data have not yet been validated by the U.S. Department of Commerce. At the present

time, this data is preliminary and is still undergoing evaluation by state Departments of Transportation and Metropolitan Planning Organizations. 2000 Census journey-to-work data are available and were used in the DGEIS to develop modal splits for residential land uses.

Comment N-103 Projected growth in trans-Hudson commutation already is recognized as a factor in regional transportation plans for both New York and New Jersey. Some of the issues also are being addressed in transportation planning initiatives of the Port Authority and partner agencies. These efforts are intended to identify potential but not yet programmed transportation improvements that can help meet growing demand in trans-Hudson commuter volumes. The concentration of new commercial and residential development in West Midtown in the proposed rezoning action can be expected to require closer planning and operational coordination to maintain accessibility as redevelopment proceeds in the near- and long-term. (PANY&NJ)

Response Comment noted.

11. Miscellaneous

Comment N-104 We cannot accept the DGEIS prediction that there will be no back-up whatsoever on major crosstown thoroughfares during football games. It defies logic that 75,000 people attending a Jets game will have no significant adverse impact on 34th Street, 42nd Street, or the Hudson River crossings. We suspect that the error is due to a combination of factors, including overestimating how many people will use mass transit, not considering the interplay among intersections, not adequately accounting for the effect of masses of pedestrians in the streets, not adequately accounting for street closures, not adequately accounting for the masses of people dropping off and retrieving cars at the Midblock Boulevard parking garage, ignoring the likelihood of tailgating, choosing inappropriate peak periods, minimizing projected attendance at the Convention Center, and overestimating the occupancy of each car. An adequate FGEIS must correct all of these errors and consider their cumulative effect. (CB4)

Response Each of the issues in this comment has been addressed in responses to comments in this chapter. Please see responses to Comment N-1, Comment N-15, Comment N-22, Comment N-38, Comment N-39, Comment N-40, Comment N-69, Comment N-75, Comment N-94, and Comment N-96.

Comment N-105 A comprehensive traffic management plan is required. (CB4)

Response A complete plan for mitigation of nearly all anticipated impacts is included in the FGEIS. See response to Comment N-52.

Comment N-106 Increased traffic due to the Proposed Action will create additional traffic circulation problems and disrupt and impact Mercedes-Benz Manhattan operations. (Mercedes-Benz Manhattan)

Response Potential traffic impacts in the vicinity of the Mercedes-Benz location are presented in Chapter 19, “Traffic and Parking.”

Comment N-107 The traffic studies are not reliable because traffic counters were not attentive. (Hudson Yards Alliance)

Response While 40 intersections were manually counted, continuous, 24-hour, directional Automatic Traffic Recorder (ATR) machine counts were collected at 100 locations. The ATR counts were then used to confirm manual counts.

Comment N-108 Table 19-32 of the DGEIS shows that Madison Avenue southbound traffic will get 3 seconds less green. However, Madison Avenue is a northbound street. (MSG)

Response Table 19-32 of the DGEIS incorrectly listed a shift in three seconds of green time to the southbound phase. These three seconds of green time would be added to the northbound phase.

Comment N-109 An early-morning period (7:00 AM to 8:00 AM) was evaluated as part of the air quality analyses to account for the effect of traffic from the relocated Quill Bus Depot, the DSNY Maintenance Garage, and NYPD Tow Pound facilities on mobile source emissions. However, this early morning period was not studied as part of the traffic assessment, even though it was stated in the DGEIS (p. 21-12) that the same time periods were selected for traffic and air quality assessments. (MSG)

Response The greatest increase in overall morning trip generation from all of the elements of the complete Proposed Action (including the rezoning, subway extension, expansion of the Convention Center, construction of the proposed Multi-Use Facility, and relocation of the Quill Bus Depot, DSNY Garage, and NYPD Tow Pound) was determined to occur between 8:00 AM and 9:00 AM. However, the morning peak hour for the Quill Bus Depot, DSNY Garage, and NYPD Tow Pound was determined to occur between 7:00 AM and 8:00 AM. Since the air quality analysis is focused specifically on the impacts of these elements, the analysis was conducted for the earlier, and more applicable hour.

O. PARKING

1. Methodology

Comment O-1 The DGEIS underestimates the extent to which, especially on football game days, the parking capacity of Manhattan will be consumed, and parking will be unavailable for other users. (MSG, HKNA)

Response Analysis of parking demand for the Sunday afternoon Special Event period compared to capacity is based on the reasonable worst-case scenario including simultaneous high capacity events at the Convention Center (a “design event day” or 85th percentile public show), Multi-Use Facility (sold out football game, although typically 10 percent are no-shows) and MSG

(Rangers game at 95 percent attendance capacity). The MSG trip generation reflects a facility expansion from 19,500 seats to 23,000 seats. Full development of the Proposed Action is assumed in addition to 2.8 percent increase in background parking demand by 2025. The FGEIS analysis also assumes a higher auto share for Multi-Use Facility attendees (32 percent) than surveys of the actual attendees indicate (25 percent). A surplus of over 2,000 parking spaces is anticipated during this period.

Comment O-2 The FGEIS should describe the effect of Sunday football games on the ability of persons attending Sunday matinees in the Theater District, or other entertainment events in Midtown Manhattan, to find parking spaces. (MSG, HKNA)

Response Parking demand from Sunday matinees in the Theater District was included in the existing Sunday afternoon parking utilization. There is little overlap in the Multi-Use Facility parking study area and the parking areas used by theatergoers. As presented in the FGEIS, the results of this analysis indicate that the 2025 Future With the Proposed Action, the Sunday afternoon Special Event period would result in a parking surplus of over 2,000 spaces, which could be used by attendees of other events.

Comment O-3 The parking analysis was performed in June, a traditionally quiet month for Madison Square Garden and Broadway theaters. (MSG, HKNA, Shubert Organization)

Response Visual inspection and interviews with parking facility operators, were conducted in May and June 2003. Parking utilization data were adjusted based on surveys collected in May 2000, October 2000, October 2003, and November 3003 to reflect demand associated with concurrent events at MSG and the Convention Center, as explained in Chapter 19 of the FGEIS.

Comment O-4 The parking usage data was collected at different times so it is not possible to determine what events were taking place at the time of the study. (MSG)

Response See response to Comment O-3.

Comment O-5 No new parking spaces are allocated for the Convention Center Expansion or for the proposed Jets Stadium. DGEIS fails to consider the possibility of constructing parking facilities that would be dedicated to Jets fans and Convention visitors during peak periods. (MSG)

Response The proposed Convention Center hotel would provide a 350-space parking garage. There is no parking proposed at the Multi-Use Facility.

Comment O-6 The authors of the DGEIS never state the type of event at MSG that was evaluated (this concurrent event was likely a NY Liberty basketball game). Since the DGEIS explicitly states that the June 2003 parking count includes a concurrent event at MSG, but does not make a similar claim for a concurrent event at the Convention Center, it is assumed that the DGEIS parking count

does not reflect attendance at a public show at the Convention Center.
(MSG)

Response

The parking utilization surveys reflect attendance at the following events at MSG and the Convention Center:

- Weekday Midday/weekday Special Event Periods: Monday, October 16, 2000, which included a sporting event at MSG (Mighty Ducks of Anaheim vs. New York Rangers at 7 PM) and events at the Convention Center (International Fashion Boutique Show, International Kids Fashion Show, and the New York Menswear Show) and Wednesday, October 29, 2003, which included a sporting event at MSG (Orlando Magic vs. New York Knicks at 8 PM) and events at the Convention Center (Maritime Security Expo, KosherFest 2003, and the ING New York City Marathon Expo)
- Weekday Overnight Period: Thursday, October 30, 2003, which included a sporting event at MSG (Carolina Hurricanes vs. New York Rangers at 7 PM)
- Sunday Afternoon Period: Sunday, May 21, 2000, which included events at the Convention Center (National Stationery Show, Surtex Expo, and International Contemporary Furniture Fair), Sunday, October 15, 2000, which included events at the Convention Center (International Fashion Boutique Show, International Kids Fashion Show, and the New York Menswear Show), and Sunday, November 3, 2003, which included a sporting event at MSG (Colorado Avalanche vs. New York Rangers at 5 PM)

Comment O-7

The EIS provides few details on other parking sites proposed in the study area to increase parking capacity by 6,887 spaces between 2003 and 2025.
(MSG)

Response

A table showing the number of new parking spaces on each projected development site is provided in Appendix S.3 of the FGEIS.

2. Calculations

Comment O-8

The Hudson Yards proposal would allow up to 25,000 new parking spaces. The calculation is as follows: 28 million square feet of commercial space, at 1 parking space per 2,500 square foot, or 11,200 spaces; residential accessory spaces equal 50 percent of 12,600 dwelling units, or 6,300 spaces. The total number of accessory self-park spaces is 17,500. After construction, developers typically convert garages to valet parking, increasing capacity by 50 percent. Thus the actual total number of new parking spaces could reach 25,000. The EIS based its traffic analyses on the minimum number of parking spaces required by proposed zoning. The EIS thus failed to consider that the maximum allowed number -- 25,000 parking spaces -- will in fact be built, and it failed to consider the impact that these new spaces would have in attracting even more traffic to the area. (D. Gutman)

Response

Parking demand is based on the number of resident households anticipated to have cars and the auto modal share for workers, shoppers, and Convention Center attendees. The number of required parking spaces is based on

projected demand. An increase to the capacity of an off-street parking facility would require a special permit, which would be subject to additional municipal reviews.

Comment O-9 The EIS failed to correctly count existing parking spaces in the area. Many facilities that use valet parking, and those that add mechanical lifters, actually have higher capacities than the licensed capacity. (D. Gutman)

Response The inventory of public off-street parking included the licensed capacity of each facility, as specified in the *CEQR Technical Manual*. Parking lots and garages are licensed by the New York City Department of Consumer Affairs and the licensed capacity is required to be posted in each facility.

Comment O-10 The following parking facilities were not included in the DGEIS: Edison Parking, 601 West 41st Street; Central Parking System, 800 Sixth Avenue; Icon Parking LLC, 58-70 W. 37-59-61 W. 36, 161-165 10th Avenue, 535 W. 19th Street; Central Parking of NY, 550 W. 37th Street; Enterprise 30th Street, 505-509 W. 29th Street; Parking Corp., 139 W. 35th Street; Cosmo Park, 360 W. 43rd Street, 476-490 Eleventh Avenue; Central Parking System, 485 10th Avenue; Theater Parking, 413-419 W. 45th Street. (D. Gutman)

Response A subsequent review of off-street parking at these locations was conducted and updates were made to the FGEIS as appropriate:

- 601 West 41st Street – added to existing conditions.
- 800 Sixth Avenue – added to Future Without Proposed Action conditions (site was not opened until 2004).
- 58-70 West 37th Street/59-61 West 36th Street – not included (outside parking study area)
- 161-165 Tenth Avenue – not included (outside parking study area).
- 535 West 19th Street – not included (outside parking study area).
- 550 West 37th Street – added to existing conditions.
- 505-509 West 29th Street – added to existing conditions.
- 139 West 35th Street – not included (no public parking at this location).
- 360 West 43rd Street – previously included in Future Without the Proposed Action conditions of the DGEIS.
- 476-490 Eleventh Avenue – added to existing conditions.
- 485 Tenth Avenue – previously included in the DGEIS (Location #30).
- 413-419 West 45th Street – added to existing conditions.

3. Growth Rate

Comment O-11 A 0.5 percent annual background growth rate was recommended in the *CEQR Technical Manual* for traffic and parking analyses. It is further stated in the *CEQR Technical Manual* that parking analyses typically use the same

background growth rate as traffic analyses since the growth of traffic and parking are closely linked. However, the parking analyses conducted for the DGEIS utilized an annual background growth rate of 0.125 percent based on the assumption that the demand for parking will grow at a lower rate than background vehicular traffic in the Project Area. The basis for this assumption has not been provided in the DGEIS. (MSG, HKNA)

Response The annual background growth rate is used to account for anticipated growth within or through the study area. For the parking analyses, the 0.5 percent annual background growth rate recommended by the *CEQR Technical Manual* was reduced to 0.125 percent to more accurately reflect the projected use of land in Hudson Yards area in the Future Without the Proposed Action. Although traffic from developments in other portions of Manhattan would be expected to pass through the study area, these developments would not be expected to create additional parking demand within the study area (e.g., the redevelopment of Lower Manhattan). Appendix S.1 of the DGEIS contains a listing of major land use components for all known developments in Manhattan from 2003-2025 and compares these to the background growth rate recommended by the *CEQR Technical Manual*. Proposed projects that are likely to be in place by the Proposed Action's build years in the primary study area (i.e., those that would generate parking demand) constitute a fraction of the overall development projected for the remainder of Manhattan. This methodology was reviewed and approved by NYCDOT.

4. Conclusions

Comment O-12 The DGEIS underestimates the parking impacts from the sports events for the proposed stadium and there will be a shortfall of spaces. (MSG, HKNA)

Response Projected parking demand in the future conditions with the proposed Multi-Use Facility was based on modal split and vehicle occupancy, as determined by an independent survey of New York Jets season ticket holders.

As presented in the FGEIS, the results of this analysis indicate that in the 2025 Future With the Proposed Action, a parking surplus of over 2,000 spaces would occur during the Sunday afternoon Special Event period.

Comment O-13 The Stadium-generated parking demand will interfere with Sunday matinees in the Theater district because there will be no available parking for theatergoers. Hotels, restaurants and other entertainment venues will only be able to accommodate walkers and transit riders. Drivers looking for spaces will contribute to gridlock conditions. (Shubert Organization, MSG)

Response See response to Comment O-2.

Comment O-14 Construction of parking facilities for the stadium will cause non-game related use resulting in heavier traffic and air pollution. (Frederic Sirasky)

Response There is no parking proposed at the Multi-Use Facility.

Comment O-15 The increased demands on the parking supply driven by the underestimation of demand [by Jets fans] will cause parkers to search far beyond the study area for a parking space in evening traffic congestion and using all available spaces. This will impact the Theater District and residential neighborhoods far beyond the study area. (MSG)

Response Projected parking demand in the future conditions with the proposed Multi-Use Facility was based on modal split and vehicle occupancy, as determined by an independent survey of New York Jets season ticket holders. As indicated in the responses to Comment N-1 and Comment N-15, the number of vehicles projected in the FGEIS is based on a conservative analysis of conditions in the future.

As presented in the FGEIS, the results of this analysis indicate that in the 2025 Future With the Proposed Action, parking surpluses of over 8,500 and 2,000 spaces would occur during the weeknight and Sunday afternoon Special Event periods, respectively.

Comment O-16 According to the DGEIS, 91 percent of parking will be utilized by Jets fans during a Sunday afternoon game in an area from the Village to 59th Street; from the Hudson River to Fifth Avenue. In fact, parking facilities will be at capacity in a larger area and there will be virtually no parking available for the Sunday theater matinees and events at Madison Square Garden later in the afternoon or for restaurant goers. (MSG)

Response The boundaries of the parking study area are based on the guidelines provided in the *CEQR Technical Manual* and extend a ¼-mile distance from the rezoning area and a ½-mile distance from the Convention Center and Multi-Use Facility (attendees of football games and Convention Center events are expected to be willing to walk farther than the standard ¼-mile distance). Figure 19-8 of the DGEIS illustrates that the parking study area does not extend south of 20th Street or north of 52nd Street. See also response to Comment O-1.

Comment O-17 There is no documentation of the actual parking demand for the different venues as part of the year 2025 parking demand scenario in the DGEIS. (MSG)

Response Net incremental parking demand for the Convention Center, Multi-Use Facility, and MSG is provided in Appendix S.3 of the FGEIS.

Comment O-18 The DGEIS does not specify how many spaces will be needed to accommodate new residential or commercial uses. (MSG)

Response Projected parking demand for residential and commercial uses is provided in Appendix S.3 of the FGEIS.

Comment O-19 The DGEIS does not specify how many parking spaces are allotted to accommodate Convention Center public shows at time of peak attendance. (MSG)

Response Existing, projected, and net incremental parking demand for the Convention Center is provided in Appendix S.3 of the FGEIS.

Comment O-20 Unlike the DGEIS, which indicates that 91 percent of the parking spaces in the study area would be occupied, ORA’s analysis indicates that 100 percent of the parking spaces in the study area would be occupied, and that there would be a further demand for 370 spaces outside the study area. In summary, there would be a demand for 29,357 spaces, compared to a projected capacity of 28,987. It should be emphasized that assumptions in the DGEIS have been employed to calculate parking demand for all major venues, even where those assumptions were not truly conservative. (MSG)

Response Analysis of parking demand for the Sunday afternoon Special Event period compared to capacity is based on the reasonable worst-case scenario including simultaneous high capacity events at the Convention Center (a “design event day” or 85th percentile public show), Multi-Use Facility (sold out football game, although typically 10 percent are no-shows) and MSG (Rangers game at 95 percent attendance capacity). The MSG trip generation reflects a facility expansion from 19,500 seats to 23,000 seats. Full development of the Proposed Action is assumed in addition to a 2.8 percent increase in background parking demand by 2025. A surplus of over 2,000 parking spaces out of the total capacity of nearly 30,000 parking spaces is anticipated during this period.

Comment O-21 Conditions will become further exacerbated by an event at MSG on the same day. The flow of Jets fans into parking facilities around Madison Square would, in turn, force people arriving for an event at the Garden to conduct an extensive search for an empty parking space from 24th Street in the south to Times Square in the north. Further conflicts would present themselves in the Theater District, where, on especially high-attendance days, theater-goers would be displaced from their normal parking facilities, or visitors to the Garden would be sent to other neighborhoods in search of available parking. (MSG)

Response See response to Comment O-2.

Comment O-22 The EIS indicates that in 2025 on weekdays at midday, demand will be 30,499, with a total capacity of 30,518. This only leaves an available capacity of 19 spaces in the entire study area. The slightest variations in the DGEIS assumptions would lead to situations where demand far exceeds supply. (MSG)

Response As part of the comprehensive development plan for Hudson Yards, parking requirements were developed to accommodate the current and anticipated demand for off-street parking. The Proposed Action would provide the minimum number of parking spaces required to satisfy demand, without encouraging additional auto usage. The FGEIS has been revised to show a small deficit during the peak Midday utilization period.

Comment O-23 The DGEIS does not adequately document the parking demand generated by its future scenarios. The reasonable worst-case parking scenario should disclose a shortfall of over 8,000 spaces in 2025, within the DGEIS study. This constitutes a major unmitigated parking impact. (MSG)

Response This opinion is formulated based on a number of erroneous assumptions, including an auto modal split of 58 percent and a vehicle occupancy of 2.5 for Multi-Use Facility attendees, which was projected based on data from MSG. As indicated in the responses to Comment N-1 and Comment N-2, this data is inappropriate for the Multi-Use Facility. In comparison, the parking demand projected in the FGEIS is based on a conservative analysis of conditions in the future.

Comment O-24 There is no analysis of where the buses now parked on the lot between 29th and 30th Streets along West Street would be parked when they are displaced by new uses. (MSG)

Response The Proposed Action would not result in a displacement of this facility, which is expected to be relocated independently of the Proposed Action.

5. Policy

Comment O-25 Why is a parking lot necessary when it is claimed that 70 percent of people will use public transportation to the stadium? (B. Gotbaum)

Response Parking is needed because, even in the most mass transit-oriented locations, such as Midtown and Lower Manhattan, some people drive to locations such as offices, retail stores, and theaters. Parking requirements in the Proposed Action have been set at the minimum necessary to accommodate this demand and to replace existing parking that would be displaced as a result of the Proposed Action. Parking requirements have been included as part of the Proposed Action primarily for the Midday peak period, which is the time of highest parking demand. While attendees at the proposed Multi-Use Facility may utilize the parking facilities, this would be a secondary use. In addition, the proposed parking facility below the Midblock Park and Boulevard System would be for public use to accommodate demand from office buildings unable to provide below-grade parking. The Midblock Public Parking Garage is not projected to be available in 2010 and is not intended as mitigation for demand generated by the Multi-Use Facility.

Comment O-26 The EIS failed to consider that limiting future parking in line with the Midtown parking regulation would limit traffic in the area. There is no doubt that many vehicular trips have their endpoints at proposed parking garages. Constrain the number of parking spaces and you reduce the number of vehicular trips to the area. Vehicular trips would either be diverted to other areas with spare parking or drivers would be induced, both by scarcity of parking and consequent price rises, to shift to other modes of transportation. (D. Gutman)

Response Vehicular traffic and transit options combine to provide multiple options for accessing an area. As part of the comprehensive development plan for Hudson Yards, parking requirements were developed to accommodate the

anticipated demand for off-street parking. The Proposed Action would provide sufficient parking to satisfy demand except for a small shortfall during the peak midday utilization period.

Comment O-27 The current parking regulation should be viewed as a traffic mitigation measure; it would substitute for proposed mitigation measures that increase the number of traffic lanes at many intersections. The current regulation limits accessory residential parking spaces to 100 per commercial building. However the regulation does not prevent conversion of accessory spaces to valet parking, increasing the actual number of parking spaces, and also allows public parking garages by special permit. (D. Gutman)

Response See response to Comment O-26.

Comment O-28 Parking requirements increase automobile usage and congestion. (TSTC, H. Mendes)

Response See response to Comment O-26.

Comment O-29 We support retaining the current zoning provisions for off-street parking which would still allow approximately 7,500 new parking spaces and not serve as an additional inducement for traffic. (NRDC)

Response See response to Comment O-26.

Comment O-30 The plan's parking requirements would reverse long-standing parking policies designed to discourage unnecessary vehicle traffic and encourage public transit use. (CB4, NRDC, H. Mendes, D. Gutman)

Response See response to Comment O-25.

P. TRANSIT

1. Methodology

Comment P-1 Consider the Port Authority/N.J. Transit Access to the Region's Core ("ARC") in conjunction with the Hudson Yards plan. (CHPC)

Response The Proposed Action does not preclude other transit improvement projects, including the Access to the Region's Core project. Access to the Region's Core has submitted comments indicating that they propose both short- and long-term improvements that would increase cross-Hudson rail capacity. Both the City of New York and the MTA are cooperating with the Access to the Region's Core project.

Comment P-2 How many people are expected to commute to the area from New Jersey, and how are they likely to get there? Does the DGEIS rely on an underlying assumption about where all commuters to the area will be living? What is it? How was it derived? (CB4)

- Response** As stated in Chapter 19 of the DGEIS, 1990 Census reverse journey-to-work data were used to develop trip origins for office land uses. (2000 Census reverse journey-to-work data have not yet been validated by the U.S. Department of Commerce and are currently being evaluated by state Departments of Transportation and Metropolitan Planning Organizations, and so have not been incorporated into this methodology.)
- The 1990 reverse journey-to-work data for midtown Census tracts in the 6:30 AM – 8:30 AM period indicate that 11.0 percent of all workers originate in New Jersey and that 16.6 percent of these travel by autos, 0.4 percent travel by taxis, 38.3 percent travel by bus, 13.9 percent travel by subway, 28.5 percent travel by railroad, 0.7 percent travel by ferry, and 1.7 percent travel by other means.
- Comment P-3** The analysis of subway station elements assumes that the Second Avenue Subway and East Side Access projects will be completed on schedule. It also assumes that all of the suggested mitigation measures will be undertaken, but it notes that a feasibility analysis has not been performed. What happens if these assumptions are wrong? (CB4)
- Response** Based on direction in the *CEQR Technical Manual*, the Second Avenue Subway line and East Side Access projects have been included in 2025 Future Without the Proposed Action conditions because environmental reviews have been completed and both have received a financial commitment for their construction. Proposed mitigation measures have been developed and reviewed for physical and operational feasibility. If the proposed measures are not implemented, unmitigated impacts would result.
- Comment P-4** Throughout Appendix S-4, in Existing Conditions data, presumably different elements have the exact same utilization numbers. For example, of the seven stairways at 35th Street and Sixth Avenue in the Herald Square station, three of them had exactly 284 people climbing each of them during a 15 minute interval in the morning, two were used by exactly 696 people each, and the other two were used by exactly 416 people each. These repetitions can be found on every page of the 2003 tables. Are these numbers observed or estimated? If they are estimated, what is the margin of error? These unexplained repetitions lead us to question the accuracy of the data. (CB4)
- Response** The identical pedestrian volumes noted reflect usage of consecutive sections of a single stairway. As indicated in the subway station plans provided in Appendix S.4 of the FGEIS, stairways S5, M9, and M10AB are located in succession and therefore have identical volumes (284 persons in existing conditions during the AM peak hour). The capacity of these elements was analyzed separately because their widths differ. Similarly, stairways S8 and M8AB are located in succession and have identical volumes (696 persons in existing conditions during the AM peak hour) and stairways S7 and M7AB are located in succession and have identical volumes (416 persons in existing conditions during the AM peak hour).

Comment P-5 The FGEIS should analyze the effects on traffic and transit conditions in the event that the No. 7 line extension is not completed, the Second Avenue subway is not completed, and if neither is completed. (MSG, HKNA)

Response Chapter 26, “Alternatives” analyzes two alternatives (O and P) without extension of the No. 7 subway line. The FGEIS makes clear that the proposed redevelopment would not proceed without extension of the No. 7 subway line. See also response to Comment P-3.

Comment P-6 There is no accurate assessment of the cost and extent of the enhancement to Sunday afternoon mass transit service necessary to accommodate Jets fans attending a game. (MSG)

Response The capital costs associated with proposed measures to mitigate potential impacts generated by the Proposed Action are presented in Chapter 5 of this FGEIS. Operating costs are not the subject of this EIS.

Comment P-7 The methodology employed in the DGEIS discounts significant demands on the transit system that would otherwise have to be addressed or mitigated. On page 19-17, it states that modal splits were divided into primary and secondary modes of transportation. For example, someone taking the railroad to Penn Station, and then a bus to the stadium would be classified as Primary: railroad, Secondary: bus. It appears that the DGEIS, having done that, then discards any further consideration of secondary travel. Evidence of this is found on Table 20-91, which assigns only 424 additional riders to route M34. Failure to consider secondary travel is a major omission, the impact of which is to undercount impacts on the transit system. (MSG)

Response Table 20-91 of the DGEIS indicates that a total of 946 project-generated trips would be added to the M34/M16 route in the eastbound direction during the Sunday afternoon Special Event peak hour in the 2025 Future with the Proposed Action condition. Out of the 946 total trips, 764 would be attributable to departures of attendees from the Multi-Use Facility. (As clarification, the commentor’s reference to Table 20-91 is inaccurate; the “424 additional riders to the M34” actually appears as the eastbound hourly volume on the M34/M16 route in Table 20-81 [2025 Future Without the Proposed Action conditions.] Travel demand associated with the Multi-Use Facility is represented in Future With the Proposed Action conditions.)

Comment P-8 As stated in the DGEIS, “These mitigation measures have been identified conceptually but would still require further analyses to determine their feasibility.” In other words, they have not yet been deemed feasible. (MSG)

Response All of the proposed mitigation measures have been determined to be feasible.

2. Policy

Comment P-9 The need for an additional subway line on the east side of Manhattan is far greater than the need to extend the No. 7 subway line. (A. Yonenaka, G. Jacobson)

Response	Comment noted.
Comment P-10	We support the completion of the intermediate station prior to 2015. (CHPC)
Response	Comment noted.
Comment P-11	The City should continue to move forward aggressively on other transit initiatives, including bringing Metro-North rail service into Penn Station via the Empire Line and extending LIRR service into Grand Central and Lower Manhattan. (CHPC)
Response	Comment noted.
Comment P-12	The DGEIS should include a new Hudson River transit tunnel as mitigation. (RPA)
Response	Access to the Region’s Core has submitted comments indicating that they propose both short- and long-term improvements that would increase cross-Hudson rail capacity sufficient to address shortfalls with and without Hudson Yards development. Both the City of New York and the MTA are cooperating with the Access to the Region’s Core project.
Comment P-13	The No. 7 subway train alone is not sufficient. (C.V. Fields, CHPC)
Response	Extension of the No. 7 subway line, in addition to the existing subway services in the Hudson Yards area, would provide significant transit capacity to serve Hudson Yards, and it would be supported by additional bus and ferry service; and pedestrian, subway station and vehicular improvements.
Comment P-14	The No. 7 subway should be constructed using cut and cover techniques rather than by a tunnel boring machine. (E. Mandel)
Response	Both techniques will be employed as appropriate.
Comment P-15	Expansion of the No. 7 train to Chelsea should be evaluated in a comprehensive transportation plan. (West 300 Block Assn.)
Response	While not precluded by the Proposed Action, extension of the No. 7 subway line south of Hudson Yards is not planned at this time and is beyond the scope of the current project.
Comment P-16	The extension of the No. 7 subway line would improve access and speed up development. (WCC)
Response	Comment noted.
Comment P-17	The DGEIS states that the block bounded by Eleventh Avenue, Twelfth Avenue, West 33rd Street and West 34th Street would be used for truck marshaling, LIRR train storage and “other transportation functions.” What

functions are those? Are their environmental effects studied in the DGEIS? (CB4)

Response Other transportation uses for this site would be implemented only upon consideration of the marshalling, parking, and other needs of the Convention Center and would be subject to additional environmental reviews, if necessary.

Comment P-18 Manhattan’s central business district is able to hold so much office and residential space because of the extensive mass transit network that supports it. A major expansion will put significant strain on the existing system, impacting travel throughout the city. (Straphangers)

Response By providing additional transit service (specifically the extension of the No. 7 subway line), the Proposed Action would result in a minimal number of unmitigated impacts to roadway conditions (a maximum of seven in the 2025 PM peak period) and not result in a strain on the existing transportation system. Chapter 20, “Transit and Pedestrians,” includes an analysis of impacts to the existing transit system associated with the extension of the project.

Comment P-19 MAS believes a surface light rail system that runs river to river along 42nd Street and connect to the new ferry terminal, as opposed to the truncated route proposed in the DGEIS, would be an enormous asset to the Hudson Yards Plan. (MAS)

Response A light rail transit system was analyzed as part of Alternatives H and I (see Chapter 26). The FGEIS evaluated a light rail as an alternative to extending the No. 7 line and determined such a system could not support the economic goals of the Proposed Action. A supplemental light rail system was not necessary to mitigate impacts of the Proposed Action and was neither evaluated nor precluded.

Comment P-20 The DGEIS does not address the impacts of fare hikes which discourage mass transit use. (CAC)

Response No fare hikes or service cuts are contemplated as part of the Proposed Action.

3. Subways

Comment P-21 The No. 7 and other subways will be extremely crowded, coming close to MTA’s crowding standards, and beyond the “more humane” standards set by RPA. (RPA, MSG, HKNA, CB4)

Response Chapter 20, “Transit and Pedestrians,” presents the results of a comprehensive line haul analysis, which shows that there would not be significant line-haul impacts in 2010 or 2025.

Comment P-22 The design of the 34th St. Terminal subway station contradicts the MTA’s station siting criteria used in the Second Ave. Subway. For example, the

subway entrance will be located over 300 feet from the corner, the Mid-Block Boulevard will need to be crossed by thousands of pedestrians coming from the east, and the proposed location of the subway access will force pedestrians to walk over 350 feet underground to access the subway platform (800 to 1,000 feet for pedestrians leaving the Convention Center or Multi-Use Facility) (Bulwark, FedEx)

Response

The proposed location for the 34th Street terminal station was the result of in-depth siting evaluations based on design criteria and the demands for the station. Due to the depth of the proposed 34th Street terminal station, long escalator runs are required, which make exiting and entering the station from the Eleventh Avenue frontage impractical. The station, as well as its entrance, has been sited to serve the 34th Street commercial corridor, the southern end of the rezoning/redevelopment area, the expanded Convention Center, the proposed Multi-Use Facility, and (secondarily) the West Chelsea rezoning area. The entrance location within the Midblock Boulevard provides direct access for users to leave the station and animate the new boulevard, park, and across the open space to the south; the location between 33rd and 34th Streets serves both the proposed Multi-Use Facility and expanded Convention Center optimally, as well as allowing a potential connection eastward to Penn Station.

Comment P-23

The DGEIS assumes the completion of the Second Avenue subway, but should also explicitly analyze crowding at transfers at other stations such as Grand Central without completion of the Second Avenue subway. The DGEIS should acknowledge that the completion of the Second Avenue subway is vital to the success of the west side redevelopment. (RPA, TSTC, Straphangers)

Response

See response to Comment P-3.

Comment P-24

Overcrowding in the subway system, at stairs, escalators, passageways and turnstiles is unacceptable. Measurements of acceptability must reflect a general human desire for breathing room. (CB4)

Response

Chapter 20, "Transit and Pedestrians," examines in detail the effects of the Proposed Action on subway station elements and identifies mitigation measures to address significant impacts.

Comment P-25

The DGEIS only considers "significant" an impact where the level of service on an escalator goes from below maximum capacity to above maximum capacity. Maximum capacity requires New Yorkers to share escalator steps with strangers, which we rarely do. Full utilization of an escalator means being packed onto it, shoulder-to-shoulder, much too close for comfort. Going from a comfortable ride to that level of closeness should be considered a significant impact. (CB4)

Response

As stated in the FGEIS, the nominal capacity of an escalator is less than its maximum theoretical capacity. Nominal capacities account for unused space on each step, arrival patterns, and boarding characteristics, and are based on an approximate rate of one person for every other step. Significant impacts

to escalators are identified in accordance with the methodologies established in the *CEQR Technical Manual*. The analysis of v/c ratios for escalators is based on the nominal capacity, not the maximum theoretical capacity.

Comment P-26 The DGEIS only finds a significant impact when a subway car is filled beyond capacity. The morning commute is unacceptable before capacity is reached, and the FGEIS should reflect that reality. The FGEIS should consider crowding of subway cars above 83 persons per car a significant impact. (CB4)

Response Subway line-haul capacity is based on current MTA NYCT subway car loading guidelines for rush hours at peak frequencies. Guideline capacities for each type of subway car are provided in Table 20-5 of the FGEIS. The analysis is conducted at the maximum load point of the subway line. Projections of ridership at the peak load point with the Proposed Action in 2010 and 2025 result in increases in ridership by less than one person per car, which are not considered a significant impact.

Comment P-27 Appendix S-4 includes diagrams that are illegible, it is unclear where these elements are located. This information should be made accessible. (CB4)

Response The diagrams and figures in Appendix S-4 have been enlarged.

Comment P-28 According to the DGEIS, fully 22 percent of Jets fans (almost 17,000 people) are expected to use the new No. 7 subway station to get to the game in 2025. However, fewer than 5,000 of them are expected to try to use the turnstiles at the new 34th Street station during the peak 15 minute period before a Monday night game. This despite the fact that the turnstiles can handle twice that many. This seems highly unlikely. Odder still, the DGEIS predicts that fewer than 700 people will use those subway turnstiles to get to the same game in 2010. Why the discrepancy? (CB4)

Response The FGEIS includes revisions to the subway station element analysis for the 34th Street station on the No. 7 Subway line. As indicated in Appendix S.4, 3,361 persons were assigned to use the turnstiles at Fare Control Area 34A during the peak 15-minute period in the weeknight Special Event peak hour in 2010 Future With the Proposed Action conditions; 4,802 persons were assigned to use these same turnstiles during the peak 15-minute period in the weeknight Special Event peak hour in 2025 Future With the Proposed Action conditions.

As described in Chapter 19 of the DGEIS, the weeknight Special Event peak hour analyzes the hour immediately preceding a football game at the Multi-Use Facility, when 75 percent of the total attendees would be expected to arrive. Additionally, the arrival of attendees by subway would be metered by the frequency of No. 7 trains arriving at the 34th Street station. Appendix S.1 of the DGEIS notes that subway travel assignments differ in 2010 and 2025 because the LIRR East Side Access project would not be completed until 2012, therefore this project has not been included in the analysis of 2010 future conditions.

- Comment P-29** The FGEIS should provide a quantitative analysis of the queues that will occur at subway stations including but not limited to Times Square and Grand Central stations, during peak hours. (MSG, HKNA)
- Response** The *CEQR Technical Manual* specifies that unmitigated significant adverse impacts at escalators and stairways would be anticipated to result in longer wait times for accessing or leaving station platforms. The results of the FGEIS show that in 2025 Future With the Proposed Action conditions, under implementation of the proposed mitigation measures, no unmitigated significant impacts at subway station elements would remain in any of the analysis periods. A quantitative analysis of queues at escalators and stairways is therefore not required because the proposed mitigation measures would restore levels of service to Future Without the Proposed Action conditions or better. Mitigation measures are fully described in Chapter 20, “Transit and Pedestrians.”
- Comment P-30** The FGEIS should analyze the costs and feasibility of mitigation measures to reduce subway congestion such as construction of stairways and escalators, and the approximate time frame in which this mitigation would be provided. (MSG, HKNA)
- Response** The capital costs associated with proposed measures to mitigate potential impacts generated by the Proposed Action are presented in Chapter 5 of this FGEIS.
- Comment P-31** 2025 subway station mitigation measures and the provision of additional bus service are identified “conceptually” but require further analysis. (MSG)
- Response** See response to Comment P-8.
- Comment P-32** Table 20-5 depicts the capacities used in the subway calculations. It shows the No. 7 Line as operating with 11-car trains. That was true in the base year of 2000, but is no longer true today, nor will it be true in 2025. (MSG)
- Response** This comment is inaccurate. The No. 7 subway line currently operates 11-car trains on the IRT and this practice would continue through 2025.
- Comment P-33** No assessment or analysis of the number of project passengers and the operating capacity of commuter rail services was provided in the DGEIS for the Sunday afternoon peak to evaluate the impacts to the operations or the ability of these lines to accommodate the stadium generated passengers. (MSG)
- Response** As presented in Table 20-78 of the FGEIS, in the 2025 Future Without the Proposed Action during the AM peak travel hour, demand for the commuter railroads is projected to be 24,000 (NJ Transit), 36,000 (LIRR via Penn Station), 28,000 (LIRR via Grand Central Terminal) and 47,000 (Metro-North). In the Future with the Proposed Action, during the Sunday Special Event peak hour, demand for the commuter railroads is projected at approximately 12,000 (NJ Transit), 5,000 (LIRR via Penn Station), 5,000 (LIRR via Grand Central Terminal), and 6,000 (Metro-North). The demand

for Special Event peak hour service with the Proposed Action is projected to be much lower than the demand during the commuter peak hour without the Proposed Action.

Comment P-34 The DGEIS only considers how the new stations will be affected by arrivals and does not consider departures, even though departures will be more congested. Again, we request an analysis of how these stations will function when 75,000 people try to leave a football game all at the same time. (CB4)

Response The FGEIS presents an analysis of peak hour trip generation conditions and the Sunday afternoon Special Event peak hour includes departures from a football game at the Multi-Use Facility. As described in Chapter 20, “Transit and Pedestrians,” the proposed stations would be able to provide sufficient capacity to meet the peak hour demand.

4. Buses

Comment P-35 The DGEIS assumes that many people will travel to and from the stadium by bus, including many private, commuter and charter buses. The number of buses and parking should be set forth (consistent with the DGEIS projections). (MSG, HKNA, B. Feldt)

Response According to the modal split projections (based on the results of independent surveys of New York Jets season ticket holders), charter buses would accommodate 0.5 percent of total attendees at the proposed Multi-Use Facility on a Sunday. This would result in a total of 375 person trips, requiring approximately eight buses (according to Delta Charter Bus, Inc., standard charter buses serve 47 people seated).

Comment P-36 The Proposed Action should include tour bus parking. (B. Feldt)

Response See response to Comment N-80.

Comment P-37 The DGEIS notes in Chapter 11 that the streets in this area are currently “lined with buses parked during midday, waiting for use during rush hour.” It argues that the area will be far more attractive in 2025 and omits any reference to buses parking on the streets in the future. Where will the commuter buses that currently serve the surrounding area going to park in 2025? Commuter bus service to the area is likely to increase dramatically in the future with the Proposed Action. Has any provision been made for their parking needs? The DGEIS assumes that the Port Authority will construct a bus garage on Projected Development Site 21. The Port Authority has not yet agreed to this plan and may prefer a different site. The FGEIS must study the possibility that this garage will not be built. The FGEIS must also account for the planned displacement of the large bus parking facility now located on block 675. (CB4)

Response See responses to Comment N-72, Comment N-80, and Comment N-81.

Comment P-38 The DGEIS predicts that NJ Transit trains will accommodate 1,477 new riders in 2025, and NY Waterway ferries from Jersey will serve 1,256 new

riders. There is no discussion of NJ Transit buses. These numbers seem unrealistic in light of the anticipated 127,000 new jobs in the Hudson Yards area. (CB4)

Response Table 20-87 of the DGEIS shows that there would be a net increase of 1,477 New Jersey Transit commuter rail trips in 2025 Future With the Proposed Action conditions during the AM peak hour. Total ferry ridership from New Jersey would increase by 679 during this same period, as indicated in Table 20-92. New Jersey Transit bus ridership would be expected to increase by 2,258 in 2025 Future With the Proposed Action conditions during the AM peak hour. These figures represent inbound commuter trips during the 8-9 AM peak period; 24-hour temporal distributions of trips by office workers were included within Appendix S.1 of the DGEIS.

Comment P-39 The DGEIS omits any reference to commuter bus and van service not run by the MTA. At the very least, the EIS must study the effect of the Proposed Action on New Jersey Transit bus service and the bus-related elements of the Port Authority Bus Terminal. (CB4)

Response New Jersey Transit bus riders would be expected to increase by 2,258 in 2025 Future With the Proposed Action conditions during the AM peak hour. It is anticipated that a portion of these new bus riders would be accommodated by unused capacity in the NJ Transit bus system. The remainder of these new bus riders would be accommodated by new bus trips. The new bus trips were assumed to already have been incorporated within the overall trips added to the Lincoln Tunnel as a result of the background growth as part of the Future Without the Proposed Action. These bus trips would not affect the study area intersections as they have a direct connection between the Port Authority Bus Terminal and the Lincoln Tunnel. Increases in bus operations within the Port Authority Bus Terminal from all development and recovery projects in Manhattan would be incorporated into the long-term planning of the Bus Terminal facility by the PANY&NJ.

Comment P-40 What are the plans to purchase, store and maintain the 130 new buses needed to serve Hudson Yards? Have they been included in the traffic and air quality analyses? Does the transit analysis consider the effect of predicted traffic congestion on bus service? (CB4)

Response Proposed mitigation measures, including the operation of additional buses (nine additional standard buses in 2010; four additional standard buses and 66 additional articulated buses in 2025) have been developed and reviewed for physical and operational feasibility. New buses would be stored and maintained in existing MTA NYCT facilities. Changes to transportation conditions attributable to proposed mitigation measures (traffic, transit, and pedestrian), including the additional buses, have been included in the FGEIS traffic, air quality, and noise analyses (see Future With the Proposed Action and Mitigation). Costs associated with these mitigation measures are summarized in Chapter 5, "Socioeconomic Conditions."

Comment P-41 NYC Transit operates Quill Depot at 40th Street and Eleventh Avenue, adjacent to the Convention Center, and no consideration is given to impacts

on it. Although it is due to be razed for the Convention Center expansion, current plans have it being relocated beneath the site (i.e. it will remain in the heart of the development). This is an omission from the DGEIS. (MSG)

Response The Proposed Action would not impact Quill operations and would include a new facility.

Comment P-42 Baseline current ridership is derived from 2000-2002 Ride Check surveys (Table 20-15). But this period includes 9/11 and the months thereafter when ridership levels were depressed, but schedules were not reduced. The result of this may be to show higher available capacity than really exists. (MSG)

Response Ride Check data were aggregated over a three-year period to account for changes in travel patterns.

Comment P-43 Available bus capacity is based off NYC Transit scheduling guidelines of 65 passengers per regular bus, and 93 per articulated bus. Yet a review of average load data on Tables 20-15 through 20-18 shows that current service levels are designed to provide loading generally at 70 percent or less of guidelines. This raises two major issues. First if the actual practice of NYC Transit is considerably lower bus loading than its published guideline, is it reasonable for the DGEIS to use the guideline number, which is much more favorable to its consideration of impacts? Second, if the guidelines are real, then is it not likely that NYC Transit will reduce current service levels (thereby significantly reducing available capacity), as it has already stated it is prepared to do in order to close projected revenue shortfalls in 2005 and 2006. (MSG)

Response As described in Chapter 20, “Transit and Pedestrians,” analysis of potential impacts to bus service is based on guidelines established by MTA NYCT and described in the *CEQR Technical Manual*.

Comment P-44 On Table 20-91, and every other related table in the DGEIS, bus capacity along 34th Street is shown as a combined total of routes M16 and M34. However, because route M16 travels no farther west than Eighth Avenue, it really offers no service to the new stadium. Thus, the available service levels and capacities on West 34th Street are overstated by 50 percent throughout the DGEIS. (MSG)

Response As stated in the *CEQR Technical Manual*, the analysis of bus load levels is based on the number of persons per bus at the maximum load point. The maximum load point on the M34 route occurs at locations on 34th Street where eastbound/westbound service is combined with the M16 route. As such, available capacities on the M34 route are not overstated.

Comment P-45 Any expansion of the Quill Depot will have a larger impact on traffic in the study area. This has not been considered in the DGEIS. Where would buses needed for mitigation be stored? Additional buses could be stored elsewhere in Manhattan. However, there is no excess capacity in other Manhattan depots, so expansion would be required anyway. (MSG)

Response The Proposed Action would not include an expansion of the Quill Bus depot. Location of buses would be determined in context of MTA’s long range bus storage plans.

Comment P-46 On the Table 20-111, the DGEIS calls for adding 14 more buses to mitigate demand. It is unrealistic to assume the event-goers will endure what is likely to be a 40-minute ride to get from the stadium to Penn Station. It is not acceptable to add more traffic to intersections that are projected to have unmitigated adverse impacts. (MSG)

Response Additional bus service is proposed to provide one option to access the proposed Multi-Use Facility. As presented in the FGEIS, attendees are anticipated to utilize several modes, including an extended No. 7 subway, commuter rail, auto, ferry and, pedestrian routes.

Chapter 19, “Traffic and Parking,” describes the traffic mitigation plan for a special event at the Multi-Use Facility. This plan, including the deployment of twenty traffic enforcement agents and partial closures of West 30th and West 33rd Streets would expedite traffic operations before and after special events.

Comment P-47 If half of the persons traveling to Penn Station after a game seek to use a bus (a conservative estimate in inclement weather), approximately 87 additional buses would have to travel eastbound along 34th Street during the one-hour peak period. (MSG)

Response Chapter 19, “Traffic and Parking,” describes the traffic mitigation plan for a special event at the Multi-Use Facility. This plan, including the deployment of twenty traffic enforcement agents and partial closures of West 30th and West 33rd Streets would expedite traffic operations before and after special events.

5. Commuter Railroads

Comment P-48 New Jersey Transit will run out of capacity shortly. New transit capacity under the Hudson River should be a priority (RPA, TSTC, CHPC, HKNA, Straphangers).

Response See response to Comment P-12.

Comment P-49 New Jersey Transit is preparing a Draft Environmental Impact Statement for a series of commuter rail improvements in the vicinity of Penn Station New York called Access to the Region’s Core (ARC). The ARC project includes track improvements in New Jersey, a new two-track tunnel under the Hudson River, and a new 6 to 8 track station under West 34th Street between Sixth and Eighth Avenues. Early action improvements will include improvements at Penn Station that will permit more and longer trains and better access. NJ Transit is committed to coordinating the ARC improvements and making sure that integrated planning continues. (NJ Transit)

Response Comment noted.

Comment P-50 The DGEIS fails to address the ability of the commuter rail system (existing levels of train service) to accommodate additional riders generated by the stadium after a Sunday event. (MSG)

Response See response to Comment P-33.

Comment P-51 There is no discussion of line haul or scheduling/operational impacts to NJ Transit service or LIRR service. (MSG)

Response NJ Transit has projected a shortfall in capacity in the future, regardless of the completion of the Proposed Action (“4,000 to 5,000 seats by 2020”, *Access to the Region’s Core Summary Report 2003*). In order to address the shortfall, multiple agencies, including NJ Transit and the Port Authority are currently investigating improvements which would provide significant increases in capacity; completion of these projects would accommodate the shortfall, both with and without the Proposed Action.

6. Ferries

Comment P-52 Make access to the new West Midtown Ferry Terminal more pedestrian friendly, create better linkages between the service and the existing transportation system, and integrate this project into the Hudson Yards Plan. (CHPC)

Response Proposed mitigation measures, including two pedestrian overpasses across Route 9A/Twelfth Avenue, as well as a pedestrian walkway through the Convention Center from Twelfth to Eleventh Avenues (at West 40th Street), would provide improved pedestrian linkages between the Ferry Terminal, Hudson Yards, and other areas of Midtown Manhattan.

Comment P-53 It is unclear how a ferry system with a peak capacity of 4,300 people will carry 8,000 additional people? The EIS should address weekend service. (CB4)

Response As described in Chapter 20, “Transit and Pedestrians,” the new 39th Street ferry terminal would also provide adequate capacity to meet the Special Event peak hour demand.

Comment P-54 There should be improved ferry service from New Jersey. (WCC)

Response Comment noted.

Comment P-55 Increasing ferry service will not help to reduce demand on existing roadways and alternative transit modes due to the effects of “latent demand” or “induced demand.” (Riverkeeper)

Response Increasing ferry service would provide additional capacity to meet a portion of the travel demand from the Proposed Action. Regional impacts of ferry service are beyond the scope of this EIS.

Comment P-56 The promotional materials that the applicant distributes regarding the stadium frequently show a new ferry terminal that will be built to serve the stadium. This terminal is not discussed in the DGEIS. We note that the terminal would most likely require a permit from the Army Corps of Engineers and preparation of a Federal Environmental Impact Statement and possibly the reopening of the EIS prepared for Hudson River Park. (CB4)

Response A new ferry terminal is not proposed as part of the Proposed Action.

Comment P-57 The DGEIS does not contain any data at all on existing weekend and evening ferry service. Given that the applicant expects almost 8,000 people to travel to Jets games via ferry, this omission is completely unacceptable. (CB4)

Response See response to Comment P-53.

Comment P-58 Table 20-9, which gives trip generation rates for each expected new facility, reports that 6,950 people will travel to and from the stadium by “other” means. Presumably this is the number that refers to ferry ridership, although it is significantly lower than the actual 7,950 predicted to arrive by ferry (10.6 percent of 75,000). Why is ferry usage not included in the table? How was the “other” figure derived? (CB4)

Response Appendix S.1 of the DGEIS indicates that 10.6 percent of attendees would use ferries to travel to the Multi-Use Facility for a Sunday afternoon game. Table 20-9 summarizes peak hour person trips. Applying the temporal distribution of peak hour departures (85 percent) to the number of attendees that would use ferries (10.6 percent of 75,000) results in 6,757 peak hour person trips by ferry, which is listed in the table under the Sunday afternoon Special Event peak hour. In the case of the Multi-Use Facility, the “other” travel mode in Table 20-9 represents ferry travel.

Comment P-59 How does the NY Waterway number of 20,000 riders relate to the 8,000 riders predicted by the applicant? (CB4)

Response Appendix S.1 of the FGEIS notes that New York Waterway could accommodate up to 20,000 ferry riders during the pre- and post-game hours of a Multi-Use Facility event. In 2025, the Proposed Action is projected to generate a total demand for ferry services of 6,989 passengers in the weeknight Special Event peak hour and 6,891 in the Sunday afternoon Special Event peak hour. As such, the projected demand for ferry services lies within the capacity of New York Waterway.

Comment P-60 The DGEIS predicts that 1,256 new riders will use the ferries for weekday service in 2025. How was this number derived? The modal splits used for office workers in Appendix S-1 do not account for ferry riders. (CB4)

Response Table 20-92 of the DGEIS shows that there would be a net increase of 679 ferry trips in 2025 Future With the Proposed Action conditions during the AM peak hour. Ferry riders are accounted for as part of the “other” mode in the trip generation rates contained within Appendix S.1.

Comment P-61 By using the assumptions and number in the DGEIS, it is possible to calculate that 95 percent of “other” is the number of people to ride the ferries after the game. By comparing the existing “available capacity” of the ferry services, and by assuming 149 passengers per boat, there is a deficiency of 35-38 ferries to haul post-game fans. The absence of sufficient ferry capacity makes it likely that event-goers will remain in their cars and travel by car to and from Manhattan. (MSG)

Response See response to Comment P-53.

Comment P-62 Projected traffic does not include the 8,000 people who are expected to travel to football games on ferries. (CB4)

Response The DGEIS and FGEIS both present Future Conditions (2010 and 2025) with the Proposed Action and Mitigation. These analyses incorporate all proposed future project elements and mitigation measures, including the additional pedestrians arriving in Hudson Yards by ferry and walking south to the proposed Multi-Use Facility.

7. Multiple Modes

Comment P-63 The proposed project will cause overcrowding of subways, buses and commuter railroads. (MSG, HKNA)

Response The analyses contained within Chapter 20, “Transit and Pedestrians,” do not support this assertion.

Comment P-64 The DGEIS indicates a number of stresses on the region’s transportation system that will occur as a result of the Hudson Yards development that the No. 7 will not alleviate by itself. First the DGEIS describes a considerable increase in crowding that is likely to occur at Grand Central Terminal, but it does not propose effective mitigation or alternatives to alleviate this condition. (MSG, HKNA, MAS)

Response Significant impacts generated by the Proposed Action on transit services are presented in the FGEIS. Proposed measures to mitigate all of the projected transit impacts are presented in Chapter 20, “Transit and Pedestrians.”

Comment P-65 The DGEIS should consider additional transit opportunities including expansion of trans-Hudson commuter capacity, expanded ferry service, and the establishment of a new rail station at the renovated Farley Post Office building. (MAS)

Response Extension of the No. 7 subway line as part of the Proposed Action does not preclude other transit improvement projects. Expansion of ferry services and trans-Hudson commuter rail capacity (Access to the Region’s Core) are described in Chapter 20 of the FGEIS. The proposed Moynihan Station at the Farley Building is described in Chapter 4, “Land Use, Zoning, and Public Policy.”

Q. PEDESTRIANS

1. Safety

Comment Q-1 The EIS does not consider the likely impact on the safety of pedestrians and bicyclists of adding traffic lanes at already dangerous intersections. (D. Gutman, HKNA)

Response Pedestrian conditions have been analyzed according to the methodology presented in the *CEQR Technical Manual*. Incorporation of any proposed traffic, transit, or pedestrian mitigation measures has been included in the analyses of Future With the Proposed Action and Mitigation.

Comment Q-2 42nd [Street] and Ninth [Avenue] is the most dangerous intersection in Manhattan for pedestrians and cyclists and the nearby Holy-Cross school is the most dangerous for children going to school in Manhattan. (HKNA)

Response According to the NYPD, this intersection had 13 pedestrian accidents in 2000, however it is not among the Top 20 Accident Locations Citywide.

Comment Q-3 Proposed traffic and air quality mitigation such as removing on-street parking spaces or changes in signal timing will make already dangerous intersections more dangerous for pedestrians. (H. Mendes, HKNA)

Response The analysis of pedestrian conditions incorporates proposed traffic, parking, and air quality mitigation measures. In the 2025 Future With the Proposed Action, the peak period with the greatest number of impacts would be the Midday peak period. During this time, 741 pedestrian elements would not have significant adverse impacts, 37 would have significant adverse impacts that could be mitigated, and 41 would have significant adverse impacts that could not be mitigated. The unmitigated significant adverse impacts would include 19 corners (mostly along Tenth Avenue from West 30th to West 37th Streets) and 22 crosswalks (mostly along West 31st, West 33rd, and West 34th Streets). No impacts to sidewalk locations would occur.

Comment Q-4 Pedestrians will be less safe at all times, crossing the West Side Highway (Twelfth Avenue) as the sidewalk bulges built to protect pedestrians are removed at West 42nd Street, West 48th Street, and West 50th Street. (MSG)

Response There is an existing pedestrian overpass over Route 9A at West 45th Street and one recommended mitigation measure is the construction of a new pedestrian overpass over Route 9A at West 40th Street. Analysis of these conditions is presented in the FGEIS (see Future With the Proposed Action and Mitigation).

Comment Q-5 The DGEIS does not consider that pedestrians often feel unsafe when sidewalks are not adequately used. The FGEIS should include a discussion of the likely level of use of the widened sidewalks at non-peak hours. (CB4)

Response Pedestrian analysis is based on the *CEQR Technical Manual*'s definition of peak hour level of service.

2. Policy

Comment Q-6 The northern expansion of the Convention Center should be revised to provide for more pedestrian friendly spaces and possibly a bridge to Hudson River Park. (RPA)

Response One recommended mitigation measure is construction of a pedestrian overpass over Route 9A/Twelfth Avenue at West 40th Street between the Convention Center and Hudson River Park. The proposed expansion of the Convention Center also includes a passageway from Twelfth to Eleventh Avenues (through the Convention Center) and publicly-accessible rooftop open space.

Comment Q-7 Pedestrian overpasses over Route 9A must be accessible to the handicapped and elderly. (CB4)

Response The proposed pedestrian overpasses would be constructed according to all applicable regulations. The requirements of the American Disabilities Act would be incorporated, as applicable.

Comment Q-8 It is imperative that the Hudson Yards Plan effectively create pedestrian friendly linkages between the expanded ferry terminal at 39th Street and the No. 7 Subway Extension, as well as to other elements of the existing and proposed transportation system. (MAS)

Response See response to Comment P-52.

Comment Q-9 Development of a strong east west connection through the Center, perhaps at West 38th Street, would help mitigate the nine-block wall between the City and the River. (MAS)

Response As identified and analyzed in the FGEIS, the proposed expansion of the Convention Center includes a pedestrian passageway through the facility at West 40th Street.

3. Route Assignments

Comment Q-10 The FGEIS should state the number of stadium users who will exit the stadium by utilizing the High Line and the time period when they will do so. Explain how the number of such persons compares to the capacity of the High Line to handle this degree of pedestrian flow. (MSG, HKNA)

Response The High Line spans Eleventh Avenue adjacent to West 30th Street and would provide pedestrian access between the south entry of the Multi-Use Facility and Projected Development Site #1. It is expected that approximately 10,000 attendees departing the Multi-Use Facility would utilize the High Line to cross over Eleventh Avenue in the Sunday afternoon Special Event peak hour. This level of pedestrian demand falls within the maximum capacity of the 30-foot wide High Line, which could accommodate a capacity of 22,680 persons within an hour.

4. Methodology

Comment Q-11 The platform from the stadium over the West Side Highway (Twelfth Avenue) is considered only as an alternative. (MSG)

Response This statement is accurate.

Comment Q-12 We question the accuracy of much of the pedestrian data. The FGEIS must provide information on how pedestrian volumes were measured. For instance, at Broadway and 34th street during the AM peak hour, the pedestrian volume at crosswalk A-B-C falls from 1,015 to 0 in 30 minutes. This seems highly unlikely. Similarly, at Sixth Avenue and 34th Street, sidewalks B and C host thousands of people in the course of a day, while Sidewalks A and C serve not one single soul. This also seems unlikely. There are countless intersections with similarly curious data. (CB4)

Response The existing pedestrian volumes provided in Appendix S.5 of the DGEIS represent volumes during the peak 15-minute period, which is the basis for the analysis of pedestrian levels of service. Appendix S.5 also provides a key diagram showing the naming and numbering convention for sidewalks, corners, and crosswalks. For example, at the intersection of Broadway and West 34th Street, there are 1,015 pedestrians in the north crosswalk heading eastbound (Crosswalk A-B-C, Movement 25). Because of the irregular geometry of Herald Square, where Broadway and Sixth Avenue converge, sidewalks “B” and “C” were analyzed separately as part of the intersection of Sixth Avenue and West 34th Street and sidewalks “A” and “D” were analyzed separately as part of the intersection of Broadway and West 34th Street. However, all elements of this intersection are analyzed.

5. Results

Comment Q-13 Where pedestrian flow rates drop to a level of service D at crosswalks and corners and on sidewalks -- an “unacceptable” level of service -- this should be considered a significant impact. (CB4)

Response The FGEIS identifies significant impacts on pedestrian conditions as per the criteria of the *CEQR Technical Manual*. For corners and crosswalks within the Manhattan CBD, significant impacts are considered to occur for decreases in pedestrian area occupancies of one square foot per person under the Future With the Proposed Action when the Future Without the Proposed Action has average occupancies under 15 square feet per pedestrian (the threshold of LOS D and E). Projected pedestrian volume increases of less than 200 pedestrians per hour are not considered a significant impact, since that level of increase is not generally noticeable.

For sidewalks within the Manhattan CBD, a significant impact is considered to occur if a pedestrian flow rate of 15 pedestrians per foot per minute (PFM) under Future Without the Proposed Action (the threshold of LOS D and E) is projected to increase by 2 PFM under Future With the Proposed Action. Platoon conditions are assumed during the assessment of significant adverse impacts.

Comment Q-14 The EIS should discuss the “mobbed” pedestrian conditions that will be created along the Midblock Boulevard. (CB4)

Response Pedestrian conditions projected along the proposed Midblock Boulevard have been analyzed according to the methodologies presented in the *CEQR Technical Manual*. The results of this analysis are summarized in Appendix S.5 of the FGEIS.

R. AIR QUALITY

Comment R-1 Passenger ferries in New York Harbor emit more air pollution per passenger mile than trains, buses or cars, and will continue to be more polluting than land-based alternatives despite new federal regulations for ferry engines scheduled to take effect in 2007. Therefore, the Hudson Yards Project will significantly increase air pollution emissions in the New York Metropolitan region. A revised DGEIS should be prepared and circulated for public comment to conduct a detailed study quantifying the project-specific and cumulative air pollution impacts from ferries in New York Harbor. In addition, mitigation measures should be analyzed and implemented for ferries serving the project such as cleaner fuels, air pollution controls and new technologies such as hybrid-electric vessels that could turn off diesel engines while maneuvering at the terminal. (Riverkeeper, MSG, HKNA)

Response The Proposed Action does not include a ferry terminal. The ferry demand anticipated to occur with the Proposed Action—including during peak weeknight and Sunday special events—is well within the ferry traffic levels identified in the West Midtown Intermodal Ferry Terminal EAS (November 2001). That analysis, which assumed a 42 percent increase in ferry landings (from 146 to 202), concluded that projected ferry traffic would not produce significant air quality impacts.

The 2001 analysis conducted for the terminal did not evaluate potential PM_{2.5} impacts from additional ferry service, since it was not required at the time. A screening level analysis of the potential PM_{2.5} impacts of the additional weekday and weekend ferry operations was therefore performed for this project. The result of this analysis is that the potential impacts of the additional ferry operations would not exceed either the annual or 24-hour Significant Threshold Values established by NYCDEP. This analysis is conservative, because the number of ferry landings to serve the weekday and Sunday event commuters would be less than the number used in the 2001 EAS.

Comment R-2 It does not appear that the emissions from cruise ships docking and leaving the West Side piers, and the related traffic (including any projected increases in these activities with or without the Proposed Action) are accounted for in the air quality analysis. (MSG, HKNA)

Response Emissions currently being generated by existing emission sources in or near the project study area are reflected in the area’s background values, which were added to project impacts to estimate total pollutant concentrations.

Comment R-3 The DGEIS predicts that the levels of particulate matter (PM₁₀ and PM_{2.5}) will exceed the annual and 24-hour National Ambient Air Quality Standards (NAAQS). (NRDC, MSG, HKNA, CB4)

Response The results provided in the DGEIS were based on a conservative Tier I analysis. The document also indicated (based on the results of a Tier II analysis conducted at one of the most critical analysis sites) that a more detailed Tier II analysis would show that the Proposed Action would not cause or exacerbate an exceedance of the CO or PM₁₀ NAAQS and that the Proposed Action would not cause a PM_{2.5} increase greater than the NYCDEP Significant Threshold Value at any of the other analysis sites.

The more detailed Tier II analysis was conducted at all critical analysis sites for the FGEIS, and the result of this analysis is that the preliminary finding of no significant adverse air quality impacts presented in the DGEIS was confirmed.

Comment R-4 The DGEIS states that refined calculations will be conducted as part of the FGEIS, but given the extent and nature of the predicted negative impacts from the Proposed Action, it is appropriate to conduct the refined calculations in time for publication of the DGEIS. (MSG, HKNA, CB4)

Response Although potential exceedances of the NAAQS were identified based on the Tier I analysis, the DGEIS also reported that, based on a more detailed Tier II analysis conducted at the most critical intersection, the Proposed Action would not cause or exacerbate an exceedance of a NAAQS. This provided commenters with ample opportunity to comment on expected levels of mobile source impacts.

Comment R-5 According to the DGEIS, the Tier II (refined) mobile source analysis for PM_{2.5} incorporates application of the MTA bus fleet retrofit technology program for reducing PM_{2.5} emissions, but generally to incorporate credit for an emission reduction program in an air quality analysis, the emissions limitations need to be federally enforceable and practicably enforceable. It is not clear how the MTA bus fleet retrofit technology program meets these criteria. (MSG, HKNA)

Response As part of its 2000-2004 Capital Program, in 2000 the MTA began installing Continuously Regenerating Technology (CRT) particulate filters as an exhaust after-treatment device on more than 3,000 older diesel buses; the project is expected to be complete in 2005. The remainder of the diesel fleet has newer buses that are already equipped with diesel particulate filters. MTA has demonstrated that adding CRT along with using ultra-low sulfur fuel can reduce particulate emissions by more than 90 percent. The commenter's reference to federally enforceable standards relates to certain types of federal permit requirements, not to environmental impact assessments under SEQRA, which are based on the use of reasonable worst case operating conditions.

Comment R-6 The discussion of likely bus retrofitting by MTA completely ignores the presence of Greyhound, NJ Transit and other commuter buses in the area.

The bus fleets must be analyzed separately rather than assumed to have the same emission levels as MTA buses. (CB4)

Response

This comment concerns the potential impacts of the project on particulate levels – PM_{2.5} and PM₁₀.

The PM_{2.5} analysis conducted for the Proposed Action accounts for increased bus trips from the carriers serving the Project Area. Many NJ Transit buses have a direct connection from the Terminal. Increases in bus operations within the Bus Terminal from all development and recovery projects in Manhattan would be incorporated into the long-term planning of the Bus Terminal by the Port Authority. Since only MTA buses would be added widely to the street network as a result of the Proposed Action, only MTA bus emissions were considered in the mobile source intersection analysis.

With respect to PM₁₀, over 95 percent of the PM₁₀ emissions from heavy duty diesel vehicles are from re-entrained dust, not tailpipe emissions. Since the total effect of tailpipe emissions are small, differences in tailpipe emissions between MTA and conventional buses would not affect the results of the analysis. A screening analysis was conducted that confirmed that the effects of incorporating NJ Transit bus emissions into the PM₁₀ analysis would not cause or exacerbate either the 24-hour or annual NAAQS.

In addition, with respect to both PM₁₀ and PM_{2.5} impacts, NJ Transit has indicated that by the end of 2005 all NJ Transit buses (which comprise the majority of buses using the Port Authority Bus Terminal) would be new lower polluting vehicles that were purchased between 2001 and 2005.

Comment R-7

The DGEIS undercounts commuter buses traveling to and from the Port Authority Bus Terminal and surrounding streets because it analyzes only one intersection likely to have any commuter bus traffic at all. Some buses leaving layover parking do pass through the intersection at West 39th Street and Tenth Avenue, but the vast majority do not. This analysis misses the buses that travel from the Lincoln Tunnel straight to the Port Authority Bus Terminal. Given that vehicle classification was performed in order to study air quality, this omission must be rectified. The FGEIS must study more appropriate intersections, particularly those along Dyer Avenue. (CB4)

Response

While existing traffic volumes (including bus volumes) were counted throughout the study area, the signalized intersection where the most buses would pass through between the Lincoln Tunnel and the Port Authority Bus Terminal is at Tenth Avenue at West 39th Street. For the air quality analysis, the intersection of Tenth Avenue at West 39th Street was determined to be the site with the highest total volumes and project generated volumes. A cumulative analysis was performed at this intersection to determine CO and PM₁₀ levels, and PM_{2.5} increments that reflect portal emissions from the Lincoln Tunnel north, center and south tubes, as well as emissions associated with vehicles traveling on the at-grade, below-grade and elevated bus ramps from the Port Authority Bus Terminal to the Lincoln Tunnel. It was

therefore not necessary to analyze locations with lower volumes/trip generation along Dyer Avenue.

Comment R-8 The analysis of stationary sources does not include any discussion of the proposed cogeneration facility for the stadium. Its environmental effects must be studied along with the rest of the Proposed Action. (CB4)

Response The Proposed Action does not include a cogeneration system for the Multi-Use Facility.

Comment R-9 The cumulative effects of stationary and mobile sources were not considered in the DGEIS. (MSG, HKNA, Harvey)

Response As discussed in Chapter 21, the traffic data used in the mobile source analysis include, as appropriate at each analysis site, vehicular traffic associated with the Quill Bus Depot, the Multi-Use Facility, the relocated DSNY Maintenance Garage, NYPD Tow Pound facilities, the expanded Convention Center, and other major parking facilities. Additional mobile source analyses were conducted near these facilities to assess whether traffic in and out of each facility, with the anticipated street traffic, would cause significant localized air quality impacts. The analyses concluded that there would be no such impacts.

In addition, the analyses conducted for the HVAC systems of these facilities conservatively calculated air quality levels at receptors approximately the same heights as the stack exhaust points, assuming direct plume impaction. The localized ground-level impacts of the emissions from these elevated emission sources at the mobile source analysis sites would be minimal.

A cumulative analysis was conducted to assess the impacts to PM₁₀ and PM_{2.5} levels from the relocated Quill Bus Depot, the DSNY Maintenance Garage and the NYPD Tow Pound. Mobile source intersection impacts were combined with HVAC impacts and the results indicate that there are no exceedances of the PM₁₀ NAAQS or the NYCDEP PM_{2.5} annual or 24-hour STVs.

A cumulative impact analysis was also conducted to assess impacts of the combined Lincoln Tunnel portal emissions and the street level traffic emissions at the nearby intersection. Impacts of the Lincoln Tunnel ventilation exhaust at the street level receptors are insignificant and therefore were not added to the street traffic contributions.

Comment R-10 The DGEIS does not reflect the full short-term or long-term air quality impacts because it does not account for all project-related activities; it considers sources, like mobile and stationary sources, in isolation. (MSG, HKNA, Harvey)

Response Both the short-term and long-term air quality impacts of the Proposed Action were comprehensively analyzed in the FGEIS, where it was demonstrated that all of the activities associated with the Proposed Action combined would not cause any significant adverse air quality impacts.

Comment R-11 The DGEIS underestimates air emissions because it relies on a flawed traffic analysis performed in Chapter 19. (MSG, HKNA, CB4)

Response The traffic analysis was conducted using the state-of-the-art methodologies set forth in the 2001 *CEQR Technical Manual* as described in Chapter 19.

Comment R-12 The DGEIS underestimates traffic and emissions from motor vehicles, particularly as they idle at the tunnels and bridges from New Jersey into New York. (Harvey)

Response Under CEQR and SEQRA, an environmental impact analysis is only required to predict the impacts on the environment within New York State. However, concerns have been expressed by a New Jersey official as to the traffic generated by the Proposed Action and its potential effect on pollutant levels at New Jersey portals into and out of Manhattan. To respond to these concerns, a queuing analysis and an air quality dispersion analysis at the toll plazas to the George Washington Bridge, the Holland Tunnel and the Lincoln Tunnel were conducted and the results set forth below.

Queuing Analysis

Queue lengths were projected at the Holland Tunnel Toll Plaza, Lincoln Tunnel Toll Plaza, and the three tolled approaches to the George Washington Bridge for the AM peak hour in 2010 and 2025 for the Future With and Without the Proposed Action. It was conservatively estimated that all of the project-generated vehicles would be added to the end of the queue rather than randomly distributed over the hour.

In 2010, the difference between projected queues with and without the Proposed Action would be insignificant at the Holland Tunnel and at the three approaches to the George Washington Bridge. The projected queue at the Lincoln Tunnel would increase approximately 250 feet.

In 2025, the projected increase in queue length under the Proposed Action condition at the Holland Tunnel would be approximately 330 feet. Similarly at each of the George Washington Bridge approaches there would be an increase in queue length of approximately 290 feet. At the Lincoln Tunnel, the projected increase in queue length would be approximately 2,200 feet.

Air Quality Analysis

An air quality analysis was conducted at portal locations near the George Washington Bridge, the Lincoln Tunnel, and the Holland Tunnel toll plazas to evaluate potential impacts from emissions of idling vehicles including those from the Proposed Action, entering the tunnels and bridges from New Jersey into New York.

This analysis was performed using the future 2025 traffic volumes with the Proposed Action for the AM and PM peak hours to determine whether CO levels and PM₁₀ levels would be within the NAAQS at sensitive receptor locations. The CAL3QHCR dispersion model was used to estimate CO and PM₁₀ levels using Mobile 6.2.03 emission factors supplied by NJDEP with local registration and temperature profiles. PM₁₀ and CO idle emission

factors from Mobile 6.2.03 were included in the total emission source strength, in addition to the lowest operating speed that was assumed for the CO analysis.

Receptors at the George Washington Bridge toll plaza area were analyzed at sidewalk locations along Lemoine Avenue (adjacent to the lower level toll facility). This location is also near a NJDEP monitoring station, which in 2003 reported a maximum 24-hour PM₁₀ level of 149 µg/m³ and an annual average PM₁₀ concentration of 37 µg/m³. Maximum CO levels monitored in 2003 at this site were 2.4 ppm. In the future by 2025, PM₁₀ emission rates would decrease by 50% from 2003 rates and CO emissions would be reduced by 61%. Traffic volumes under 2025 with the Proposed Action are estimated to increase by 15%, including the project-generated trips. The results of this analysis indicate that total CO and PM₁₀ levels in 2025 would be within the NAAQS.

Receptors were analyzed at sidewalks adjacent to eastbound (toll) direction of Holland Tunnel Toll Plaza. The modeling assumption described above were also applied to this analysis. Results of the analyses are that CO and PM₁₀ levels in 2025 are within the NAAQS. (The NYSDEC monitor in Jersey City at 355 Newark Avenue shows maximum 24-hr PM₁₀ levels in 2003 of 110 µg/m³ and 28 µg/m³ for PM₁₀ annual levels.)

Elevated receptors were analyzed at residential buildings near the Lincoln Tunnel Toll Plaza adjacent to Park Avenue and at the baseball field adjacent to tunnel portal. Sensitive receptors are relatively far from sources of emissions (200-foot vertical differential). Results of the analysis are that estimated CO and PM₁₀ levels in 2025 would be within the CO and PM₁₀ NAAQS. The effects of the NJ Lincoln Tunnel portal and ventilation building exhaust at nearby residential uses would be insignificant because the closest residential receptors are about 200 feet above the portal. The change in the portal exhaust at the Holland Tunnel would not have a significant effect because the exit ramp slows the traffic flow which significantly diminishes the piston action and the portal exhaust.

Comment R-13 With regard to the air toxics / HVAC analysis, the DGEIS inappropriately relies on using closed windows and moving HVAC stacks to avoid impacts. (NRDC)

Response The HVAC systems of the proposed development sites have not been designed, and the use of (E) Designations to assure the appropriate placement of stack exhausts prior to the design stage is a reasonable approach for complying with the applicable environmental standards for air quality at nearby sensitive receptors.

In the case of existing sources of air toxic compounds (industrial sources), the facades of the Projected Development Sites were modeled (for the DGEIS) as elevated receptor points assuming that the proposed buildings would include operable windows. Although a restriction that imposes the use of inoperable windows is an appropriate measure to assure compliance, the FGEIS includes a refined analysis with modeling results for Potential

Development Sites. The updated analysis indicates that there would be no significant air toxic impacts from the industrial sources on any Projected or Potential Development Sites.

Comment R-14 The DGEIS insufficiently analyzes air quality. (Housing Conservation Coordinators)

Response As discussed in Chapter 21, the air quality analysis was conducted in conformity with the 2001 *CEQR Technical Manual* and all applicable laws and regulations.

Comment R-15 The DGEIS does not consider whether unlimited new parking facilities will violate the Clean Air Act. (Schubert Organization)

Response All major parking facilities associated with the Proposed Action were considered in the air quality analysis, which concluded that the Proposed Action would not cause any significant adverse air quality impact or violate the Clean Air Act.

Comment R-16 The DGEIS does not consider emissions from idling vehicles other than buses and heavy duty trucks, underestimating the air pollution caused by cars and light trucks that are mired in traffic during special events and rush hours. (CB4)

Response As discussed in Chapter 21, “Air Quality,” potential air quality impacts from the emissions of idling vehicles are incorporated into the air quality analysis.

Comment R-17 Why was the bus service additions only included in this special section, rather than the standard 2025 analysis? (CB4)

Response The additional bus service serves as a transit mitigation measure for the project. Since buses would be added along the West 34th Street, West 42nd Street, Ninth Avenue and Tenth Avenue corridors, and PM emissions are a significant part of the total bus exhaust, a separate air quality analysis was conducted to determine the effects of this mitigation measure on PM₁₀ and PM_{2.5} levels.

Comment R-18 Are additional sanitation trips included in the standard 2025 analysis? (CB4)

Response Four additional sanitation trips per day would be required to meet the waste disposal needs of the proposed residential development. These additional trips, which according to DSNY will use ultra-low sulfur diesel trucks, would have minimal effect on overall PM₁₀ and PM_{2.5} levels. Additional sanitation vehicles associated with the additional office development, the expanded Convention Center and the Multi-Use Facility would operate during off-peak hours (generally night-time) and would not change peak period traffic patterns or the results of the air quality analysis.

Comment R-19 The DGEIS does not consider the air quality effects of the truck marshalling path because the Convention Center is “not publicly accessible.” This is an

unacceptable omission, given that many shows at the Convention Center are open to the public and the Convention Center itself is a facility to be built with public money for public purposes. (CB4)

Response Emissions generated within the marshalling path would not affect sensitive receptor sites. Ventilation exhaust would be emitted within enclosed Convention Center property that would be inaccessible to the general public.

Comment R-20 The wall separating the truck marshalling exhaust from the Twelfth Avenue sidewalk (DGEIS p. 21-34) would divert the plume either north or south, and there is no wall separating the exhaust from the West 41st Street sidewalk. Impacts on the West 41st Street sidewalk should be evaluated. (Gutman)

Response See response to Comment R-19. In addition, the design of the expanded Convention Center includes a wall along West 41st Street.

Comment R-21 Given that there has not been a feasibility and effectiveness study on the proposed traffic mitigation measures, it is inappropriate to assume that changing the timing of traffic lights, etc. is all that is required to lower dangerous levels of air pollutants. (CB4)

Response Air quality analyses were conducted with and without traffic mitigation. These analyses demonstrate that no significant adverse air quality impact would result from the Proposed Action under either scenario.

Comment R-22 It is inappropriate to make assumptions about federal emissions standards in 2025. (CB4)

Response Emission factors used in the analysis were obtained using the latest version of the USEPA MOBILE 6 emission factor algorithm. The values predicted by this emissions estimation algorithm are based on many years of emission testing and anticipated (and federally mandated) changes in vehicular technology and emission control requirements.

Comment R-23 The DGEIS assumes that carbon monoxide emissions rates will be affected by decreases in future year emissions due to more stringent regulations. What does the DGEIS assume will be the average fuel efficiency of the cars, light trucks, buses and heavy trucks that are expected to be present in the Project Area? How is the total fleet assumed to be allocated among each type of vehicle? (CB4)

Response See response to Comment R-22. Vehicle mix data used in the mobile source analysis are based primarily on traffic counts collected near each analysis site. The number of automobiles, light duty trucks (including SUVs), and heavy duty trucks were obtained directly from these data. This information was further refined to include all of the categories of vehicles included in MOBILE 6 using vehicle registration data from NYSDOT. This methodology was applied following *CEQR Technical Manual* guidance. Vehicle fuel utilization rates are internal to the Mobile 6 algorithm.

Comment R-24 Does the DGEIS assume that the 2010 and 2015 fleets will be allocated among vehicle types the same way they are now, or does it account for the continuing growth in SUV sales? If it does not, it should, for both carbon monoxide and particulate matter analyses. (CB4)

Response See response to Comment R-23. It was assumed that the current non-project related vehicle mix within the study area would remain the same in the future analysis years. This methodology follows the *CEQR Technical Manual* guidance.

Comment R-25 The FGEIS should explicitly state how the Proposed Action achieves general conformity and transportation conformity with the Clean Air Act and whether the Proposed Action is consistent with or will require modifications to the New York State Implementation Plan (SIP). (MSG, HKNA, Harvey)

Response Conformity determinations are beyond the scope of this FGEIS. The Proposed Action would not cause or exacerbate an exceedance of any air quality standard and would be consistent with the SIP.

Comment R-26 The DGEIS fails to address the additional emissions' contribution to the non-attainment area or its interference with the maintenance status in New Jersey. The New Jersey Attorney General's Office is particularly concerned with the project's long-term impacts on the State of New Jersey's SIP and the attainment and/or maintenance of NAAQS in New Jersey. (Harvey)

Response See response to Comment R-12.

Comment R-27 The FGEIS should specify how heating and cooling will be provided and whether any facilities (i.e., boilers) that will be installed will require air pollution permits from the state or city. (MSG, HKNA)

Response The exact type of heating systems that would be provided in each building are not known at this time. Buildings with fossil fuel-fired boilers would typically require permits from the NYCDEP.

Comment R-28 If Title V permits are required, the emissions of these facilities should be discussed and should be included in the cumulative impact analysis. The timing and nature of the Title V permit and any other air pollution permits should be discussed, together with the anticipated conformance of the facilities to the applicable permit requirements. (MSG, HKNA)

Response The Quill Bus Depot is the only facility associated with the Proposed Action that has a state air quality facility permit. When this facility is relocated, a new permit would be required. An air quality analysis would then be required by the NYSDEC as part of the application process to confirm that the new facility would not cause any exceedance of the NAAQS.

Comment R-29 A map identifying the parcels that have received or will receive (E) Designations as a result of air pollution conditions should be provided. (MSG, HKNA)

- Response** Chapter 21, “Air Quality,” of the FGEIS includes the block, lot and site number of each parcel proposed to receive an (E) Designation.
- Comment R-30** In an air quality analysis, it is highly unusual to require the general public to accept restrictions, here the (E) Designation, to avoid an adverse air quality impact. (MSG, HKNA)
- Response** (E) Designations would be placed on several Projected and Potential Development Sites as a result of conditions presented in the HVAC analysis. The placement of (E) Designations for air quality on Projected and Potential Development Sites is provided for in Zoning Resolution Section 11-15 and has been utilized in the past by the City as appropriate.
- Comment R-31** It is unclear how the (E) Designation (and the attendant operating limitations) would be enforced by the Proposed Action proponents on specific development sites. (MSG, HKNA)
- Response** (E) Designations are placed on the zoning map and, as such, are enforceable through the Department of Buildings.
- Comment R-32** An early-morning period (7:00 AM to 8:00 AM) was evaluated as part of the air quality analyses to account for the effect of traffic from the relocated Quill Bus Depot, the DSNY Maintenance Garage, and NYPD Tow Pound facilities on mobile source emissions, but this early morning period was not studied as part of the traffic assessment although it was stated in the DGEIS that the same periods were selected for the traffic and air quality assessments. (MSG, HKNA)
- Response** The traffic data used in the mobile source analysis include, as appropriate at each analysis site, vehicular traffic associated with the Quill Bus Depot, the Multi-Use Facility, the relocated DSNY Maintenance Garage, NYPD Tow Pound facilities, the expanded Convention Center, and other major parking facilities. This analysis was conducted for the worst-case traffic time periods, including the AM peak.
- The analysis of each of these facilities was conducted for the time period when the maximum potential impacts of that facility may occur. The greatest increase in overall morning trip generation from all of the elements of the complete Proposed Action was determined to occur between 8:00AM and 9:00AM. However, the morning peak hour for the Quill Bus Depot, DSNY Garage, and NYPD Tow Pound was determined to occur between 7:00AM and 8:00AM. Since the air quality analyses of these facilities focused specifically on the impacts of these elements, these additional analyses were conducted for the earlier and more applicable hour.
- Comment R-33** The DGEIS assumes a limitation on fuel oil sulfur content or a modification to the HVAC system’s operating cycles to reduce the amount of fuel oil used in the Quill Bus Depot Boilers to avoid sulfur dioxide NAAQS exceedances. It is unclear how these limitations would be enforced by the project sponsors. (MSG, HKNA)

Response The Quill Bus Depot currently has a state facility air quality permit issued by NYSDEC. The permit would be amended as required to incorporate the operating restrictions identified in the FGEIS.

Comment R-34 The modeling used the Quill Bus Depot's current air permit to establish emission rates and stack parameters. It is unclear if such emission rates account for the projected future level of bus service at the new location. (MSG, HKNA)

Response See response to Comment R-33.

Comment R-35 It appears the HVAC analysis was conducted for receptors at elevations corresponding to windows at major residential and commercial complexes; these emissions were apparently not evaluated for impacts on pedestrians at street level. (MSG, HKNA)

Response The analysis followed procedures set forth in the *CEQR Technical Manual* regarding HVAC impacts for development projects. The maximum impacts identified in the FGEIS would occur at the elevations at approximately the same height as the height of the exhaust stacks. Ground level impacts from the elevated HVAC emission sources would be much lower than those predicted at elevated receptors.

Comment R-36 The conclusion that air pollutant emissions from the Lincoln Tunnel portals contribute minimally to concentrations at sidewalk level is wrong. Vehicles leaving the tunnel create jets of air that carry pollutants into the exit plaza, which are then confined by the walls of the exit plaza, permitting them to rise to street level before being dispersed by the wind. High concentrations of pollutants are then on adjacent sidewalks. (Gutman)

Response A detailed analysis of the emissions released through the Lincoln Tunnel portals (portal jets) was conducted, and pollutant levels at the nearest sensitive receptor locations were determined. The modeling analysis was conservative, because instead of incorporating the dispersion and turbulence created by the plaza's complex geometry, pollutant levels were estimated assuming the vehicular emissions would disperse in a straight line directly from source to receptor. The analysis demonstrated that there would not be any significant adverse air quality impacts from the Lincoln Tunnel portal emissions.

Comment R-37 The Industrial Source Complex (ISC3) model used to model the Lincoln Tunnel portals and nearby sidewalks is unsuitable as it was developed for industrial sources, not highways. The more appropriate dispersion model would be one designed for depressed sections of highways, such as EPA's HIWAY model or CALINE3. (Gutman)

Response Neither the CALINE3 nor HIWAY model has the flexibility that ISC has for conducting this analysis, and the use of the ISC for analyzing tunnel portal emissions has been approved by the NYCDEP.

Two sets of emissions sources are considered in this analysis – emissions released from the tunnel that are dispersed into the atmosphere through three regions of uniform pollutant concentrations (i.e., the portal jet emissions) and emissions generated by the vehicles traveling within the plaza area downstream of the portals. The complexity of these emission sources makes the ISC model, which is designed to be used to estimate the impacts of multiple types of emission sources, suitable for this analysis. In addition, all of these models use similar dispersion algorithms.

Comment R-38 The DGEIS does not use NYSDEC’s guidance value for significance of annual $PM_{2.5}$ set at 0.3 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) but uses the 0.1 $\mu\text{g}/\text{m}^3$ averaged over a one square kilometer area, a criterion that is likely to be less stringent than NYSDEC standards for sources with short stacks and little plume rise. (Gutman)

Response The analysis for this project was conducted in conformance with NYCDEP Interim Guidance for $PM_{2.5}$ Analysis for mobile sources. These procedures have been developed to estimate $PM_{2.5}$ concentrations on a “neighborhood” level, in accordance with EPA guidance for analyzing $PM_{2.5}$, which is regarded essentially as an areawide pollutant.

Comment R-39 The Lincoln Tunnel ventilation building analysis using ISC3 modeling did not include the downwash effect of the Convention Center building on the plumes. (Gutman)

Response Maximum impacts usually occur with direct plume impaction (i.e., the plume travels and disperses directly from the emission source to the receptor) at a receptor located at approximately the same height as the top of the exhaust vent. An analysis of the maximum direct plume impacts found that they would not cause an exceedance of the NAAQS. Additional analyses were conducted to consider wake effects of the ventilation buildings indicated much smaller impacts. The analysis of the downwash at the substantially larger Convention Center building identified even smaller impacts. The highest estimated levels from the ventilation building emissions were within the NAAQS, and estimated impacts were below the NYCDEP’s STVs.

Comment R-40 The receptors on the Convention Center roof are modeled not as locations on a building, but as points in space, thus underestimating pollutant concentrations on a roof next to a smokestack. (Gutman)

Response The procedure overestimates, not underestimates, pollutant concentrations at rooftop receptors because it does not incorporate the additional dispersion created by the turbulence caused by the buildings. As the resultant impacts are about an order of magnitude smaller than the background levels, no significant adverse air quality impacts are anticipated at any receptor locations.

Comment R-41 The stationary source analysis examined receptors on future residential buildings, but not on future commercial buildings even though commercial

buildings have air intake vents that are receptors for air pollutants and must be examined as well (CEQR manual 3Q-17). (Gutman)

Response Air intake vents on future commercial buildings were not considered sensitive receptors because such buildings would be designed to locate intake vents at elevations and/or locations that would not be affected by adjacent HVAC sources.

Comment R-42 If the locations of air intake vents on future commercial buildings are unknown, then an (E) Designation should be entered for each commercial site and the DGEIS should state that any future commercial buildings would be subject to an environmental review, possibly requiring a supplemental environmental impact statement. (Gutman)

Response See response to Comment R-41.

Comment R-43 The air toxic analysis only considers the carcinogenic effects of toxic air pollution but does not address other health concerns such as respiratory illness and risk to fetal development. What non-carcinogenic health risks are related to the pollutants found in the study area, and will any of the pollutants be present in high enough quantities in 2010 or 2025 (with the Proposed Action) to trigger these effects? (CB4)

Response The air toxic compounds addressed in the industrial source analysis which are associated with known health effects include both carcinogenic and non-carcinogenic effects and are summarized in Table 21-27. Non-carcinogenic health effects include respiratory system or fetal development effects. As indicated in Table 21-3, the carcinogenic and non-carcinogenic risks from the Proposed Action are below applicable EPA criteria.

Comment R-44 The DGEIS notes that existing industrial uses south of Penn Station, coupled with the possibility of further industrial development of the area, could generate air pollution bad enough that new buildings on nearby Potential Development Sites must be built with inoperable windows and no air intakes. What will be done to protect workers and residents in existing buildings in this area? Might pedestrians in this area be harmed by the air pollution? What about outdoor workers, such as newsstand operators and street vendors? (CB4)

Response An updated analysis of “existing” industrial sources performed between DGEIS and FGEIS indicated that no adverse air quality impacts would occur on Potential Development Sites or to pedestrian areas from the Proposed Action. Therefore, no (E) Designations requiring inoperable windows would be necessary. Impacts on existing buildings and pedestrian areas from the “existing” industrial sources are unrelated to the Proposed Action. The air permits issued to industrial sources by NYCDEP provide safeguards against adverse air quality impacts on the general public.

S. NOISE AND VIBRATION

- Comment S-1** The DGEIS does not consider cumulative impacts of noise and vibration. (CB4)
- Response** Section E of Chapter 22, “Noise and Vibration,” of the FGEIS provides an assessment of the cumulative impact of noise and vibration due to the Proposed Action.
- Comment S-2** Mitigation should be required for construction-related noise, particularly near noise-sensitive receptors. (CB4)
- Response** Construction site noise mitigation is addressed in Section D of Chapter 23, “Construction Impacts,” of the FGEIS.
- Comment S-3** A map indicating what properties will receive (E) Designations as a result of noise conditions should be provided. (MSG, HKNA)
- Response** Table 22-25 in the FGEIS identifies the Development Sites and their associated Block and Lot numbers that would receive noise-related (E) Designations under the proposed rezoning.
- Comment S-4** The DGEIS does not set forth how many businesses and residences will receive (E) Designations due to noise pollution. The costs and methods for the noise mitigation should be set forth, including increased utility costs to deal with air conditioning. (CB4, MSG, HKNA,)
- Response** See response to Comment S-3. Only buildings housing noise-sensitive land uses, including residences, hospitals, nursing homes, schools, museums, libraries, courts, houses of worship, hotels, motels, public meeting rooms, auditoria, and public health facilities would be subject to the requirements of noise-related (E) Designations. The level of required window wall attenuation would vary based on the peak noise level into which the noise-sensitive land use would be introduced. Anticipated levels of attenuation for development sites proposed for receipt of noise-related (E) Designations in 2010 and 2025 are identified in Table 22-25. Methods of attenuation would include provision of glazing with an appropriate level of sound attenuation and the provision of alternate means of ventilation. The cost of these measures would vary depending on the specific building type and design for each affected development site. The noise-related (E) Designation would only be applied to new construction, where incorporation of alternative means of ventilation and provision of windows with a high level of sound attenuation are common practice. The incremental construction and operation-related costs due to the imposition of noise-related (E) Designations would be minimal.
- Comment S-5** The DGEIS should include an explanation of the traffic speeds assumed in the noise analysis and how noise would vary if speeds were lower. (MSG, HKNA)

- Response** A description of the relationship between traffic speeds and noise levels is provided in Section A.1 of the FGEIS. The link specific speeds and vehicle mix data used in the analysis of traffic-related noise impacts are provided in Appendix U, “Noise and Vibration,” of the FGEIS.
- Comment S-6** The noise from honking vehicles should be assessed. (MSG, HKNA)
- Response** Noise measurements taken in the Project Area for the DGEIS and FGEIS include the contribution of noise from vehicle horns, ventilation systems, aircraft, and other sources not directly accounted for by the TNM 2.5 noise model. The TNM 2.5 noise model was calibrated based on a comparison of predicted noise levels to measured noise levels to provide an accurate tool for predicting the noise impacts of the Proposed Action.
- Comment S-7** The Final Scope states that the noise levels will be measured at receptor sites during six time periods including midweek. Midweek measurements have not been presented in the DGEIS. It was also proposed that the L_5 , L_{\max} and L_{\min} noise levels would be measured, but these are not presented in the FGEIS. (MSG, HKNA)
- Response** Noise level measurements were completed for the following five time periods: AM peak traffic period, Midday peak traffic period, PM peak traffic period, weeknight pre-Special Event period, and Sunday pre-Special Event period. The L_5 , L_{\max} and L_{\min} noise levels are contained in Appendix U, “Noise and Vibration,” to the FGEIS.
- Comment S-8** The Final Scope indicated that sensitive existing and proposed buildings and utilities that might have impacts from vibration and noise would be identified. The DGEIS did not identify these sites. (MSG, HKNA)
- Response** Nineteen noise-sensitive locations were analyzed in the FGEIS, including sites in the immediate vicinity of residences and community facilities, and at the locations where the maximum impacts of the Proposed Action would be anticipated to occur. In addition, vibration measurements and analyses were completed at 16 vibration-sensitive areas, including locations near designated historic structures and residences. The locations of these analysis sites and the results of the related noise and vibration impact analyses are included in Chapter 22, “Noise and Vibration,” of the FGEIS.
- Comment S-9** The DGEIS acknowledges that some critical information on noise impacts will be disclosed in later documents. These include a revised analysis in the FGEIS using site-specific speeds and vehicle classifications, further study at certain locations to determine whether noise mitigation will be required, and what kind/level of mitigation will be offered by the City. (MSG, HKNA)
- Response** As indicated in the DGEIS, a refined noise impact analysis is included in Chapter 22, “Noise and Vibration,” of the FGEIS, based on link-specific vehicle speeds and vehicle mix and application of the most recent version of the DEP-approved noise impact prediction model, TNM 2.5. Chapter 22 of the FGEIS also includes a detailed summary of the required measures to

mitigate anticipated noise impacts, including the location and level of attenuation required at all affected noise-sensitive land uses. See responses to Comments S-3, S-5, and S-8.

Comment S-10 The DGEIS did not assess noise impacts at outdoor locations but should. (CB4)

Response Chapter 22, "Noise and Vibration," of the FGEIS includes noise measurements and analyses at 19 outdoor locations.

Comment S-11 Without information on noise that will be generated when traffic is backed up, full review of the Proposed Action is not possible. (CB4)

Response The DEP-approved state-of-the-art TNM 2.5 noise model used for the assessment of noise impacts incorporates the effects of all traffic-related factors affecting noise levels, including vehicle type, vehicle mix and vehicle speed.

Comment S-12 More realistic modal splits and vehicle occupancy numbers should be used to assess the noise impacts from Jets fans commuting to the stadium. (CB4)

Response The analysis of noise impacts is based on use-specific modal split and vehicle occupancy estimates developed for the FGEIS, including estimates for the Multi-Use Facility. See also response to Comment N-1. Technical memoranda describing the bases of these estimates are included in Appendix S-1, "Trip Generation," of the FGEIS.

Comment S-13 Vibrations near the entrance to the Lincoln Tunnel and near the Port Authority should be assessed since they are likely to exceed the FTA vibration standards due to vehicular traffic. In addition to assessing the vibration impacts from the No. 7 Subway Extension, the FGEIS should assess the vibration impacts from vehicular traffic. (CB4)

Response Traffic-generated vibration is generally only felt near roadways that are in poor condition and that carry heavy trucks. Traffic-induced ground vibration result from the passage of an individual vehicle. Increased traffic volumes do not increase the magnitude of ground vibration, but rather increase the number of vibration effects during a given period of time. Automobiles generate vibration velocities in the range of 0.001 in/sec while trucks generate vibration velocities in the range of 0.003 in/sec. at a distance of 50 feet from these vibration sources. These levels are substantially below the generally accepted criteria for avoidance of damage to fragile buildings of 0.20 in/sec. and 0.12 in/sec. for extremely fragile buildings, and would not result in any impacts at the Lincoln Tunnel or the Port Authority Bus Terminal.

Comment S-14 The results of the noise analysis will be worse if actual speeds are used instead of posted speeds. (CB4)

Response The traffic-related noise impact analysis included in the FGEIS is not based on posted speeds, but rather based on predicted link-specific vehicle speeds.

Comment S-15 The Proposed Action will cause unacceptable noise. (S. Phillips, R. Gottfried, MSG, WCC, Council of Chelsea Block Associations, MSG, HKNA)

Response The Proposed Action would introduced additional noise-sensitive land uses to an area with current noise levels that can be classified as “Marginally Unacceptable” and “Clearly Unacceptable” as defined under City Noise Exposure Guidelines. These noise levels are typical of the noise levels currently found in much of Manhattan. While this would constitute a significant adverse noise impact, building attenuation measures would be required as part of the Proposed Action to provide for interior noise levels of 45 dBA, the acceptable interior noise level as defined by the City Noise Exposure Guidelines.

In addition, the Proposed Action would increase noise levels by more than 3 dBA in a number of areas of the study area, including along West 34th Street, Ninth Avenue, Tenth Avenue, and Eleventh Avenue corridors. 3 dBA represents the change in noise levels that is perceptible to humans and considered significant.

The application of (E) Designations for new developments and implementation of a City-sponsored window replacement program and furnishing alternate means of ventilation for existing residences and community facilities would avoid or mitigate all potential significant adverse noise impacts.

See responses to Comments S-3, S-5, S-8, S-9, and S-15.

Comment S-16 The DGEIS insufficiently analyzes noise. (Housing Conservation Coordinators)

Response The FGEIS includes a comprehensive and detailed assessment of the noise impacts of the Proposed Action consistent with the *CEQR Technical Manual*. See responses to Comments S-3, S-5, S-8, S-9, S-15, and S-17.

Comment S-17 The existing noise levels are high, particularly for children. The Proposed Action will make noise levels worse. (S. Phillips, L. Krauser)

Response See responses to Comments S-3, S-5, S-8, S-9, S-15, and S-17.

Comment S-18 The stadium will attract many helicopters on game days, resulting in noise pollution. (F. Sirasky)

Response No additional helicopter operations are projected during game days at the Multi-Use Facility. Helicopter operation at the West 30th Street Heliport is regulated by the Federal Aviation Administration, which requires that helicopters follow prescribed routes intended to limit noise effects on noise-sensitive land uses. No significant adverse noise impacts from helicopters are expected due to the Proposed Action.

T. CONSTRUCTION IMPACTS

Comment T-1 Construction impacts of necessary mitigation measures must be considered. (CB4)

Response The FGEIS identifies mitigation measures for impacts related to traffic, pedestrians, transit, community facilities, noise, and historic resources. Many of these measures involve construction-related activities. Such traffic mitigation measures include the construction of pedestrian bridges over Route 9A at West 33rd and West 39th/40th Streets; lane restripings on numerous streets within the traffic study area; and the elimination of “bulb outs” at several locations on Route 9A. Pedestrian mitigation measures include the construction of the pedestrian bridges and lane restrictions for crosswalk restriping and sidewalk widening. Transit mitigation measures include the construction of subway stairways, replacement of escalators, addition of turnstiles, mezzanine extensions, and related activities. Community facility mitigation includes the construction and/or enlargement of schools, day care, and fire station facilities. Noise mitigation includes a City-sponsored window replacement program.

The construction analysis considers two analysis periods – 2006 when construction activities would be at their greatest and 2017, a more representative year. None of the mitigation measures identified above would be likely to occur during either of those years. When these measures are implemented, however, they would result in short-term construction impacts that would cause temporary disruptions.

Comment T-2 What will be the impact on subway riders of transit mitigation construction at four major subway stations? (CB4)

Response As described in Chapter 23, “Construction Impacts,” the subway mitigation at the Times Square station would require periodic outages on the Nos. 2 and 3 express tracks on selected nights and weekends for a period of approximately two years in order to complete the extended mezzanines and new stairways included in that mitigation. The remaining transit measures would involve construction of additional stairways, replacement of escalators, installation of additional turnstiles, and related measures. Such work would be scheduled and performed as part of MTA/NYCT ongoing construction activities and would involve some temporary closures and disruptions affecting passenger flows and possible short-term service adjustments while the work is being performed. To the extent practicable, such work would be scheduled for weekends and evenings.

Comment T-3 What will be the traffic, noise and vibration effects of installation and widening of so many water and sewer mains? (CB4)

Response Similar to most infrastructure improvements in NYC, the effects of the infrastructure improvements include minor, short-term lane closures and concomitant effects on traffic, and short-term increases in noise and vibration levels typical of infrastructure improvement projects throughout the City.

- Comment T-4** The DGEIS should set forth how traffic and pedestrians will be affected by the widening of sidewalks, crosswalks, and corners. (CB4)
- Response** No negative effects on pedestrian traffic are anticipated as a result of the construction of wider sidewalks, crosswalks and corners. The effects of this action on motor vehicle traffic are explained in Chapter 19, “Traffic and Parking.”
- Comment T-5** The project sponsors should conduct additional analysis and interagency consultation regarding the review of construction-coordination plans with regard to maintenance of traffic management plans, focusing on trans-Hudson services. (PANYNJ)
- Response** The Construction Environmental Protection Programs (CEPP) being developed by the Project Sponsors in compliance with the FGEIS will address Maintenance and Protection of Traffic Plans in consultation with City and State agencies, including NYCDOT and PANYNJ.
- Comment T-6** The 2005-2010 construction period presents traffic, noise and pollution challenges for which mitigation is not provided. Major access routes to and from the Lincoln Tunnel will be impeded by lane or street closings, including sections of 42nd, 41st and 40th streets. Truck routes for construction overlap with areas of extreme traffic congestion at peak hours. The FGEIS must consider how traffic will be affected by the construction of two new subway stations, a stadium, the mid-block boulevard, the Convention Center expansion, the new hotel, and all the new office towers. (CB4)
- Response** Chapter 23, “Construction Impacts,” of the FGEIS thoroughly analyzes the potential for air quality, traffic, and noise impacts. This analysis shows that with the exception of intermittent noise in limited parts of the Project Area, all significant traffic, air quality, and noise impacts can be mitigated or avoided.
- Comment T-7** By limiting the study area to an area bounded by West 24th Street, West 43rd Street and Eighth Avenue, the DGEIS fails to study the effects of construction on traffic farther north, south and east. The DGEIS should consider longer stretches of Route 9A, West 34th Street, and West 42nd Street, and consider the effects on river crossings, given that all construction material deliveries will originate outside of Manhattan and all rock spoils must be taken out of Manhattan. Construction of the Time Warner Center required special regulation of river crossings and use of a temporary concrete mixing facility because security at river crossings made timely delivery of construction materials complicated. (CB4)
- Response** The FGEIS construction traffic analyses identify locations where construction-related traffic would have the greatest potential impact on traffic. The FGEIS identifies 21 intersections that would receive the most construction-related traffic. Many of these analyzed intersections are located along Tenth, Eleventh and Twelfth Avenues between West 23rd and West 42nd Streets because the majority of the construction activity would be concentrated in this area. Since construction traffic diminishes from this area

in various directions (i.e. north to The Bronx and Westchester County, east to Queens and Brooklyn, west to New Jersey) along different routes, construction traffic concentrations diminish with increasing distance from the area. Since the maximum construction-related impact was identified to occur at West 34th Street and Tenth Avenue, and consisted of 54 trips at the peak hour, no intersection outside the area would experience a similar level of traffic. The impact to intersections and routes outside that area were not considered significant and did not warrant extensive study.

Comment T-8 The DGEIS assumes that private development will be evenly spread out over a 15-year period. It seems more likely that development will occur in cycles, and that some years will have more construction than others. The applicant must consider how many buildings are likely to be under construction during a peak development year, and use that number for its analysis. We believe that the bond financing does not presume even, steady development, but expects highs and lows. The same assumptions should be used for the DGEIS. (CB4)

Response A reasonable assessment of private development related to the Proposed Action was used to determine potential construction impacts. This assessment considered the reasonable worst-case circumstances (in terms of scheduling, rate of overall development and project location) under which development would occur. In any one year, the development rate may be above or below or at the average annual absorption rate. However, the differences among these levels of development would not be material or alter the conclusions set forth in Chapter 23, "Construction Impacts."

Comment T-9 Air quality will be impaired by construction-related activities, which will generate dust and potentially toxic emissions. (MSG, HKNA)

Response The quantitative analysis of construction-related air quality impacts in Chapter 23, "Construction Impacts," demonstrates that during construction the Proposed Action would not result in significant adverse air quality impacts.

Comment T-10 In addition to trucks, the DGEIS anticipates using barges for long-distance transport of tunnel boring machine spoils from the Launch Site, but these emissions were not accounted for in the air quality analysis. Barge emissions would be additive to truck emissions used to transport the rock spoils to the West Side piers. In addition, with the marine transfer scenario, there would be additional fugitive dust emissions from the transfer of rock spoils from truck to barge that need to be accounted for. (MSG, HKNA)

Response As discussed in the FGEIS, further analysis of removal of construction spoils by barge has found this method to be infeasible and it is no longer being considered as an option.

Comment T-11 Even with emissions reductions of 65 percent from diesel powered equipment and 75 percent from fugitive dust sources, the modeled impact is incrementally below NYCDEP's annual significant threshold value for PM_{2.5}

and still shows an exceedance of NYCDEP's 24-hour significant threshold value. Given the extensive PM_{2.5} controls needed to remain below the significance thresholds, the practicability of maintaining the required high level of emissions control over the construction site for the entire period of construction should be addressed. (MSG, HKNA)

Response The refined analysis presented in the FGEIS demonstrates that there would be no exceedance of PM_{2.5} threshold values during project construction.

The FGEIS provides a more detailed analysis of which emission control measures and technologies are to be implemented, and a quantification of the emission reductions due to its implementation. The public agency sponsors have committed to incorporate such mitigation measures in their contract documents for the Proposed Action.

Comment T-12 With regard to the PM_{2.5} NAAQS exceedances, the DGEIS notes that the applicant will consider further mitigation possibilities, but there is no reason to believe they can do that; and we are unable to analyze the DGEIS without these promised studies. (CB4)

Response The DGEIS identified an array of potential PM_{2.5} mitigation measures. The FGEIS contains a more detailed analysis of these emission control measures and technologies, and a quantification of the emission reductions to be realized from their implementation.

Comment T-13 During the years of construction, there must be ongoing air quality and contaminated materials monitoring in order to ensure that proper steps are taken to minimize mobile and stationary source pollution. There should be on-site emissions testing of diesel machinery to ensure compliance with contracts and with the law. Air quality and emissions data should be posted on a website and frequently updated. The use of low-sulfur fuel must be constantly monitored. The City must enforce the idling laws with respect to construction vehicles and trucks and manage the construction schedule to avoid idling. (CB4)

Response Comment noted.

Comment T-14 The construction vehicles projected to be generated by the Lower Manhattan Recovery Projects in 2006, which use Route 9A as the primary travel route, need to be added to the 2006 background traffic for the Proposed Action. (MSG, HKNA, CB4)

Response Construction vehicles projected to be generated by the Lower Manhattan Recovery Projects were included in the background traffic used to assess construction-related traffic impacts.

Comment T-15 The construction air analysis must include an off-site mobile source analysis for the locations likely to suffer the worst combined effects of the Hudson Yards development and the concurrent construction activities in Lower Manhattan, which we suspect will be the Lincoln Tunnel entrances and exits. (CB4)

Response Construction air emissions are overwhelmingly attributable to off-road equipment, with all mobile sources playing a minor to insignificant role. Chapter 23, "Construction Impacts," analyzes the area where the Proposed Action would have the greatest impact and this area is closest to the large construction sites.

Comment T-16 The FGEIS should include the deck over the eastern portion of Caemmerer Yard in the construction schedule and state when its completion is expected. (CB4)

Response Chapter 23, "Construction Impacts," of the FGEIS provides a discussion of construction on the eastern portion of Caemmerer Yard, which includes a description of the deck and open space construction.

Comment T-17 We oppose ULURP Application C040504 PQM on the grounds that the DGEIS and ULURP application lack specific information regarding plans for the premises. The application relates to a proposed temporary surface easement at 355 West 41st Street for the construction of the No. 7 subway tunnel under or near the property. This easement, extending from 25 to 130 feet below ground, would permit the installation of rock bolts during construction. A shallow easement would significantly interfere with the redevelopment of this property. (S. Beckerman for 355 West 41st Street.)

Response Comment noted.

Comment T-18 How do the plans for the Eastern Rail Yards relate to the Third Water Tunnel work going on there now? (CB4)

Response The analysis of the construction impacts of the Proposed Action included the work related to the Third Water Tunnel. Plans for the Proposed Action have been coordinated with the DEP and its activities with respect to the Third Water Tunnel.

Comment T-19 Amtrak submitted detailed, technical comments, which address various issues concerning the construction and operation of the Proposed Action. Such issues include: right-of-way and other property concerns (size, clearance, use, easements, and access), emergency planning and design, maintenance, operations, communications, utilities, and drainage. (Amtrak)

Response Comment noted. The project sponsors have developed their plans in coordination with Amtrak, and will continue to coordinate with Amtrak through final design, construction, and operation of the Proposed Action.

U. PUBLIC HEALTH

Comment U-1 The DGEIS notes that existing industrial uses, south of Penn Station, coupled with the possibility of further industrial development of the area, could generate air pollution bad enough that new buildings on nearby Potential Development Sites must be built with inoperable windows and no air intakes. The Public Health chapter should discuss how these toxic emissions will

affect people on the streets and sidewalks south of Penn Station, including people who work outside. (CB4)

Response As detailed in Chapter 21, “Air Quality,” of the FGEIS, an air toxics analysis of the Proposed Action demonstrates that Projected and Potential Development Sites would not experience significant adverse air quality impacts from existing industrial sources in 2010 and 2025. There would not be any new industrial sources allowed under the Proposed Action. Any new industrial sources proposed for construction and operation outside of the proposed rezoning area would be governed by New York City Department of Environmental Protection and New York State Department of Environmental Conservation regulations that would safeguard the public health.

Comment U-2 The chapter should discuss the health effects from spikes in PM_{2.5} levels, particularly on vulnerable populations, including the elderly and those with asthma. (CB4)

Response As summarized in Chapter 24, “Public Health,” and detailed in Chapter 21, “Air Quality,” and Chapter 23, “Construction Impacts,” of the FGEIS, the Proposed Action would not result in any violation of the health-related National Ambient Air Quality Standards (NAAQS) for PM_{2.5}. During the worst-case construction period, 2006, the Proposed Action would not cause exceedances of the health-based NAAQS for PM_{2.5} if ultra-low sulfur diesel fuel (ULSDF) is used for all construction equipment. The sponsors of the Proposed Action have committed to the use of ULSDF during construction of the Proposed Action. The Proposed Action would not have a significant adverse impact on public health.

Comment U-3 Have traffic and air quality studies taken into account the additional truck traffic to the 59th Street Marine Transfer Station due to solid waste removal? (CB4)

Response The traffic and air quality impact analyses included in the FGEIS account for existing truck traffic traveling to and from the 59th Street Marine Transfer Station. As detailed in Chapter 17, “Solid Waste and Sanitation,” of the FGEIS, the Proposed Action would generate the need for a maximum of 15 additional sanitation trucks to collect municipal solid waste in the Project Area each day. These trips were included in the assessment of traffic and air quality impacts.

Comment U-4 The Proposed Action will adversely affect the health of children. (Hell’s Kitchen/Hudson Yards Alliance)

Response See responses to Comments U-1 and U-2 regarding the potential for significant air quality-related adverse impacts on public health. In addition, as detailed in Chapters 14, “Hazardous Materials,” Chapter 17, “Solid Waste and Sanitation Services,” Chapter 21, “Air Quality,” Chapter 22, “Noise/Vibration,” and Chapter 23, “Construction Impacts,” the Proposed Action would not result in any significant adverse impacts related to hazardous materials, solid waste, air quality, noise or construction impacts. The Proposed Action would result in short-term significant adverse

construction period noise effects. However, it is anticipated that most of these impacts could be mitigated and that there would be no significant adverse impacts on public health. Accordingly, no significant adverse impacts regarding public health are expected as a result of construction activities.

D ALTERNATIVES

1. Zoning Alternatives

a. Housing

Comment V-1 The plan should include less commercial space and more residential space. (Housing Conservation Coordinators; NRDC)

Response As discussed in Chapter 1, “Project Purpose and Need,” a key impetus of the rezoning in the Hudson Yards area is to allow the growth, over time, of office development to accommodate projected long-term employment demand in Manhattan. Nonetheless, the rezoning in the Proposed Action would allow for construction of a substantial number of residential units (estimated at more than 12,000 in the reasonable worst-case development scenario). However, in response to this and other similar comments, Alternative S has been added to Chapter 26, “Alternatives,” to examine the effects of a rezoning plan that fosters somewhat more residential space in its mix of uses.

Comment V-2 No portion of the area should be zoned solely for commercial development. (Hell’s Kitchen/Hudson Yards Alliance)

Response As detailed in Chapter 26, “Alternatives,” and related appendices, Alternative S evaluates proposed zoning in which no property is zoned solely for commercial development.

Comment V-3 Provisions should be made to ensure that residential development encourages a mixed-income community (AIA)

Response Comment noted.

b. Miscellaneous Zoning Comments

Comment V-4 The corridor from the new Moynihan Station to the River is the most appropriate location for a high-density, transit-oriented commercial development space. Because of the heavy financial burdens associated with the realization of the Proposed Action, the lead agencies should consider the increased benefits that would be associated with shifting an even greater proportion of the density from Eleventh Avenue and the new boulevard to the Moynihan Corridor district. DCP should explore additional opportunities to make the passage toward the River an open, inviting space that can draw the new investment needed to support the program. (MAS)

Response The proposed rezoning assumes that the Farley Corridor and the area generally between West 30th and West 39th Streets from Tenth to Eleventh

Avenues would be future high-density, transit-oriented commercial development. The proposed zoning requires mandatory pedestrian circulation improvements in line with West 32nd Street (the 32nd Street pedestrianway) from Moynihan Station to the eastern portion of Caemmerer Yard, and the Proposed Action also includes a pedestrian bridge over Twelfth Avenue in line with West 33rd Street, providing access to the waterfront. In addition, the FGEIS analyzes several alternatives that would redistribute density to the Farley/34th Street Corridors (see Appendix A.1, “Proposed Zoning Text”).

Comment V-5 The 50 percent retail requirement on side streets, as described in the revised zoning text, should be made optional, and more emphasis should be placed on mandatory retail on both sides of east-west through cross streets such as West 34th Street and whatever street will connect through the Convention Center to the ferry terminal. (AIA)

Response The existing zoning controls do mandate retail on the main streets such as West 34th Street. The Proposed Action is intended to make all streets leading to the Convention Center attractive, instead of prioritizing certain streets as “retail” streets.

Comment V-6 There is no retail requirement on Eleventh Avenue, which should be developed with retail on both sides, including the west convention side, by filling in the existing “moat” of the Convention Center. Even if it is anticipated that convention-goers will access retail uses along Hudson Boulevard, there will still be a need to make Eleventh Avenue more inviting. A minimum 50 percent retail requirement along Eleventh Avenue would allow for the possibility of small-scale theatres, museums, or other uses to benefit convention-goers and/or convention workers. In addition, by encouraging street traffic, it will prevent an inhospitable Eleventh Avenue from detracting from the entire district. (AIA, CHPC)

Response As identified in Appendix A.1, “Proposed Zoning Text and Maps,” retail uses would be allowed on Eleventh Avenue under the zoning proposal, but not required, because the DCP believes that this location is not appropriate to mandate retail for private development. However, the Convention Center and Multi-Use Facility would include retail uses along Eleventh Avenue. The proposed zoning would permit theaters and museums along Eleventh Avenue.

Comment V-7 Required retail on the Hudson Boulevard may be less successful, as this street dead-ends at both ends, at West 33rd Street and at West 38th Street. (AIA)

Response The Hudson Boulevard is the most direct route from the proposed West 34th Street No. 7 Subway station, which would be one of the city’s busiest stations, to the development in the Tenth/Eleventh Avenue corridor. Retail activity is concentrated in major pedestrian corridors connecting to transit hubs throughout the City.

c. Open Space

Comment V-8 Eliminate the Midblock Boulevard and instead provide parks on the Amtrak right-of-way and vacant lots. Create a series of connected public squares. Eliminate the Midblock Boulevard and re-distribute the open space around the neighborhood. (CB4, HKNA, Housing Conservation Coordinators)

Response Alternative T, which has been added to Chapter 26, “Alternatives,” in the FGEIS, evaluates these proposals for open space.

d. Displacement

Comment V-9 Include housing preservation measures such as anti-demolition and certificates of no harassment like in the Special Clinton District. (Housing Conservation Coordinators, Clinton Housing Development Co., Hudson Yards Alliance, CB4, C.V. Fields)

Response Comment noted. The DGEIS and FGEIS have not identified significant direct or indirect displacement impacts.

Comment V-10 Mercedes-Benz has operated at its location for 35 years, employs over 240 people, has invested over \$20 million in its facilities, and contributes \$935,000 tax dollars annually to the City. There are feasible alternatives to the City’s plan that don’t require acquisition of private property. (Mercedes-Benz Manhattan)

Response Comment noted.

Comment V-11 To protect existing commercial tenants, the City should control the increases in commercial rents. (Housing Conservation Coordinators)

Response Comment noted. No significant direct or indirect displacement impacts on commercial tenants were identified in the DGEIS or FGEIS.

Comment V-12 The proposed transit easement on the eastern 100 feet of the West 41st Street Mercedes Benz facility will result in the demolition of the showroom facility and service facility because of the location of the vehicular access ramp. A reasonable compromise would be to require a transit easement for any proposed building expansion or development greater than 5 FAR. (Mercedes-Benz Manhattan; C.V. Fields)

Response Under the Proposed Action, the 100-foot transit easement is required to provide access to the proposed No. 7 Subway Extension station. In Chapter 26, “Alternatives,” a different arrangement with regard to this site has been considered as part of Alternative S.

e. Miscellaneous Zoning Comments

Comment V-13 Do not eliminate the Special Garment Center district. (Hell’s Kitchen/Hudson Yards Alliance)

Response The Proposed Action would not eliminate the Special Garment Center District, but would rezone a small portion of it (midblocks west of Eighth Avenue between West 35th and West 39th Streets) to permit a greater mix of uses. Alternatives B and C consider rezoning options that would remove this portion of the Special Garment Center District from the Project Area (see Chapter 26, “Alternatives”).

Comment V-14 All that is needed is the base zoning. The other elements of the project should come later. (D. Gutman).

Response The change in base zoning, without the proposed amendments to the zoning text or the proposed City parks/open spaces and Midblock Boulevard, would not provide for the density needed to accommodate projected employment demand, and, more importantly, would not promote the substantial urban design improvements intended to create an attractive, 24-hour, mixed-use community in Hudson Yards. Without the No. 7 Subway Extension, there would not be sufficient high-quality transit support for the anticipated development. Although Chapter 26, “Alternatives,” considers two community alternatives plus several variations on the proposed zoning, an alternative that would eliminate all but base zoning would not meet the goals and objectives of the Proposed Action, and has not been considered in Chapter 26.

Comment V-15 Existing office buildings should be renovated before building new, large office towers. (New York State Tenants & Neighbors Coalition)

Response The Proposed Action would permit both the renovation of existing buildings and the construction of new buildings.

2. Alternative Planning Initiatives

a. Community Plans

Comment V-16 I support the Hudson Yards Alliance plan. We support the HKNA plan. (B. Gotbaum, Pratt Center)

Response Comment noted.

b. Regional Plan Association

Comment V-17 The RPA has prepared a phased alternative, set forth in “Fulfilling the Promise of Manhattan’s Far West Side.” While the RPA strongly supports the redevelopment of the Far West Side with the density and mixed-use character proposed by the City and State, it also makes the following recommendations. The New York Sports and Convention Center should not be included in the proposed project and the site should instead be used for mixed use development. Transportation improvements in addition to the extension of the No. 7 subway train should be included. The RPA’s phased approach would divide the proposed project into three segments. In Phase I (2004-2009) the rezoning, Convention Center expansion and non-stadium design of the Hudson Rail Yards would be undertaken. In Phase II (2010-2015) the completion of part one of the No. 7 subway train extension, public

investment in the rail yards, and completion of phase II of the Convention Center expansion would be undertaken. In Phase III (2016-2020) the Lincoln Tunnel infrastructure would be decked over and phase II of the subway expansion would be undertaken. In this alternative, greater access to Hudson River Park and the Park's completion should be undertaken. Decking over 9A from the Convention Center to the Park should also be considered.

Response A number of these proposed project elements are considered in Chapter 26, "Alternatives," including a phased approach to extending the No. 7 Subway, decking over the Lincoln Tunnel infrastructure, and decking over Route 9A in the area of the Multi-Use Facility. A phased approach to the extension of the Convention Center is actually part of the Proposed Action. The analyses conclude that deferring the extension of the No. 7 Subway line would likely undermine the ability of the Hudson Yards area to attract prime office development or would foster less transit-oriented development, a major goal of the Proposed Action; that decking over the Lincoln Tunnel infrastructure would require property acquisition from the Port Authority, consent for which is not likely to be forthcoming; and that decking over Route 9A would be generally beneficial.

3. Alternative Use for Caemmerer Yard

Comment V-18 Conduct a planning study for alternative uses for Caemmerer Yard. Provide residential development on the stadium site. Build mixed-use towers on the stadium site. The stadium should not be built because it precludes residential development on that site. (RPA, C.V. Fields, CIVITAS, W. Ashe)

Response Several alternatives have been proposed that consider alternative uses for the western portion of Caemmerer Yard, including residential use. Alternatives J, K, M, T, and U are evaluated in Chapter 26, "Alternatives," of this FGEIS. The conclusion of these evaluations is that these alternatives would not meet the goals and objectives of the Proposed Action, and that they would not substantially reduce impacts overall, compared to the Proposed Action.

Comment V-19 Without the government paying for and building a platform over the rail yards, nobody will build anything there. (NYC 2012)

Response Comment noted.

Comment V-20 Instead of building a football stadium, use the western rail yards for an expanded Convention Center, a ten-acre rooftop park and residential and commercial development. (Hell's Kitchen/Hudson Yards Alliance; R. Gottfried)

Response This suggestion is included in Alternatives J and T, as evaluated in Chapter 26, "Alternatives." The conclusion of these evaluations is that these alternatives would not meet the goals and objectives of the Proposed Action, and that they would not substantially reduce impacts overall, compared to the Proposed Action.

Comment V-21 Using the Rail Yards for a stadium, rather than more productive development, wreaks havoc on the rest of the plan by forcing excessive development onto Eleventh Avenue that would wall off the riverfront. (R. Gottfried)

Response The proposed rezoning would support development of a high-density office district on Eleventh Avenue similar to those elsewhere in Midtown—not an excessive development that would wall off the riverfront. The zoning would help to create a pedestrian-friendly environment, through creation of a Midblock Park and Boulevard System—which has the double benefit of providing parks and at the same time reorganizing the street grid into shorter east-west blocks—and through a series of design controls requiring wide sidewalks and street trees and shopfronts with substantial transparency at street level, and strong curbcut restrictions. The combination of shorter east-west blocks, landscaped open spaces, wide sidewalks and street trees, and lively shop windows, would attract residents and visitors through the area, to and from the waterfront, and to and from adjacent neighborhoods.

Comment V-22 More important than building a stadium is creating work and living spaces for artists and those who work in the fields of art, theater, and dance. Venues for performances and artistic expression deserve public support. (T. Duane)

Response As described in Chapter 26, “Alternatives,” specifically Alternative S, the City has proposed zoning text that would provide a floor area bonus in exchange for the creation of new theater space along the Clinton District/42nd Street Corridor. Both Alternative S and the Proposed Action would create substantial numbers of residential units in the Project Area, available to artists, among others.

4. Transportation Actions

Comment V-23 Before office construction begins, build a PATH to bring the 50 percent of Northern and Western New Jersey commuters who use their cars because they do not have rail access to the city. (HKNA)

Response The NJ Transit/Port Authority Access to the Region’s Core project proposes both short- and long-term improvements that would increase cross-Hudson rail capacity. Both the City of New York and the MTA are cooperating with the Access to the Region’s Core project.

Comment V-24 The extension of the No. 7 line must be augmented with other options to create as “transit-rich” an environment as possible: bus rapid transit, ferry service, a light-rail loop along 34th and 42nd Streets, and a rail shuttle from Penn Station to the development site. Include additional transit improvements on the 42nd Street Corridor. (C.V. Fields, HKNA)

Response Comment noted. The No. 7 Subway Extension in combination with expanded bus and ferry service would provide sufficient transit to support the proposed development. The light rail loop and rail shuttle have been evaluated in Chapter 26, “Alternatives.” The Proposed Action does not preclude future augmentation of the transit network.

Comment V-25 The No. 7 Subway should connect to Penn Station. (R. Gottfried; CIVITAS; MAS)

Response The suggested route is the subject of Alternative G in Chapter 26, “Alternatives.” That evaluation concludes that this costly additional extension would attract few additional riders.

Comment V-26 Create an alternative north-south transit route along the existing Tenth Avenue railroad cut and the High Line structure. Use the High Line for transportation instead of as a park. It would be less costly than the No. 7 Subway Extension. (CIVITAS, E. Mandel)

Response The suggested route was among the 16 alternative routes (and 7 alternative modes) studied before selecting the proposed route as the most practical. A subway route could not run in the rail cut or along the High Line structure.

Comment V-27 The Proposed Action should include bicycle lanes. (G. Ortiz)

Response The Proposed Action does not preclude bicycle lanes. The DCP and NYCDOT work together on the design and implementation of bicycle lanes for the City of New York. These agencies will continue to work together in the future and assess the needs as they pertain to the Hudson Yards area.

Comment V-28 We support the No. 7 Subway Extension supplemented by bus lanes. Until the No. 7 is extended, we support extra buses, bus-only lanes, and more ferries. (WCC)

Response Comment noted.

Comment V-29 The City should consider alternatives to the No. 7 Subway Extension, including a shuttle west from Penn Station to Eleventh Avenue partially along existing rights-of-way or a moving sidewalk, light rail, and expanded bus service. (Hells Kitchen/Hudson Yards Alliance)

Response These alternatives were evaluated in Chapter 26, “Alternatives.” Alternative J evaluates the Penn Station shuttle. A light rail alternative is evaluated in Alternatives H, I, and K. Alternatives E and T analyze a moving sidewalk between Pennsylvania Station and the proposed No. 7 Subway Extension 34th Street Terminal Station.

Comment V-30 I am in favor of an underground moving walkway to connect Penn Station to the West Side. (P. Centolanzi)

Response Comment noted.

Comment V-31 I am in favor of extending the High Line along West 31st Street to Madison Square Garden as an open and elevated promenade. (P. Centolanzi)

Response Comment noted.

Comment V-32 The Vision42 light rail proposal calls for an auto-free light rail boulevard river-to-river on 42nd Street. The DGEIS should have given this proposal a careful review. (IRUM)

Response As discussed in the analysis of Alternative H (see Chapter 26, “Alternatives”), an LRT system would not have the capacity to appropriately serve the anticipated development in the Project Area. Alternative H was also found to have the potential to severely disrupt surface traffic in the Project Area and to reduce vehicular access to land uses fronting on the LRT’s alignment. However, the Proposed Action does not specifically exclude development of an LRT system in the Project Area.

Comment V-33 A Long Island Rail Road shuttle to the Hudson Yards area should be considered in the no-build elements of the DGEIS, since it can be constructed for very little cost. LIRR trains have more than twice the capacity of the No. 7 subway trains and Penn Station is an important transportation hub. With this link in place, the incremental access benefits of the No. 7 extension could then be more accurately compared with the extension’s substantial cost, estimated at \$2 billion. (IRUM)

Response Alternative J evaluates an LIRR shuttle to Caemmerer Yard.

5. Alternative Development/Facility Configurations

a. Convention Center

Comment V-34 The DGEIS should analyze a southern expansion of the Convention Center. (SB Management Services, Shubert Organization, NRDC).

Response As described in Chapter 26, “Alternatives,” Alternatives J and T evaluate a southern expansion of the Convention Center.

Comment V-35 Multiple expansion options for the Convention Center should be explored, including options that not only enhance waterfront access, but also increase ferry linkages between the new 39th Street Terminal and the commercial core. (CHPC)

Response As described in Chapter 26, “Alternatives,” Alternatives J, T, and U consider Convention Center alternatives.

b. Multi-Use Facility and Alternative Uses for Caemmerer Yard

Comment V-36 The plan should not include a stadium. (B. Gotbaum; R. Gottfried; RPA; CB4; MSG, HKNA; Block Association of West 55th Street; Hell’s Kitchen/Hudson Yards Alliance; The Shubert Organization; D. Jacoby; J. Auslander; A. Honigman; B. Feldt; S. Sano; TSTC; E. Schwartz; Pratt Center; C. Conway; C. Byrne; HVS International Convention and Sports Entertainment Facilities; K. Baskett; M. Sirasky; R. Torres; RPA; NRDC; J. Spahn; T. Grace; WCC; West 300 Block Association; E. Mandel; J. Finch; M. Yaghvian; M. McKee; D. Duperroir; Council of Chelsea Block Associations; S. Lanier Philips; S. Robinson; J. Eisenstein; P. Hagan; M. Treat; K. Treat; CIVITAS; New York State Tenants and Neighbors)

- Coalition; R. Cross; Develop-Don't Destroy Brooklyn; W. Ashe; F. Sirasky; R. Seward; L. Krauser, A Yonenaka; G. Jacobsen; T. Clay; CAC; Chelsea Coalition on Housing; R. Seward; RPA; E. Luke; S. Klee; J. Goodbody)
- Response** Chapter 26, "Alternatives," considers several options without the Multi-Use Facility in Manhattan, including Alternatives J, K, M, R, and T.
- Comment V-37** The Olympics could be held in other venues in the New York metropolitan area. (E. Mandel, W. Ashe)
- Response** Comment noted. The Proposed Action does not contain the 2012 Olympic stadium or any associated proposals or plans of the NYC 2012 Olympic Bid package. It is therefore not considered in this FGEIS.
- Comment V-38** Potential for the area to absorb 28 million square feet would be more acceptable if it could be spread out over a larger area by using the Western Rail Yard as a high-density commercial and residential site. Provide residential development on the stadium site. Build mixed-use towers on the stadium site. (C.V. Fields, W. Ashe)
- Response** Chapter 26, "Alternatives," evaluates mixed-use development on the western portion of Caemmerer Yard, specifically in Alternatives J, K, and T.
- Comment V-39** Study locating the stadium in other boroughs. (NRDC, K. Baskett)
- Response** As described in Chapter 26, "Alternatives," Alternative R evaluates a stadium in Willets Point, Queens. That analysis concludes that the facility would not work well for multiple uses and so would probably be limited to primarily stadium use. Also, the New York Jets have indicated that they would not participate in the development of a Multi-Use Facility or football stadium in Queens or a borough other than Manhattan.
- Comment V-40** The Multi-Use Facility should be built on the Sunnyside Rail Yards in Queens, which has better transit access because of four subway lines, the Long Island Rail Road, and the Metro-North Railroad. (D. Jacoby)
- Response** As described in Chapter 26, "Alternatives," specifically Alternative R, construction of a platform over Sunnyside Yard was found to be infeasible, since the track configuration would not accommodate the piles needed to support the required platform for any new development.
- Comment V-41** Building the stadium on the Sunnyside Yards in Queens would allow the "kink" in the No. 7 line to be straightened and allow use of BMT cars on the No. 7 line, allow the creation of a loop with the L subway train, and provide the MTA with operational savings. (J. Auslander)
- Response** See response to Comment V-40.

W. ENVIRONMENTAL REVIEW PROCESS, PROCEDURES AND METHODOLOGY

Comment W-1 The Port Authority concurs that impacts of the project and its construction on the agency’s facilities and operations are manageable based on current plans. The Port Authority has indicated to the team aspects of project management and design that should be resolved at the early stages of the contracting process. (PANYNJ)

Response Comment noted.

Comment W-2 Under New York City and State environmental statutes, the scope of the DGEIS does not encompass a full assessment of conditions on interstate transportation facilities and services that serve the study area and broader markets in both states. Based on its reviews of the scope of work and the DGEIS findings, the Port Authority advises the sponsors to continue and expand ongoing interagency consultation, specifically regarding interstate transportation facilities, and especially in evaluating the long-term interstate transportation system implications of the proposed rezoning. (PANYNJ)

Response The project sponsors, MTA and DCP, look forward to working with the Port Authority on transportation planning issues beyond the scope of SEQRA/CEQR review under the auspices of an ongoing operating-agency coordination group. This inter-agency group will provide a framework for comprehensive, continuing and cooperative planning for a number of significant projects, including Access to the Region’s Core, the Lincoln Tunnel Second Express Bus Lane Study, planning for a bus storage facility to serve the Port Authority Bus Terminal, ongoing Port Authority interstate network analyses, ferry system improvements, and portal operational issues.

Comment W-3 The Port Authority has offered to work collaboratively with sponsors and other transportation agencies to address these issues through the environmental review and ULURP processes and other required approvals. The Port Authority recommends immediate establishment of an operating-agency working group that can monitor transportation conditions as approved public and private projects move into construction and come into service. Modeled on the interagency effort to manage Lower Manhattan redevelopment, this working partnership also can provide a means of coordinating construction activity, monitoring transportation system conditions, and assessing mitigation programs on an ongoing basis. The group’s task would be to turn the transportation approaches outlines analytically in the DGEIS, augmented with attention to interstate transportation services, into an effective and flexible operating plan. Successful implementation of transportation strategies for the area during the first redevelopment phase is critically important to the success of these initial projects, the maintenance of vehicular and transit access to and through the West Midtown, and to the area’s appeal in attracting future commercial and residential development. (PANYNJ)

Response See response to previous comment.

Comment W-4 Many seniors and Latino immigrants are not aware of this project. (T. Clay)

- Response** In addition to conducting all mandated hearings on this project, the City undertook an extensive outreach program to community, civic, business and other organizations. The Proposed Action is one of the most, if not the most, publicized projects in the City's history with extensive coverage in the press, radio, television and on the internet.
- Comment W-5** The DGEIS is inadequate and deficient, and lacking in the material required by the Final Scope, and therefore a fully informed set of comments is not possible. The joint lead agencies should have completed the DGEIS as per the Final Scope before releasing it, and they should now prepare a supplemental DGEIS that fully conforms to the Final Scope and circulate it for another round of public hearings and written comments before proceeding to prepare the FGEIS. (MSG, HKNA)
- Response** The DGEIS fully complied with the requirements of SEQRA, 6 NYCRR Section 617, and CEQR (Executive Order No. 91). The co-lead agencies determined that the DGEIS satisfactorily assessed the potential environmental impacts of, feasible mitigation measures for, and reasonable alternatives to the Proposed Action as contemplated by SEQRA and CEQR. See also responses to Comments W-6 and W-7.
- Comment W-6** MSG and HKNA's Freedom of Information Act requests were responded to late and lacking in necessary information. Providing complete comments is therefore not possible at this time. We reserve the right to submit additional comments after the comment period to the extent that additional documents are provided and they shed light on this adequacy or contents of the DGEIS. (MSG, HKNA)
- Response** The SEQRA regulations set forth in 6 NYCRR Part 617 provide a mechanism for public comment regarding the contents of a draft environmental impact statement. Consistent with those requirements, the co-lead agencies have made the DGEIS and its appendices available to the public for comment through various means, including via posting on the Department of City Planning's website. The public comment provisions of the SEQRA regulations do not anticipate use of Freedom of Information Law requests to seek to obtain agency records not set forth in the draft environmental impact statement. The commentators have provided extensive comments, including detailed reports from multiple consultants.
- Comment W-7** The DGEIS indicates that much additional work will be performed in time for the FGEIS. But the DGEIS is the document provided to the Community Boards, the Borough Board, the City Council and the other participants in the ULURP process, and it is the basis for the only public comments that will be accepted; by the time the FGEIS comes out, all opportunities for public comment will have passed. (MSG, HKNA)
- Response** The DGEIS comprehensively addressed the potential significant adverse impacts of the project, identified an array of potential mitigation measures, and 18 alternatives. Additional work performed between the DGEIS and FGEIS has served to refine analyses, provide additional mitigation measures, and respond to traffic comments on the DGEIS, including analyses of additional alternatives suggested in public comments. In many cases, the

refined analyses actually reduced the extent of significant adverse environmental impacts identified in the DGEIS, while additional mitigation reduced the severity of impacts identified in the DGEIS. In total, 125 individuals and organizations submitted a total of approximately 780 pages of comments on the DGEIS, including 199 pages of submitted written testimony from the September 23, 2004 public hearing and 581 pages of written comments submitted during the comment period.

Comment W-8 Though the DGEIS has Appendices A through Z, there is no appendix B, C, E, F, H, L, or M. Please provide an explanation of what became of these appendices. (MSG, HKNA)

Response As indicated on the Department of City Planning's website, the DGEIS analyses are complete and there are no missing appendices.

Comment W-9 The FGEIS should provide renderings of the appearance of the stadium from various vantage points, as is customary for environmental impact statements for large construction projects in New York State. (MSG, HKNA)

Response The FGEIS contains a complete description of the proposed Multi-Use Facility, including plans, elevations and other figures, plus substantial descriptive text.

Comment W-10 The approval process for the many projects embedded in this plan seems unnecessarily fragmented. A more formal process should be provided in which the Hudson Yards plan can be considered in its entirety, including the Convention Center expansion and stadium. (MAS)

Response The planning process for the Hudson Yards Rezoning and Redevelopment Program reflects an unprecedented level of cooperation and coordination among affected agencies and entities. The FGEIS considers the purpose and need, and the potential environmental impacts, of all of the project elements, thereby allowing the co-lead agencies, involved agencies, and the public, to consider the plan as a whole. While various elements of the Proposed Action will be subject to different review and approval procedures, as required by law, all approvals, whether undertaken by the City or State, must draw on the analyses and findings of this FGEIS.

Comment W-11 Modifications to the proposed zoning text under consideration were only submitted and available for public review on August 30, which means that in a project as complex as this, the allotted time is inadequate for a full public review. Therefore, the ULURP hearing should be continued. (MAS)

Response Modifications to the proposed zoning text were prepared largely in response to public comment received during the Community Board phase of the ULURP process. The modifications were noticed for public hearing and copies thereof provided in accordance with City Planning Commission regulations, several weeks prior to the September 23 public hearing.

Comment W-12 An adequate EIS would show pedestrian, traffic congestion and air, water and noise pollution to be even worse than is predicted in the DGEIS. (HKNA)

Response Each of these areas was thoroughly analyzed in accordance with approved methodologies for SEQRA and CEQR review.

Comment W-13 The process has left the Borough President, the community, the City Planning Commission, the City Council, and the State Legislature out of any meaningful review of the plan. (R. Gottfried)

Response Extensive outreach to community groups, elected officials, and other civic, environmental, business and other organizations was conducted with respect to the plan prior to commencement of the public review process. During the public review process, the Community Boards, the Borough President, the Borough President and the City Planning Commission have each conducted extensive and detailed review of the plan in accordance with their respective roles under the City's Uniform Land Use Review Procedure and SEQRA/CEQR. Following completion of City Planning Commission review, the zoning, park and street mapping and property acquisition elements of the plan (including acquisition of properties for the No. 7 Subway Extension by the City on behalf of the MTA) will be subject to City Council review. The No. 7 Subway Extension will be subject to separate approval by the MTA. The Convention Center expansion requires action by the State Legislature, as well as approvals by the Empire State Development Corporation (ESDC) and/or Convention Center Development Corporation. The Multi-Use Facility requires approval by the ESDC and other State and City agencies related to leasing and financing.

Comment W-14 The DGEIS contains mathematical errors. (MSG, HKNA)

Response Every effort has been made to update numerical information and to eliminate mathematical errors in the FGEIS.

Comment W-15 Mitigation measures are entirely missing from the DGEIS, including mitigation for traffic, and air pollution, and hazardous waste. Failing to include these elements in the DGEIS deprives the community of its opportunity to comment on them. (R. Gottfried)

Response The DGEIS identified an array of mitigation measures for all the potential significant adverse impacts identified in the DGEIS, including traffic, transit, pedestrians, noise, historic resources, community facilities, and construction. In some cases the DGEIS indicated that the co-lead agencies would continue to refine their analyses and explore the feasibility of additional mitigation measures for such impacts. With regard to hazardous waste, the DGEIS defined a management program that would avoid any significant adverse hazardous waste impacts and the consequent need for mitigation measures. This presentation of impacts and mitigation was fully adequate for the community to comment on them.

Comment W-16 The Convention Center and Multi-Use Facility should be subject to ULURP. (R. Gottfried)

Response The Hudson Yards Rezoning and Development Program incorporates a number of separate City and State actions, with each agency responsible for the project elements within its respective jurisdiction. The sites of the proposed Convention Center and Multi-Use Facility are on property owned by State entities, and these project elements are by law subject to approval by those entities (MTA, ESDC, and CCDC, plus, in the case of the Convention Center expansion, financing authorization by the State Legislature). By contrast, the rezoning of private property, the establishment of new parks and streets, the site selection of new City facilities, and the acquisition of properties in relation thereto, are all subject to the City’s Uniform Land Use Review Procedure.

Comment W-17 The DGEIS was prepared under artificial timelines. (MSG, HKNA)

Response Preparation of the DGEIS took place over an extended period of time, as a result of the scope and complexity of the Proposed Action. More than one year elapsed between public scoping and issuance of the Notice of Completion for the DGEIS. The FGEIS has been prepared within the framework of the ULURP timeclock, as required by law. ❖