

Appendix B: Environmental Justice

A. INTRODUCTION AND BACKGROUND

In order to satisfy Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (February 11, 1994), this environmental justice analysis has been prepared to identify and address any disproportionate and adverse impacts on minority or low-income populations that could result from the proposed Farley Post Office/Moynihan Station Redevelopment Project (“Farley/Moynihan”).

Executive Order 12898 also requires federal agencies to work to ensure greater public participation in the decision-making process. For the Farley/Moynihan project, this requirement has been satisfied by the review process for this Draft Environmental Impact Statement (DEIS) under the State Environmental Quality Review Act (SEQRA) and the National Environmental Policy Act (NEPA).

This chapter analyzes the project’s potential impacts in terms of their effects on minority and low-income populations, to determine whether any of the project alternatives would result in disproportionately high and adverse impacts on those populations. This environmental justice analysis is in part based upon the findings of the detailed environmental justice evaluation that was included in the 1999 Environmental Assessment (EA) for the proposed project, formerly known as the Pennsylvania Station Redevelopment Project, which assessed the potential impacts of the project’s proposed transportation-related components on minority or low-income populations. That assessment found that the project’s transportation-related components would not create any environmental justice impacts and that it would comply with all applicable NEPA regulations related to environmental justice protections. While no changes or additions to the scale of the transportation-related components are proposed for the project, the proposed project now includes a private, mixed-use development in addition to the proposed rail station. To reflect this change, this environmental justice analysis assesses the combined impacts of the proposed project over the full range of impacts on minority and low-income populations.

In summary, the principal conclusion of the analysis is that the proposed Farley/Moynihan project is not expected to result in any disproportionately high and adverse impacts on minority and low-income populations and no environmental justice concerns are anticipated with the proposed project.

SUMMARY OF 1999 EA’S ENVIRONMENTAL JUSTICE FINDINGS

The 1999 EA determined that the Pennsylvania Station Redevelopment Project would not result in any adverse impacts on community structure and function related to human neighborhoods, their well being, quality of life, and social cohesion. In sum, the 1999 EA determined that the Build Alternative:

- Would not split existing neighborhoods;
- Would not promote social isolation of a particular population;

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- Would not reduce neighborhood or community access or mobility, but rather would enhance it;
- Would not diminish the quality of life of the neighboring community, but would improve it with the attraction of new businesses and services to the area;
- Would not promote the separation of residences and/or sections of a neighborhood from community facilities or services; and
- Would not have disproportionately adverse impacts on a specific segment of the population.

In addition, the 1999 EA determined that the proposed project would actually bring social and economic benefits to these populations, as well as to the surrounding West Side neighborhood and the region as a whole. The redevelopment of Pennsylvania Station would not only improve the region's transportation infrastructure, but would also enhance the socioeconomic aspects of the region and the surrounding area. The proposed project would adapt existing facilities, through reuse, restoration, and enhancement, without disrupting the community cohesion and land use already familiar to the West Side neighborhood. It would also contribute to community and regional resources rather than removing, fragmenting, or diminishing them. In addition, the proposed redevelopment of Pennsylvania Station would be compatible with the existing community structure and function in that no households or businesses would be displaced and there would be an opportunity for increased employment as a result of the project's retail business development component. Further, improved pedestrian flows, coupled with the reduction of mail truck maneuvering on surface roads, would provide community benefits in terms of increased cohesion and safety.

B. METHODOLOGY

The environmental justice analysis for the Farley/Moynihan project follows the guidance and methodologies recommended in the federal Council on Environmental Quality's *Environmental Justice Guidance under the National Environmental Policy Act* (December 1997), and the U.S. Department of Transportation's *Final Order on Environmental Justice* (April 1997). These are summarized below.

CEQ GUIDANCE

The federal Council on Environmental Quality (CEQ), which has oversight of the federal government's compliance with Executive Order 12898 and NEPA, developed its guidance to assist federal agencies with their NEPA procedures so that environmental justice concerns are effectively identified and addressed. Federal agencies are permitted to supplement this guidance with more specific procedures tailored to their particular programs or activities, as the U.S. Department of Transportation (USDOT) has done.

The CEQ methodology involves collecting demographic information on the area where the project may cause significant and adverse impacts; identifying low-income and minority populations in that area using census data; and identifying whether the project's adverse impacts are disproportionately high on the low-income and minority populations, in comparison to those on other populations. Mitigation measures should be developed and implemented for any disproportionately high and adverse impacts. Under NEPA, the potential for disproportionately high and adverse impacts on minority and/or low-income populations should then be one of the factors the federal agency considers in making its finding on a project and issuing a Finding of No Significant Impact (FONSI) or a Record of Decision (ROD).

USDOT’S FINAL ORDER ON ENVIRONMENTAL JUSTICE

USDOT’s *Final Order on Environmental Justice* establishes the procedures for USDOT to use in complying with Executive Order 12898. The order applies to all of USDOT’s operating administrations, including the Federal Railroad Administration. Following the procedures set forth in the order, the consideration of environmental justice begins with a determination of whether the project would have an adverse impact on minority and low-income populations and whether that adverse impact would be disproportionately high. Disproportionately high and adverse impacts on minority and low-income populations are adverse impacts that are predominantly borne by a minority population and/or low-income population or that are appreciably more severe or greater in magnitude than the adverse impacts that will be suffered by the non-minority or non-low-income population. In making determinations regarding disproportionately high and adverse impacts, mitigation and enhancement measures that will be taken and all offsetting benefits to the affected minority and low-income populations may be taken into account, as well as the design, comparative impacts, and relevant number of similar existing system elements in non-minority and non-low-income areas.

Federal agencies must ensure that a project that will have a disproportionately high and adverse impact on minority populations or low-income populations will only be carried out if: (1) further mitigation measures or alternatives that would avoid or reduce the disproportionately high and adverse impact are not practicable; and (2) a substantial need for the program, policy, or activity exists, based on the overall public interest, and alternatives that would have fewer adverse impacts on protected populations that would still satisfy that need would either have other adverse social, economic, environmental, or human health impacts that would be more severe, or would involve increased costs of extraordinary magnitude.

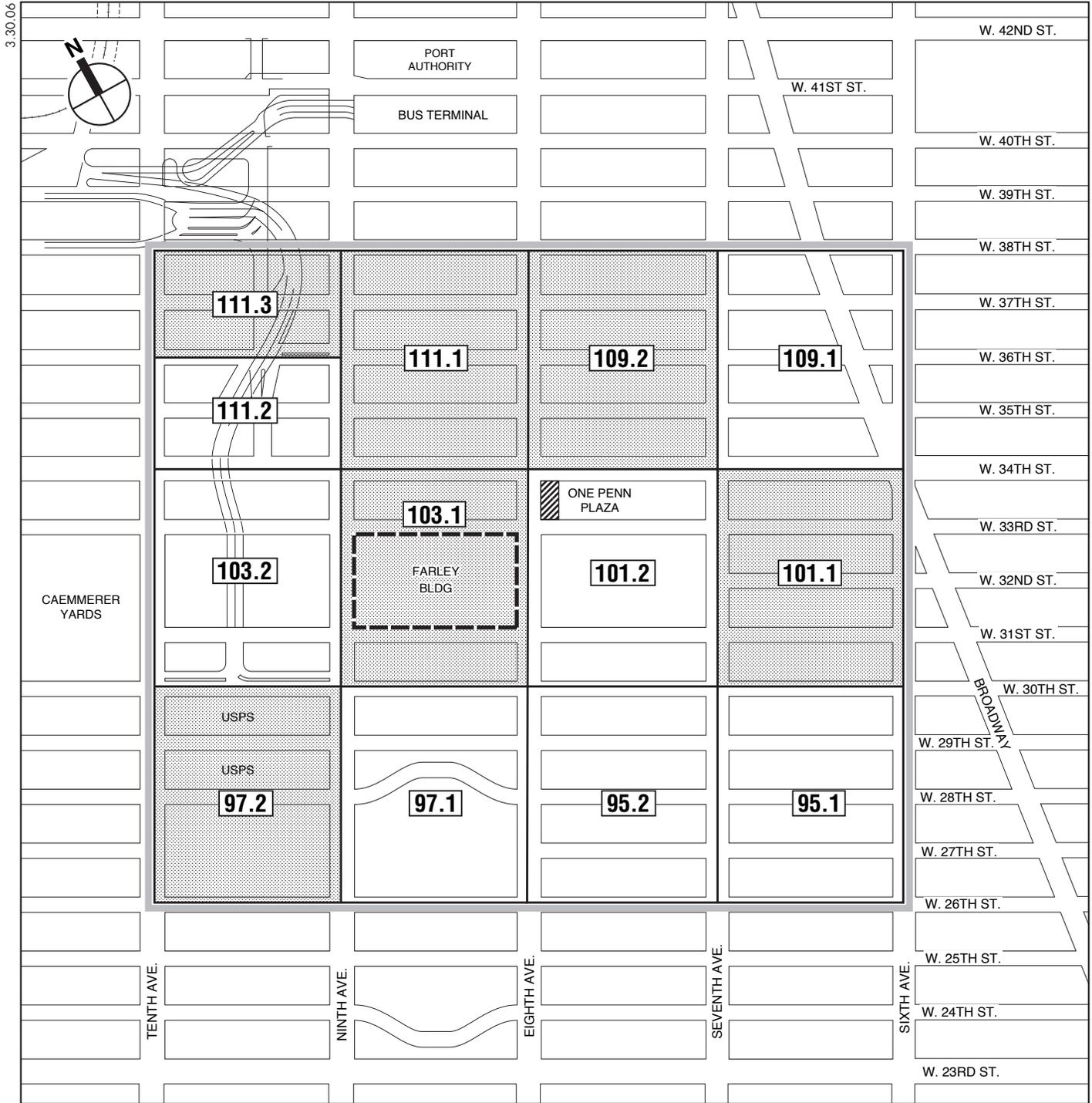
METHODOLOGY USED FOR THIS ASSESSMENT

The assessment of environmental justice for the Farley/Moynihan project was based on the CEQ and USDOT documents described above. It involved four basic steps:

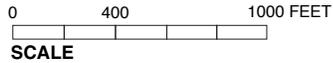
1. Identify the area where the project may cause significant and adverse impacts;
2. Compile population characteristics for the area where adverse impacts may occur because of the project and identify locations with populations of concern for environmental justice;
3. Identify each alternative’s adverse impacts on populations of concern; and
4. Evaluate each alternative’s effects on populations of concern relative to its overall effects to determine whether any impacts on populations of concern would be disproportionate and adverse.

DELINEATION OF STUDY AREA

The study area for environmental justice encompasses the area most likely to be affected by the proposed project and accounts for the potential impacts resulting from construction and operation of the proposed project. The study area for environmental justice is the same as the roughly ¼-mile land use and socioeconomic study area (see Chapter 3, “Land Use, Zoning, and Public Policy” and Chapter 4, “Socioeconomic Conditions”). As shown in Figure B2-1, the following census block groups are included in the study area: Block Groups 95.1, 95.2, 97.1, 97.2, 101.1, 101.2, 103.1, 103.2, 109.1, 109.2, 111.1, 111.2, and 111.3.



-  Farley Complex
-  Development Transfer Site
-  Environmental Justice Study Area Boundary
-  Census Block Group Boundary
-  **103.1** Census Block Group in Study Area
-  Census Block Group with Environmental Justice Populations



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IDENTIFICATION OF ENVIRONMENTAL JUSTICE POPULATION

Data were gathered from the *U.S. Census of Population and Housing, Census 2000* for all census block groups within the study area. Information on racial and ethnic characteristics and poverty status were compiled, as follows:

- *Racial and ethnic characteristics:* The guidance documents define minorities to include American Indian or Alaskan natives, Asian and Pacific Islanders, Black persons, and Hispanic persons. Following CEQ guidance, minority populations should be identified where either: (1) the minority population of the affected area exceeds 50 percent; or (2) the minority population percentage of the affected area is meaningfully greater than the minority population percentage in the general population or other appropriate unit of geographic analysis. For this project, Manhattan was used as the project's primary statistical reference area. In Manhattan, the minority population in 2000 was 54.2 percent. Therefore, for this project, all census block groups with total minority populations of 50 percent or greater were identified as minority communities.
- *Low-income population.* The percent of the households as well as the percent of individuals below poverty level, also available in Census 2000, was used to identify low-income census block groups. In accordance with available guidance documents (which do not specify thresholds to be used to identify low-income communities), all census block groups whose percentage of households or individuals below poverty level was meaningfully greater than that of Manhattan as a whole were considered low-income communities. In Manhattan, approximately 16.6 percent of the households and 20 percent of individuals live below the federal poverty threshold, so any block group with 20 percent or more of its households or 25 percent or more of its individuals living below the poverty level was considered to be a low-income area and, therefore, a community of concern for environmental justice.

C. ENVIRONMENTAL JUSTICE POPULATIONS IN THE STUDY AREA

The environmental justice study area includes 13 census block groups, as shown in Figure B2-1, with a total population of 12,504 in 2000. Table A2-1 details the study area's population and economic characteristics. As shown in the figure and table, 6 of the 13 census block groups in the study area have populations of concern for environmental justice. Some 44.1 percent of the residents of this study area are minority, a substantially lower proportion than in Manhattan (54.2 percent) and the City as a whole (65 percent). Because the study area's total minority percentage does not exceed CEQ's 50 percent threshold, the study area as a whole is not of concern for environmental justice. However, five of the individual block groups in the study area (Block Groups 97.2, 103.1, 109.2, 111.1, and 111.3) have minority populations that exceed the 50 percent threshold, ranging from 51.5 percent to 91.7 percent. In addition, 4 of the 13 block

**Table B2-1
Study Area Population and Economic Characteristics**

Census Block Groups	Population (2000)											Economic Profile (1999)			
	2000 Total	Race and Ethnicity*										Total Minority (%)	Number of Households	Households Below Poverty Level (%)**	Individuals Below Poverty Level (%)**
		White	%	Black	%	Asian	%	Other	%	Hispanic	%				
95.1	834	582	69.8	29	3.5	117	14.0	25	3.0	81	9.7	30.2	430	10.8	9.8
95.2	1,860	1,351	72.6	108	5.8	183	9.8	85	4.6	133	7.2	27.4	398	3.4	4.3
97.1	3,592	2,460	68.5	184	5.1	312	8.7	118	3.3	518	14.4	31.5	2,263	10.4	12.8
97.2	1,260	105	8.3	358	28.4	112	8.9	26	2.1	659	52.3	91.7	393	49.3	52.3
101.1	114	72	63.2	14	12.3	10	8.8	1	0.9	17	14.9	36.8	21	0.0	45.8
101.2	125	85	68.0	6	4.8	20	16.0	5	4.0	9	7.2	32.0	62	0.0	0.0
103.1	951	461	48.5	54	5.7	172	18.1	50	5.3	214	22.5	51.5	586	16.8	21.3
103.2	512	356	69.5	21	4.1	56	10.9	31	6.1	48	9.4	30.5	383	9.7	9.1
109.1	23	16	69.6	2	8.7	0	0.0	2	8.7	3	13.0	30.4	10	0.0	0.0
109.2	185	81	43.8	10	5.4	68	36.8	6	3.2	20	10.8	56.2	103	25.5	22.9
111.1	1,247	406	32.6	108	8.7	317	25.4	54	4.3	362	29.0	67.4	577	21.0	23.6
111.2	1,294	769	59.4	105	8.1	177	13.7	63	4.9	180	13.9	40.6	685	11.3	22.6
111.3	507	245	48.3	30	5.9	19	3.7	12	2.4	201	39.6	51.7	257	17.8	21.7
Study Area	12,504	6,989	55.9	1,029	8.2	1,563	12.5	478	3.8	2,445	19.6	44.1	6,168	14.8	19.9
Manhattan	1,537,195	703,873	45.8	234,698	15.3	143,291	9.3	37,517	2.4	417,816	27.2	54.2	738,644	16.6	20.0
New York City	8,008,278	2,801,267	35.0	1,962,154	24.5	780,229	9.7	304,074	3.8	2,160,554	27.0	65.0	3,021,588	19.7	21.2

Notes:

* The racial and ethnic categories provided are further defined as: White (White alone, not Hispanic or Latino); Black (Black or African American alone, not Hispanic or Latino); Asian (Asian alone, not Hispanic or Latino); Other (American Indian and Alaska Native alone, not Hispanic or Latino; Native Hawaiian and Other Pacific Islander alone, not Hispanic or Latino; Some other race alone, not Hispanic or Latino; Two or more races, not Hispanic or Latino); Hispanic (Hispanic or Latino; Persons of Hispanic origin may be of any race).

** Percent of households/individuals with incomes below established poverty level. The U.S. Census Bureau's established income thresholds for poverty levels defines poverty level.

Sources: U.S. Census Bureau, U.S. Census of Population and Housing, 2000.

groups in the study area have higher proportions of low-income households or low-income individuals than Manhattan and the City as a whole. Those with higher proportions of low-income households include Block Groups 97.2, 109.2, and 111.1, which have from 21 to 49.3 percent of the households below the federal poverty level. Those with higher proportions of individuals below poverty level include Block Groups 97.2 and 101.1, with 52.3 and 45.8 percent of individuals below poverty level, respectively. Overall, 14.8 percent of the households and 19.9 percent of the individuals in this study area were living below the federal poverty threshold in 1999. These percentages do not exceed those of Manhattan (16.6 percent and 20 percent, respectively) or the City as a whole (19.7 percent and 21.2 percent, respectively). Therefore, this study area is not considered a low-income community.

D. SUMMARY OF ADVERSE IMPACTS IDENTIFIED IN DEIS

From a regional perspective, the proposed redevelopment of the James A. Farley Building and Western Annex (collectively referred to as the Farley Complex) would produce beneficial effects, as described in “Summary of 1999 EA’s Environmental Justice Findings,” above. At the same time, however, the proposed project could result in some localized significant adverse impacts described throughout this DEIS. The adverse impacts of the proposed project on communities of concern for environmental justice are described below.

COMMUNITY FACILITIES

FIRE

The proposed project is not expected to displace existing fire station houses or related emergency medical service (EMS) facilities and, on its own, would be unlikely to result in impacts to these facilities at current service levels.

PUBLIC SCHOOLS

If the residential development under Scenario 2 of the proposed project were realized, it is estimated that about 102 elementary school, along with 20 intermediate school, and 32 high school students would be generated. This new demand of 154 students would be a modest contribution to the more than 3,700 new students anticipated between 2010 and 2025 with the introduction of residential development generated by the Hudson Yards and West Chelsea Rezoning and other known projects in the study area. Overall, in the 2010 Future Without the Proposed Action condition, and disclosed in the Hudson Yards project FGEIS, this new enrollment would create a significant shortage of school seats. Mitigation identified in the Hudson Yards project FGEIS includes remedies to increase capacity through administrative actions, expansion, or new construction. No impacts or additional mitigation measures beyond those resulting from, or provided by, the Hudson Yards project would occur with, or be required by, the proposed project.

HISTORIC IMPACTS

While the construction of a commercial overbuild under Phase II of Scenario I of the proposed project would be consistent with the overall adaptive reuse of the Farley Complex, a building constructed above it would have adverse visual and physical impacts on the historic resource. Therefore, the final design of the overbuild would be developed in consultation with OPRHP,

along with a construction protection plan. However, since this impact would occur to a city-wide and regional asset, it is not considered an impact that specifically affects a community of concern.

Since construction of an overbuild above the Farley Complex could cause inadvertent adverse physical impacts to architectural resources located within 90 feet of construction activities, a construction protection plan would be developed and implemented for three resources located directly across West 33rd Street. Finally, it is not expected that development of an overbuild atop the Western Annex would have adverse contextual or visual impacts on any of the architectural resources located in the study area. The use, height, and design of the overbuild would be in keeping with the character of development in the study area. Further, the proposed overbuild would not eliminate or screen publicly accessible views of a resource. Nor would it isolate an architectural resource from or alter its visual relationship with the streetscape. Nor would it introduce an incompatible visual element to a resource's setting.

In summary, the proposed project would not specifically create historic resource impacts to a community of concern.

HAZARDOUS MATERIALS

As discussed in Chapter 11, "Hazardous Materials," appropriate measures, including pre-construction surveys and Health and Safety Plans during demolition and construction, would be implemented to avoid any significant adverse impacts related to hazardous materials as a result of the proposed project.

TRAFFIC AND PARKING

The communities of concern identified above are located in a congested area of the Midtown central business district. Throughout the traffic study area, which includes intersections within the identified communities of concern, the traffic analysis for the 2010 and 2015 Future With the Proposed Action identifies a variety of significant adverse impacts at 4, 4, 4, and 11 intersections during the weekday AM, midday, PM, and Saturday midday peak hours, respectively, in 2010, and at 9, 8, 10, and 15 intersections during the weekday AM midday, PM and Saturday midday peak hours, respectively, in 2015. As set forth in Chapter 19, "Mitigation," all significant adverse impacts could be mitigated; recommended mitigation measures are subject to review and approval by the New York City Department of Transportation. With the recommended mitigation measures in place, no unmitigated impacts would affect the communities of concern located within the traffic study area.

No significant parking impacts to on- or off-street facilities is anticipated, and there would be no impact specific to identified communities of concern.

TRANSIT AND PEDESTRIANS

The communities of concern identified above are located in a congested area of the Midtown central business district. Transit and pedestrian impacts analyzed in the DEIS affect the larger city and region and not just the local community.

As set forth in Chapter 14, "Transit and Pedestrians," the project would generate substantial pedestrian volumes at several corners, crosswalks, and sidewalks within the study area. Mitigation of up to 18 significant crosswalk, corner, and sidewalk impacts would involve the widening of painted areas to allow pedestrians additional crossing space and/or the removal of

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certain sidewalk obstructions. The recommended mitigation measures described in Chapter 19, “Mitigation,” would be implemented with appropriate City agencies and in coordination with the larger and more comprehensive Hudson Yards mitigation effort.

In summary, no unmitigated impacts on transit facilities or pedestrian circulation are expected, and there is no specific adverse impact on communities of concern in the project area.

E. IDENTIFICATION OF DISPROPORTIONATE ADVERSE IMPACTS ON COMMUNITIES OF CONCERN

Following CEQ’s guidance, a project’s effects fall disproportionately on a community of concern for environmental justice if (1) they are adverse and are predominantly borne by a minority population and/or low-income population; or (2) they will be suffered by the minority and/or low-income population and are appreciably more severe or greater in magnitude than the adverse impacts that will be suffered by the non-minority or non-low-income population. Consistent with USDOT’s guidelines for evaluating environmental justice, the determination of disproportionate impacts to minority and/or low-income communities involved consideration of cumulative effects on communities of concern; mitigation and enhancement measures and offsetting benefits to the affected minority and low-income communities; and the design, comparative impacts, and relevant number of similar system elements in non-minority and non-low-income neighborhoods.

The Farley/Moynihan project’s potential adverse impacts would all be at least partially mitigated, as described above, thereby limiting the potential for any significant impacts. Further, the proposed project’s potential impacts related to community facilities, historic resources, hazardous materials, and traffic would affect the entire study area, including non-minority and non-low-income neighborhoods.

Therefore, the proposed project would not result in any disproportionately high and adverse impacts on environmental justice populations.

F. MITIGATION MEASURES FOR DISPROPORTIONATE ADVERSE IMPACTS ON COMMUNITIES OF CONCERN

As described in the discussion of methodology at the beginning of this chapter, according to USDOT’s *Final Order on Environmental Justice*, a federal agency may take an action that would have a disproportionately high and adverse impact on minority or low-income populations only if: (1) further mitigation measures or alternatives that would avoid or reduce the disproportionately high and adverse impact are not practicable; and (2) a substantial need for the action exists and other alternatives that would have less adverse impacts on the protected population and would still satisfy the need would either have other adverse impacts that are more severe or would involve increased costs of extraordinary magnitude.

Based on the analyses summarized above, no additional mitigation measures are necessary to remedy impacts specifically for disproportionately high and adverse impacts. In addition, the substantial need for the proposed project is well documented in Chapter 1, “Project Description.”

G. PUBLIC PARTICIPATION

Executive Order 12898 also requires federal agencies to work to ensure greater public participation in the decision-making process. In addition, CEQ guidance suggests that federal agencies should acknowledge and seek to overcome linguistic, cultural, institutional, geographic, and other barriers to meaningful participation. Furthermore, the USDOT's *Final Order on Environmental Justice* indicates that project sponsors should seek public involvement opportunities, including soliciting input from affected minority and low-income populations in considering alternatives.

To this end, the Farley/Moynihan project's public outreach and participation component required by Executive Order 12898 has been satisfied by the review process for this DEIS under SEQRA. Under SEQRA, the project sponsors are required to afford the public an opportunity to participate in identifying the consequences of their decision-making with respect to the proposed project. The project's public outreach and participation program began with the scoping process and will continue through completion of the FEIS.

For this DEIS, a Draft Scoping Document was issued by the ESDC on January 31, 2005. The public was afforded the opportunity to review and comment on the Draft Scoping Document through February 28, 2005. During the comment period, a public scoping meeting was held in an afternoon session on February 16, 2005 at the Farley Post Office, Western Annex, Room 4500. A Final Scoping Document was issued on January 9, 2006. This DEIS, along with the Notice of Completion, has been circulated to the general public. Circulation of this DEIS marks the beginning of a public review period, during which time a public hearing will be held to solicit comments on the DEIS. The public hearing for the DEIS prepared for the Farley/Moynihan project is scheduled to take place in the spring of 2006.

H. CONCLUSION WITH RESPECT TO ENVIRONMENTAL JUSTICE

The proposed Farley/Moynihan project is not expected to result in any disproportionately high and adverse impacts on minority and low-income populations. In addition, the proposed project would be in compliance with applicable NEPA regulations related to environmental justice protections. In summary, there are no environmental justice concerns anticipated with the proposed project. *