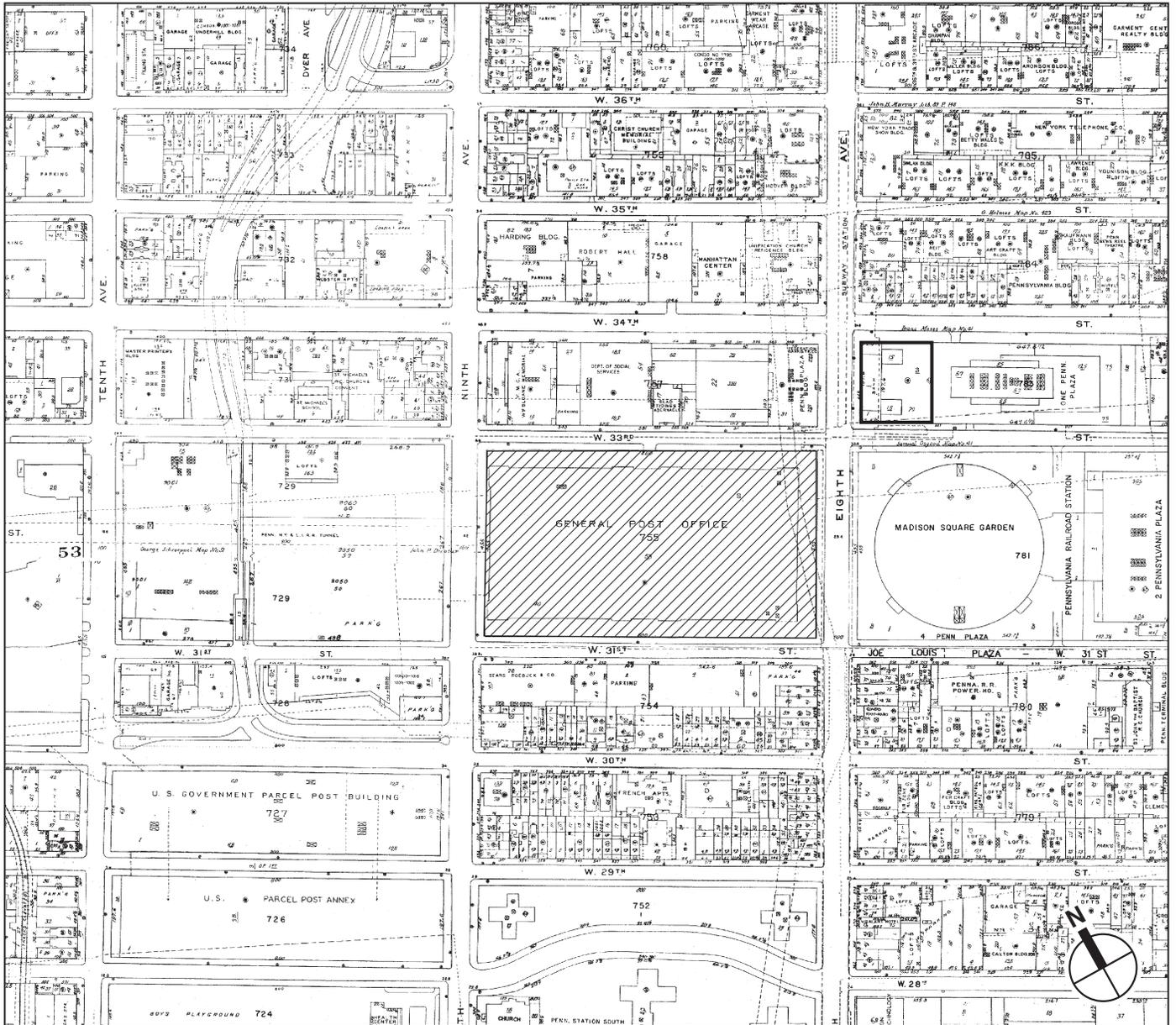


This Environmental Assessment (EA) examines the potential environmental impacts of the Moynihan Station Development Project (the Project) and evaluates project alternatives in accordance with the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 et seq.) and the applicable NEPA regulations (40 C.F.R. Parts 1500-1508; 64 FR 28545 and 23 C.F.R. Part 771). This EA also documents compliance with applicable federal environmental laws, rules, and regulations, including Section 106 of the National Historic Preservation Act (NHPA), Section 4(f) of the U.S. Department of Transportation Act, and Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.”

The New York State Urban Development Corporation doing business as the Empire State Development Corporation (ESDC), its subsidiary the Moynihan Station Development Corporation (MSDC), and the Port Authority of New York and New Jersey (PANYNJ) have proposed to redevelop the James A. Farley Building (the Farley Building) and its Western Annex (collectively referred to as the Farley Complex) into a new intermodal transportation facility, to be called the Daniel Patrick Moynihan Station (Moynihan Station). It is proposed that the National Railroad Passenger Corporation, doing business as Amtrak, would be the primary occupant of Moynihan Station. Moynihan Station would be one component of the project that would also include the commercial redevelopment of the Western Annex to the Farley Building, and the construction of a 1.1 million square foot mixed-use building fronting on the east side of Eighth Avenue between West 33rd and West 34th Streets utilizing development rights associated with the Farley Complex (see Figure 1-1). The Federal Railroad Administration (FRA) and ESDC have prepared this EA to analyze the potential environmental impacts from the project. FRA is the lead federal agency for this EA. The Federal Transit Administration (FTA), the Federal Highway Administration (FHWA), and the United States Postal Service (USPS), are cooperating agencies for the purpose of this environmental review.

NATIONAL ENVIRONMENTAL POLICY ACT

NEPA requires federal agencies to incorporate environmental considerations in their planning and decision-making through a systematic approach. Specifically, all federal agencies must assess the environmental impacts of, and alternatives to, major federal actions significantly affecting the environment. In order to aid federal agencies in determining whether an action could significantly affect the environment, an agency may prepare an environmental assessment. If on the basis of an environmental assessment an agency determines that the proposed action would not significantly affect the environment, the agency may issue a Finding of No Significant Impact (FONSI), concluding its NEPA responsibilities. However, if an agency does not issue a FONSI based on an environmental assessment it must prepare an environmental impact statement before undertaking the proposed action. In 1978 the Council on Environmental Quality (CEQ) promulgated regulations (40 C.F.R. Parts 1500-1508) implementing NEPA which are binding on all federal agencies, although federal agencies are encouraged to also issue additional procedures for implementing NEPA within each agency. Accordingly, FRA issued guidance interpreting the NEPA regulations entitled “Environmental Assessment Procedures”



-  Farley Complex
-  Development Transfer Site



Project Site Location
Figure 1-1

Moynihan Station Development Project

(64 FR 28545, May 26, 1999), and the FHWA and FTA jointly issued regulations pursuant to NEPA (23 C.F.R. Part 771). This EA has been prepared in accordance with CEQ's, FRA's and FHWA/FTA's NEPA requirements.

SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT

Section 106 of the NHPA of 1966 requires that any federal agency having direct or indirect jurisdiction over a proposed federal or federally assisted undertaking take into account the effect of the undertaking on any district, site, building, structure, or other object that is included in or eligible for inclusion in the National Register of Historic Places. Under this provision, the NEPA lead agency, the State Historic Preservation Officer (SHPO), affected Native American tribes, and other "consulting" parties participate in a consultation process regarding the potential effects of the undertaking on historic resources. In certain limited cases, the Advisory Council on Historic Preservation (Advisory Council) participates in the consultation as well. The project's compliance with Section 106 of the NHPA is discussed in Chapter 4.2, "Historic Properties."

SECTION 4(f) OF THE U.S. DEPARTMENT OF TRANSPORTATION ACT

Section 4(f) of the Department of Transportation Act of 1966 prohibits a federal transportation agency from approving a project or program that "uses" the land of a historic site of national, state or local significance unless there is no prudent and feasible alternative that would avoid the use and the program or project includes all possible planning to minimize harm to the affected land or resource. In 2005, a provision was added to Section 4(f) that eliminated the need for the "no feasible and prudent" alternatives analysis if a project that would use a Section 4(f) resource was determined to have a *de minimis* impact on that resource [*see* 49 U.S.C. § 303(d)].

A *de minimis* impact determination is a finding that the project will not adversely affect the qualities of the resource that make it eligible for protection under Section 4(f). An agency within the United States Department of Transportation (USDOT) can make a finding of *de minimis* impact for a historic site if: (1) it determines through the Section 106 consultation process that a transportation project will have "no adverse effect" on the site; (2) the SHPO and the Advisory Council, if participating, concurs in writing with the *de minimis* impact finding; and (3) the finding has been developed in consultation with parties consulting as part of the Section 106 process [*see* 49 U.S.C. § 303(d)(2)]. Because the Farley Complex is a Section 4(f)-protected historic resource, a Section 4(f) evaluation has been prepared and is included in this EA as Chapter 6.

EXECUTIVE ORDER 12898, ENVIRONMENTAL JUSTICE

Executive Order 12898 ("Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations") requires federal agencies to identify and address disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minority populations and low income populations. As part of this effort, federal agencies are required to involve the public on project issues related to human health and the environment. USDOT's "Final Order on Environmental Justice" sets forth how Executive Order 12898 will be incorporated into USDOT programs and activities to promote the principles of environmental justice, including how project sponsors should elicit public involvement opportunities, by soliciting input from affected minority and low-income populations in considering project alternatives. The environmental justice analysis is included in this EA as Chapter 4.15. *