

4.15.1 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 Project.

Executive Order 12898 also requires federal agencies to work to ensure greater public participation in the decision-making process. This project has been subject to public hearings and public comment under the New York State Urban Development Corporation Act and SEQRA as discussed in Chapter 5, “Public Involvement and Agency Coordination.”

This chapter analyzes the Project’s potential impacts in terms of their effects on minority and low-income populations, to determine whether the proposed Project 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 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 requirements 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. The conclusions drawn by the 1999 EA were confirmed by the 2006 FEIS.

In summary, the principal conclusion of the analysis is that the proposed 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 expected 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;
- would not reduce neighborhood or community access or mobility, but rather would enhance it;

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- 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 bring social and economic benefits to minority and low-income populations, as well as to the surrounding West Side neighborhood and the region as a whole. The redevelopment of Penn Station would not only improve the region's transportation infrastructure, but would also enhance the socioeconomic aspects of the region. The proposed Project would adapt existing facilities, through reuse, restoration, and enhancement, without disrupting the community cohesion and land use of the West Side neighborhood. It would also contribute to community and regional resources and would not remove, fragment, or diminish them. In addition, the proposed development 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.

4.15.2 METHODOLOGY

The environmental justice analysis for the 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 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 be one of the factors the federal agency considers in making its finding on a project and issuing a 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 FRA. 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 would be borne by the non-minority or non-low-income population. In making determinations regarding disproportionately high and adverse impacts, mitigation and enhancement measures that would be taken and 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 would have a disproportionately high and adverse impact on minority populations or low-income populations would 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 Project was based on the CEQ and USDOT documents described above. It involved four basic steps:

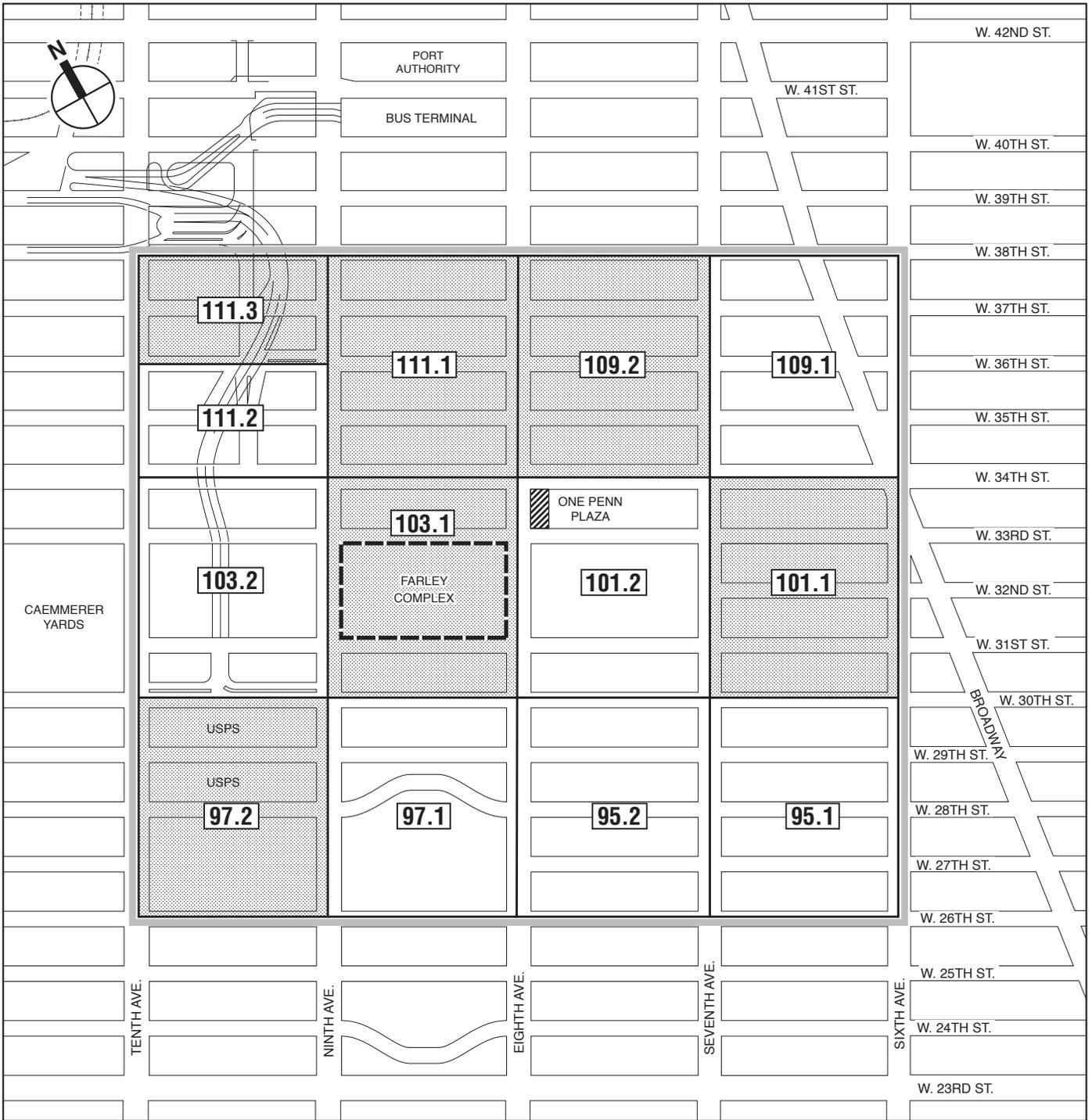
1. Identify the area where the Project may cause significant and adverse impacts;
2. Compile population characteristics for the area where adverse impacts may occur because of the Project and identify locations with populations of concern for environmental justice;
3. Identify each alternative's adverse 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 4.1, "Land Use and Socioeconomic Conditions"). As shown in Figure 4.15-1, 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.

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:



-  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



Environmental Justice Study Area
Figure 4.15-1

- *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. In this EA, all census block groups with total minority populations of greater than 50 percent were identified as minority communities and, therefore, a community of concern for environmental justice.
- *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. In this EA, 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.

4.15.3 ENVIRONMENTAL JUSTICE POPULATIONS IN THE STUDY AREA

The environmental justice study area includes 13 census block groups, as shown in Figure 4.15-1, with a total population of 12,504 in 2000. Table 4.15-1 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 lower proportion than in Manhattan (54.2 percent) and the City as a whole (65 percent). Because the study area's total minority percentage is less than CEQ's 50 percent threshold, the study area as a whole is not of concern for environmental justice with respect to race and ethnicity. Similarly, as set forth in Table 4.15-1, the study area has a lower proportion of households and individuals below the poverty level than Manhattan and the City as a whole. Thus, the study area as a whole is not a concern for environmental justice with respect to economic characteristics.

Nevertheless, as shown in Table 4.15-1, six of the individual block groups in the study area have concerns for environmental justice. Five block groups (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. Four block groups (Block Groups 97.2, 101.1, 109.2, and 111.1) exceed the poverty thresholds identified above (20 percent of households or 25 percent of individuals below the poverty level).

Table 4.15-1
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.

4.15.4 SUMMARY OF IMPACTS

From a regional perspective, the proposed redevelopment of the Farley Complex would produce beneficial effects, as described in “Summary of 1999 EA’s Environmental Justice Findings,” above. The potential adverse impacts of the proposed Project on communities of concern for environmental justice are not significant, but are described below.

COMMUNITY FACILITIES

MOYNIHAN STATION

Emergency Services

The creation of the new train station in the Farley Building would not displace any existing police, fire station houses, or emergency medical service (EMS) facilities and would not result in impacts to these facilities at current levels.

Public Schools

The station itself would not generate any new demand for the area public schools.

NON-STATION DEVELOPMENT

Emergency Services

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

Public Schools

If the maximum residential development scenario of 940 dwelling units were realized at the Development Transfer Site, it is estimated that about 112 elementary school, 38 intermediate school, and 56 high school students would be generated. This new demand of 206 students would be a modest contribution to many thousands of new students expected to be added to area schools with the continued residential development in Hudson Yards and West Chelsea, along the Avenue of the Americas, and elsewhere in the area. No impacts or additional mitigation measures beyond those resulting from, or provided by, the Hudson Yards Rezoning and other large scale projects in the area would occur with, or be required by, the proposed Project.

HISTORIC IMPACTS

The Project is not expected to have any adverse effect on historic resources, as described in Chapter 4.2, “Historic Properties.”

HAZARDOUS MATERIALS

MOYNIHAN STATION

As discussed in Chapter 4.11, “Contaminated 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.

NON-STATION DEVELOPMENT

As discussed in Chapter 4.11, “Contaminated 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

MOYNIHAN STATION

The improved transportation facilities and passenger amenities created by the new train station in the Farley Building would have modest traffic and parking effects since it is largely a redistribution of passenger facilities that may result in some alteration of traffic circulation in the immediate vicinity of the station but would not adversely affect overall traffic flow patterns in the study area or larger regional context. Growth in passenger traffic based on the improved station and passenger amenities would result in some increased traffic to and from the station but would not significantly alter patterns or otherwise generate significant traffic impacts.

NON-STATION DEVELOPMENT

The communities of concern identified above are located in a congested area of the Midtown central business district. As set forth in the 2006 FEIS and as evaluated for current 2009 network volumes, while there are intersections within the identified communities of concern where adverse traffic impacts were identified, all significant adverse impacts could be mitigated. With the implementation of the recommended mitigation measures (at the discretion of the New York City Department of Transportation), no unmitigated significant adverse impacts would affect the communities of concern located within the traffic study area.

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

TRANSIT AND PEDESTRIANS

MOYNIHAN STATION

The improved transportation facilities and passenger amenities created by the new train station in the Farley Building would have modest effects on pedestrian conditions in the areas of concern since it is largely a redistribution of passenger facilities that may result in some alteration of pedestrian circulation in the immediate vicinity of the station but would not adversely affect overall circulation patterns in the study area or larger regional context. Growth in passenger traffic based on the improved station and passenger amenities would result in some increase in pedestrian activity to and from the station but would not significantly alter patterns or otherwise result in significant pedestrian impacts.

NON-STATION DEVELOPMENT

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

As set forth in Chapter 4.5, “Transportation,” the Project would generate substantial pedestrian volumes at several corners, crosswalks, and sidewalks within the study area. Mitigation of up to 14 significant crosswalk and corner impacts would involve the widening of painted areas to allow pedestrians additional crossing space and/or the removal of certain sidewalk obstructions. The recommended mitigation measures described in Chapter 4.5, “Transportation” would be implemented with appropriate City agencies.

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.

4.15.5 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 would be suffered by the minority and/or low-income population and are appreciably more severe or greater in magnitude than the adverse impacts that would 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 Project’s potential adverse impacts would all be avoided or 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, and traffic would potentially affect the entire study area, including non-minority and non-low-income neighborhoods.

As noted above, the study area as a whole is not of concern for Environmental Justice. Therefore, the proposed Project would not result in any disproportionately high and adverse impacts on environmental justice populations.

4.15.6 DISCUSSION OF NEED FOR 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, the proposed Project would not have a disproportionately high and adverse impact on minority or low-income populations; accordingly, no additional mitigation measures are necessary to remedy any impacts.

4.15.7 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 Project's public outreach and participation component required by Executive Order 12898 has been satisfied by the extensive public review process for the Project, as described in Chapter 5, "Public Involvement and Agency Coordination."

In particular, for the 2006 FEIS, a Draft Scoping Document was issued by 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. The DEIS, along with the Notice of Completion, was circulated to the general public, which began a public review period, during which time a public hearing was held to solicit comments on the DEIS on May 31, 2006, and remained open through June 30, 2006. Subsequent to completion of the FEIS, a public comment period was established with regards to ESDC's affirmation of the General Project Plan for the Project.

4.15.8 CONCLUSION WITH RESPECT TO ENVIRONMENTAL JUSTICE

The proposed 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 requirements related to environmental justice protections. In summary, there are no environmental justice concerns expected with the proposed Project. *