Chapter 5: Chapter 5: Section 6(f) Evaluation

5.1 INTRODUCTION

Norfolk Southern Railway Company provides rail freight service across New York State via its Southern Tier route. The Southern Tier is a critical freight rail line between Buffalo and Binghamton and provides connections to Canada and the Eastern Seaboard of the United States. In addition to Norfolk Southern, the Southern Tier route is used by Canadian Pacific Railway and provides interchange connections to 11 short line freight railroads. In addition to regional and national service, it serves communities in western and southern New York State and northern and eastern Pennsylvania. The Southern Tier route passes through Letchworth State Park in western New York, on right-of-way owned by Norfolk Southern but within the boundaries of the park. This right-of-way within the park boundaries includes the Portageville Bridge, which provides the crossing over the Genesee River between Wyoming and Livingston Counties. The bridge, which opened to rail traffic in 1875, has reached the end of its useful life as a freight rail structure and must now be upgraded or replaced.

This document is the Section 6(f) Evaluation for the Portageville Bridge Project (the Project). This evaluation is provided to satisfy the requirements of the Land and Water Conservation Fund (LWCF) Act, 16 USC §§ 460l-4 to 460l-11 (commonly referred to as Section 6(f), as the provision was originally contained in Section 6(f)(3) of the LWCF Act, Public Law 88-578 of 1962, before codification). This statute prescribes the conditions that must be satisfied for the use or transfer of parklands or open spaces that have been improved with funds received through the LWCF. As discussed below, Letchworth State Park has received such funding and therefore the involved agencies have concluded this statute applies to the Project. As described in this document, an approval pursuant to Section 6(f) is required because the Project requires the permanent use of small areas of land, adjacent to the current rail right-of-way, that are currently part of the park. This land is proposed for conversion from parkland to railroad use. In addition, the Project requires the extended temporary use of other small areas for construction easements. Replacement land would be provided to the park by Norfolk Southern in accordance with the requirements of Section 6(f).

5.2 REGULATORY FRAMEWORK

The U.S. Department of the Interior (DOI), through the National Park Service (NPS), provides funding under the LWCF for state and local efforts to plan, acquire, or develop land to advance outdoor recreational activities. (16 USC § 4601-4) The New York State Office of Parks, Recreation and Historic Preservation (OPRHP) serves as the New York State agency that administers LWCF funds received from DOI. Using LWCF funds creates certain limitations on future changes to LWCF-funded projects. Once LWCF funds are used for a particular recreation project, conversion of that park facility for any non-recreational purpose is conditioned on NPS approving such non-recreational use in accordance with Section 6(f). Prior approval by NPS is required for the conversion and replacement of parkland subject to this regulation and any NPS approval must be based on a determination that the conversion meets the conditions under Section 6(f) described in more detail below. (16 USC § 4601-8[f][3]) Responsibility for compliance and enforcement of the requirements rests with the state, and in New York State with OPRHP.
Under the LWCF Act and applicable federal Department of the Interior regulations (36 CFR Part 59), conversion of parkland may be approved only if NPS finds that the following nine criteria have been met:

1) All practical alternatives to the proposed conversion have been evaluated;
2) The fair market value of the park property to be converted has been established and that the property proposed for substitution is of at least equal fair market value, as established by an approved appraisal in accordance with the Uniform Appraisal Standards for Federal Land Acquisition, excluding the value of structures or facilities that will not serve recreational purposes;
3) The proposed replacement property is of reasonably equivalent usefulness and location as the converted property;
4) The property proposed for substitution meets the eligibility requirements for LWCF-assisted acquisition;
5) For properties that are proposed to be partially rather than wholly converted, the impact of the converted portion on the remainder must be considered and the unconverted area must remain recreationally viable, or be replaced as well;
6) All necessary coordination with other federal agencies has been satisfactorily accomplished;
7) The guidelines for environmental evaluation have been satisfactorily completed and considered by the National Park Service during its review of the conversion proposal;
8) If the proposed conversion constitutes a significant change to the original LWCF project, State intergovernmental clearinghouse review procedures have been adhered to; and
9) The proposed conversion is in accordance with the applicable Statewide Comprehensive Outdoor Recreation Plan (SCORP) and/or equivalent recreational plans.

NPS’s LWCF State Assistance Program Manual¹ (referred to in this chapter as the NPS Program Manual) defines “small conversions” as those that affect no more than 10 percent of the Section 6(f) protected area, or five acres, whichever is less. The NPS Program Manual indicates that small conversions are less complex and therefore NPS review and decision-making can be facilitated, when 1) minor or no environmental impacts would result, including impacts to historic resources evaluated under Section 106 of the National Historic Preservation Act; 2) the proposed conversion is not controversial; and 3) the replacement property is contiguous to the land to original Section 6(f) area. The proposed conversion for the Portageville Bridge project would affect less than 5 acres, and far less than 10 percent of the total land area of Letchworth State Park, but is not considered a small conversion because of the project's environmental impacts, including impacts to historic and visual resources, as described in Chapters 3 and 4 of the Draft Environmental Impact Statement. Therefore, a full conversion evaluation for compliance with the requirements of Section 6(f) is provided in this chapter.

This Section 6(f) Evaluation describes the applicability of Section 6(f) to the Project (in Section 5.3 of this evaluation) and then considers the Project’s proposed conversion and replacement of parkland for its compliance with the nine regulatory criteria outlined above (see Section 5.4 below). The final section of this document (Section 5.5) describes agency coordination efforts that have been and will be undertaken with respect to Section 6(f).

5.3  APPLICABILITY OF SECTION 6(f) TO THE PROJECT

5.3.1  Park Overview

Letchworth State Park is a 14,350-acre park that extends approximately 17 miles along both sides of the Genesee River. The park is generally wooded with winding roads and hilly terrain. Within the park, the Genesee River flows from south to north through a deep gorge and over three major waterfalls that are in the southern section of the park: Upper Falls, Middle Falls, and Lower Falls. **Figure 5-1** provides a map of the park with the Portageville Bridge location noted.

The park hosts a variety of recreational features and activities, all organized along and around the scenic Genesee River and gorge. These include scenic roads, 66 miles of trails that can be used for hiking, biking, horseback riding, snowmobiling, and cross-country skiing. There are over 270 campsites, 82 cabins, numerous picnic areas, two swimming pools, and the historic Glen Iris Inn. Hunting and fishing are allowed, as well as whitewater rafting, kayaking, and hot air ballooning. The park has a number of scenic viewing locations, including the scenic overlooks that are located along the edge of the Genesee River gorge, connected to the park trail system. The park is characterized by the scenic gorge and by the picturesque stone walls and staircases, stone structures (comfort stations, concession stands, picnic tables), and a number of historic sites and structures such as the Glen Iris Inn and Council Grounds, where historic cabins have been reconstructed.

Letchworth State Park is referred to as the “Grand Canyon of the East,” because of its dramatic topography. The park’s scenic features include its natural elements—including the forested gorge, majestic waterfalls, and scenic vistas—and its historic elements—including the railroad bridge, stone walls and staircases along the park’s roads and trails, stone structures (comfort stations, concession stands, etc.) and picnic tables, and a number of historic structures such as the Glen Iris Inn. Many of the most scenic elements of the park are located in the southern half of the park, which houses the three major waterfalls and most of the historic structures in the park. The Portageville Bridge contributes to the scenic character of this end of the park and is depicted on park postcards and memorabilia. As a state park that is listed on the State and National Registers of Historic Places, Letchworth State Park is an aesthetic resource of statewide significance. The Genesee River and gorge, waterfalls, and the Portageville Bridge are contributing elements of this aesthetic resource. The south end of the park is notable for the river gorge and three waterfalls, the scenic overlooks, and a concentration of the park’s historic structures and sites. The north end of the park has fewer scenic sites of this nature, and is characterized predominantly by the Mt. Morris Dam on the Genesee River. This end of the park also has a large trailer and tent camping area.

The main park road, Park Road, runs along the western side of the river with turnoffs leading to viewpoints and other park areas. On the eastern side of the river, park roads provide access to the south and north ends of the park, but no continuous park road runs along this side of the river. A number of trails also run along both sides of the river for the length of the park.

According to OPRHP, the south end of the park is the most intensely used area of the park and supports the greatest number of visitors.

5.3.2  Location of Railroad Right-of-Way Through Park

As shown in **Figure 5-1**, Norfolk Southern’s Southern Tier rail freight route passes through the southern end of Letchworth State Park. This route is owned by Norfolk Southern and surrounded by the parkland of Letchworth State Park. Norfolk Southern currently operates 12 to 14 trains per day on this route. Norfolk Southern’s right-of-way includes the existing Portageville Bridge over the Genesee River, near the Upper Falls in the southern end of the park (see **Figure 5-2**). On the west side of the river, Norfolk Southern’s right-of-way also includes an approximately 250-
Existing Norfolk Southern Right-of-Way at Genesee River Crossing

Figure 5-2

PORTAGEVILLE BRIDGE
foot-long segment of Park Road, the southern ends of the Mary Jemison Trail and Gorge Trail, and half of a small parking lot (the Highbridge Parking Area) that provides access to those two trailheads (see Figure 5-3). On the east side of the river, Norfolk Southern’s right-of-way includes a portion of the Genesee Valley Greenway Trail.

5.3.3 LWCF Funding at Letchworth State Park

Beginning in 1976, Letchworth State Park has received a number of grants under the LWCF for improvements to the park. Information on these grants is set forth in Table 5-1 below, based on information provided by OPRHP. According to OPRHP, these grants were used for rehabilitation of roads in the park and for general improvements to the park. Although the Portageville Bridge

<table>
<thead>
<tr>
<th>Grant ID</th>
<th>Project Name</th>
<th>Year</th>
<th>Status</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>36-01270</td>
<td>Letchworth Sanitary System</td>
<td>2004</td>
<td>Active</td>
<td>Renovation development of support facilities (utilities)</td>
</tr>
<tr>
<td>36-01156</td>
<td>Letchworth State Park</td>
<td>1991</td>
<td>Closed</td>
<td>Lower Falls pedestrian bridge and adjacent trail.</td>
</tr>
<tr>
<td>36-01016</td>
<td>Letchworth State Park</td>
<td>1983</td>
<td>Closed</td>
<td>Roadway rehabilitation, including resurfacing of park road and shoulder and drainage work.</td>
</tr>
<tr>
<td>36-00991D</td>
<td>Darien Lake State Park / Letchworth State Park</td>
<td>1981</td>
<td>Active</td>
<td>In Letchworth State Park: Lower Falls / Highbanks Pools rehabilitation of filter room and plumbing, handicapped accessibility</td>
</tr>
<tr>
<td>36-00958C</td>
<td>Multi-Site Project</td>
<td>1981</td>
<td>Closed</td>
<td>In Letchworth State Park: modifications to administration building</td>
</tr>
<tr>
<td>36-00887C</td>
<td>79-80 Handicapped</td>
<td>1981</td>
<td>Closed</td>
<td>Modifications for handicapped accessibility.</td>
</tr>
<tr>
<td>36-00881</td>
<td>Letchworth State Park Roads</td>
<td>1980</td>
<td>Closed</td>
<td>Rehabilitation of support facilities.</td>
</tr>
<tr>
<td>36-00868</td>
<td>Letchworth State Park Road Rehabilitation</td>
<td>1980</td>
<td>Closed</td>
<td>Rehabilitation of support facilities.</td>
</tr>
<tr>
<td>36-00833</td>
<td>Letchworth State Park Reconstruction</td>
<td>1979</td>
<td>Closed</td>
<td>Reconstruction of support facilities.</td>
</tr>
<tr>
<td>36-00709</td>
<td>78/79 Rehab</td>
<td>1978</td>
<td>Closed</td>
<td>In Letchworth State Park: Replacement of sewage system at Loop B, replacement of plumbing at Lower Falls pool.</td>
</tr>
<tr>
<td>36-00638</td>
<td>Highland Camping Area</td>
<td>1978</td>
<td>Closed</td>
<td>Rehabilitation of sewage system, resurfacing of camping area roads</td>
</tr>
<tr>
<td>36-00471</td>
<td>Letchworth State Park</td>
<td>1976</td>
<td>Closed</td>
<td>Rehabilitation of Upper Falls comfort station, three cabins and shower and laundry building in Cabin Area C and Lower Falls concession building, major repairs to picnic shelter at Barracks Grounds and Tea Table Rock, and roads in Highbanks camping area.</td>
</tr>
</tbody>
</table>


Project may not affect any portion of the park that previously received LWCF funding, the applicable regulations (36 CRF § 59.1) as well as the NPS Program Manual provide that the OPRHP’s responsibilities to protect the funded park generally exceed the area that actually received LWCF assistance, so as to assure the protection of a viable recreation area (see NPS
Existing Norfolk Southern Right-of-Way,
West Side of Genesee River
Figure 5-3

portageville bridge
Program Manual, page 8-3). Therefore, Section 6(f) applies to the Portageville Bridge Project as a result of the LWCF funding given in connection with prior projects at Letchworth State Park.

5.3.4 Need for Conversion of Section 6(f) Properties

Two Build alternatives are being evaluated at this time for the Portageville Bridge Project. Both alternatives involve construction of a new bridge parallel to the existing rail bridge that crosses the Genesee River in Letchworth State Park. In addition, both alternatives require relocation of existing Park Road within the vicinity of the bridge to make space for the new bridge structure’s foundations. Both alternatives also require relocation of the Highbridge Parking Area from an area south of the existing bridge within Norfolk Southern’s right-of-way to parkland north of the right-of-way. The two alternatives being evaluated are as follows:

- **Alternative 4**, which consists of a new bridge parallel to the existing rail bridge that crosses the Genesee River in Letchworth State Park. In Alternative 4, the old bridge would be removed. As noted above, this alternative would also involve a shift in the alignment of Park Road near the bridge and relocation of a small parking area.

- **Alternative 5**, which consists of the same new bridge as Alternative 4, but retains the old bridge. In Alternative 5, the old bridge would be conveyed to a suitable new owner who would maintain it in place. The two bridge approach spans that are west of the gorge would be removed to accommodate the shift in the alignment of Park Road. Like Alternative 4, this alternative would also involve a shift in the alignment of Park Road near the bridge and relocation of a small parking area.

Figure 5-4 illustrates the shift in the alignment that is required to accommodate two alternatives under consideration. Figures 5-5 and 5-6 provide an illustration of Alternative 4 and Figures 5-7 and 5-8 provide an illustration of Alternative 5.

As shown in the figures, both alternatives would shift the rail right-of-way slightly southward from its existing location, in order to align with the new bridge. The rail right-of-way would be shifted southward to accommodate the location of the replacement bridge approximately 75 feet (measured from center line to center line) to the south of the existing bridge. To implement this shift, both alternatives would require the permanent conversion of an area of Letchworth State Park immediately south of the existing right-of-way from parkland to a transportation use. An additional small area on the north side of the existing Norfolk Southern right-of-way is also proposed for permanent conversion to allow Norfolk Southern to maintain a stable slope in this area.

Construction activities for the Project would occur within Norfolk Southern’s existing right-of-way and the new right-of-way area to be acquired for the Project. During the Project’s construction period, estimated at approximately 33 months, the area on the west side of the river within the Norfolk Southern right-of-way would be closed to the public to facilitate construction of the new bridge and the associated shift in Park Road that is required. For the duration of the construction period, therefore, the segments of Park Road, the Highbridge Parking Area, the Mary Jemison Trail, and the Gorge Trail located within the Norfolk Southern right-of-way would have to be closed to the public.

In addition, land adjacent to the existing and proposed right-of-way would be required during the construction period for contractor access and staging areas. This land would not be permanently converted from parkland to railroad use, but would be required for either all or a portion of the construction period of approximately 33 months.
EXISTING MARY JEMISON TRAIL
EXISTING PARK ROAD
EXISTING NORFOLK SOUTHERN LEGAL RIGHT-OF-WAY
EXISTING GORGE TRAIL
EXISTING PARKING LOT
EXISTING RR TRESTLE
GENESEE GREENWAY TRAIL
GENESEE RIVER
FALLS
PORTAGEVILLE BRIDGE
PRIVATE DRIVE

Proposed New Right-of-Way
Figure 5-4
Alternative 4,
West Side of Genesee River
Figure 5-6

Proposed Property Line
Areas of Proposed Cutting
PROPOSED MARY JEMISON TRAIL RELOCATION

PROPOSED GORGE TRAIL RELOCATION

PROPOSED RAILROAD TRACK

PRIVATE DRIVE

GENESEE GREENWAY TRAIL

GENESEE RIVER

PROPOSED PARKING AREA

EXISTING GORGE TRAIL

PROPOSED NORFOLK SOUTHERN RIGHT-OF-WAY

PROPOSED PARK ROAD

PROPOSED MARY JEMISON TRAIL RELOCATION

PROPOSED GORGE TRAIL RELOCATION

PROPOSED ARCH SUPERSTRUCTURE

PROPOSED PORTAGEVILLE BRIDGE

Proposed Property Line

Areas of Proposed Cutting

SCALE

0 200 FEET

PORTAGEVILLE BRIDGE

Alternative 5

Figure 5-7
PROPOSED MARY JEMISON TRAIL RELOCATION

PROPOSED NORFOLK SOUTHERN RIGHT-OF-WAY

PROPOSED PARK ROAD

PROPOSED PARKING AREA

EXISTING GORGE TRAIL

PROPOSED GORGE TRAIL RELOCATION

PORTAGEVILLE BRIDGE

Alternative 5,
West Side of Genesee River
Figure 5-8
5.3.5 Identification of Section 6(f) Properties

Permanent Conversion of Parkland

A total of approximately 2.8 acres of parkland would be permanently converted for the Project under either alternative and acquired by Norfolk Southern to become a permanent part of the rail right-of-way. The areas to be permanently converted from parkland to rail use are described in Table 5-2 and shown in Figure 5-9.

Temporary Conversion of Parkland for More than Six Months

The Portageville Bridge Project would require temporary use of an additional area of Letchworth State Park for the duration of construction (approximately 33 months). According to the NPS Program Manual, use of parkland for more than six months will not be considered temporary, but will result in conversion of use and will require provision of replacement property pursuant to Section 6(f).

A 0.8-acre temporary construction easement area would be required south of the existing and proposed right-of-way on the west side of the river for the 33-month construction period. This area includes a segment of Park Road and a segment of the Mary Jemison Trail, adjacent to other segments that fall within the area proposed for permanent conversion to railroad use. This area is shown as Area Z on Figure 5-9 and Table 5-2. Use of this zone would extend the length of Park Road to be closed during construction by approximately 150 feet and the length of the Mary Jemison trail to be closed by approximately 100 feet. The rest of this area consists of wooded land without built park features. This area would be restored at completion of construction so that no permanent damage occurs to the parkland. The relocated Mary Jemison Trail would be located within this area when construction is complete.

Total Parkland Area to be Converted

Taking into account the 2.8 acres of parkland proposed for acquisition and permanent conversion and the 0.8 acres of temporary conversion that would last more than six months, a total of 3.6 acres of parkland would be converted for the Project.

Replacement Parcels

The LWCF regulations requires that any parkland protected under Section 6(f) that is converted from parkland to another use must be replaced by new parkland that is of at least equal fair market value and reasonably equivalent usefulness and location to the converted parkland. In accordance with that requirement, Norfolk Southern would transfer approximately 2.1 acres of land that is part of the current rail right-of-way associated with the configuration of the existing bridge to OPRHP. This land would be available when construction is complete and at that time would become part of Letchworth State Park.

Temporary Non-Conforming Use for Less than Six Months

According to the NPS Program Manual, all requests for temporary uses of parkland for non-recreational use must be reviewed by NPS, and use for less than six months can generally be considered temporary. As set forth in the NPS Program Manual, NPS will consider the following criteria in evaluating proposals for temporary use of parkland:

- The size of the parkland area affected by any temporary non-recreation use shall not result in a significant impact on public outdoor recreation use. This means that the site of the temporary activity should be sufficiently small to restrict its impacts on other areas of the park.
Existing Parking Area (to be removed)
Mary Jemison Trail (existing)
Mary Jemison Trail (proposed new location)
Park Road (existing)
Gorge Trail (existing)
Gorge Trail (proposed new location)
Parcel A 0.7 ACRES
Parcel B 0.2 ACRES
Parcel C 2.1 ACRES
Parcel D 1.8 ACRES
Parcel E 0.8 ACRES
Parcel F 0.8 ACRES
Parcel G 0.04 ACRES
Parcels:
- PARCEL A: 0.7 ACRES
- PARCEL B: 0.2 ACRES
- PARCEL C: 2.1 ACRES
- PARCEL D: 1.8 ACRES
- PARCEL E: 0.8 ACRES
- PARCEL F: 0.8 ACRES
- PARCEL G: 0.04 ACRES

Proposed New Location for Park Road
Proposed New Parking Area
Existing Bridge
Genesee Valley Greenway Trail

Key Location Map

Proposed Property Acquisition and Transfer
Figure 5-9

SCALE
0 200 FEET

N

PORTAGEVILLE BRIDGE

Property to be Transferred to Park
Property to be Acquired from Park
Property to be Acquired from Private Landowner
Temporary Construction Easement - Less than 6 months
Temporary Construction Easement - More than 6 months

Existing Property Line
Proposed Property Line

10.2.12
## Table 5-2
Properties Proposed for Conversion

<table>
<thead>
<tr>
<th>Property*</th>
<th>Owner</th>
<th>Estimated Area (acres)</th>
<th>Existing Uses</th>
<th>Need for Conversion / Proposed Use</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Park Areas to be Acquired and Permanently Converted to Transportation Use</td>
</tr>
<tr>
<td>A</td>
<td>People of the State of New York – Genesee State Park Commission</td>
<td>0.2</td>
<td>Steep, wooded bank adjacent to north side of rail right-of-way on the west side of the river. (Wyoming County)</td>
<td>Slope stabilization and maintenance. No change in use.</td>
</tr>
<tr>
<td>B</td>
<td>People of the State of New York – Genesee State Park Commission</td>
<td>0.8</td>
<td>Wooded area on the west side of the river that includes approximately half of a parking lot (the other half of which is already within railroad right-of-way), approximately 50 linear feet of Park Road (approximately 250 additional feet are located within Norfolk Southern’s right-of-way), approximately 200 linear feet of the Mary Jemison Trail (the first 150 feet of this trail is currently located in Norfolk Southern’s right-of-way), and an area of the gorge face. (Wyoming County)</td>
<td>Required for new rail right-of-way and associated embankment and retaining wall. Will also continue to include relocated Park Road and relocated Mary Jemison Trail. Parking lot to be removed and relocated to replacement parcel (see below).</td>
</tr>
<tr>
<td>C</td>
<td>People of the State of New York – Genesee State Park Commission</td>
<td>1.8</td>
<td>Waters of Genesee River, portion of footing of old bridge, steep river bank on east side of river, approximately 50 linear feet of the Genesee Valley Greenway Trail, wooded area. (Livingston County)</td>
<td>Required for new bridge and rail right-of-way. Will also continue to include waters of the Genesee River, area adjacent to new rail right-of-way beneath bridge span, and Genesee Valley Greenway Trail.</td>
</tr>
<tr>
<td>Subtotal - Permanent Conversion</td>
<td></td>
<td>2.8</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Park Areas to be Used During Construction for Longer Than 6 Months</td>
</tr>
<tr>
<td>Z</td>
<td>People of the State of New York – Genesee State Park Commission</td>
<td>0.8</td>
<td>Wooded area on west side of river south of proposed right-of-way. Includes approximately 150 linear feet of Park Road and approximately 250 linear feet of Mary Jemison Trail.</td>
<td>Construction easement for entire construction period (33 months).</td>
</tr>
<tr>
<td>Subtotal – Temporary Conversion</td>
<td></td>
<td>0.8</td>
<td></td>
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</tr>
<tr>
<td>TOTAL CONVERSION AREA</td>
<td></td>
<td>3.6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Replacement Parcels to be Transferred to the Park</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Norfolk Southern</td>
<td>2.1</td>
<td>Wooded area on both sides of and across the river that currently abuts parkland. Includes approximately 700 linear feet of rail right-of-way, including existing rail bridge and the northern portion of its three piers. Also includes steep banks on the west side of river, approximately 100 linear feet of Park Road and Gorge Trail on west side of river and approximately 100 linear feet of the Genesee Valley Greenway Trail on east side of river. (Wyoming and Livingston Counties). While this parcel crosses the Genesee River, the water area was not included in the acreage.</td>
<td>No longer needed for rail right-of-way; will be located north of the new right-of-way. Bridge to be removed in Alternative 4 or retained in Alternative 5. Park Road to remain, although shifted slightly, and new parking area to be created partly within this replacement parcel and partly within Norfolk Southern right-of-way. Gorge Trail, Genesee Valley Greenway Trail and steep slopes and wooded areas to remain.</td>
<td></td>
</tr>
<tr>
<td>TOTAL REPLACEMENT AREA</td>
<td></td>
<td>2.1</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note: * Refer to Figures 5-4 and 5-9.
• A temporary use shall not result in permanent damage to the park site, and appropriate mitigating measures will be taken to ensure no residual impacts on the site once the temporary use is concluded.
• No practical alternatives to the proposed temporary use exist.
• All applicable federal requirements for approval are met.

Two temporary construction easements, totaling approximately 0.74 acres, would be required north of the existing right-of-way for a period of less than six months in total. These two areas are shown as Areas X and Y in Figure 5-9 and Table 5-3 below. As noted in the table, these areas include a segment of Park Road and the Gorge Trail north of the existing right-of-way (Area X) and a portion of an existing bridge pier and immediate area (Area Y). These areas would be restored at completion of construction so that no permanent damage occurs to the parkland.

### Table 5-3

<table>
<thead>
<tr>
<th>Property (Refer to Figure 5-9)</th>
<th>Owner</th>
<th>Estimated Area (acres)</th>
<th>Existing Uses</th>
<th>Need for Conversion / Proposed Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>X People of the State of New York – Genesee State Park Commission</td>
<td>0.7</td>
<td>Wooded, sloped area on the west side of the river north of the existing rail right-of-way. Includes approximately 300 linear feet of Park Road and approximately 200 linear feet of the Gorge Trail.</td>
<td>Construction easement for less than six months. Park Road and Gorge Trail to be closed in this area during construction.</td>
<td></td>
</tr>
<tr>
<td>Y People of the State of New York – Genesee State Park Commission</td>
<td>0.04</td>
<td>Bridge support within Genesee River</td>
<td>Construction easement for less than six months to facilitate demolition of old bridge (Alternative 4 only).</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL TEMPORARY AREA</strong></td>
<td><strong>0.74</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 5.4 CONSISTENCY WITH REGULATORY REQUIREMENTS

This section considers the proposed conversion and replacement of parkland for its compliance with the nine regulatory requirements that must be met by NPS before approval of a conversion proposal can be issued. As discussed below, one of these criteria does not apply to the Project and the Project is consistent with the eight relevant criteria.

#### 5.4.1 Alternatives to Conversion of the Section 6(f) Resource

Section 6(f) requires an evaluation of all practical alternatives to the proposed conversion of the Section 6(f) resource (36 CFR § 59.3(b)(1)). As outlined in the NPS Program Manual, NPS must find that all practical alternatives to the conversion have been evaluated and rejected on a sound basis before a conversion can be approved.

A number of alternatives were developed for the Portageville Bridge Project seeking to avoid the need to convert parkland. Alternatives were rejected if they could not be built as a matter of sound engineering practice—in other words, if they were not feasible. Alternatives were also rejected if they failed to meet the Project's purpose and need, which is to upgrade or replace the existing bridge so that the Genesee River crossing can meet modern freight rail capacity and weight standards and to maintain acceptable levels of safety. In addition to this purpose and need, the alternatives were considered in terms of their ability to meet the following Project goals, while also being prudent in terms of engineering considerations, cost effectiveness, and environmental sustainability:
Chapter 5: Section 6(f) Evaluation

- Eliminate operational constraints along the Southern Tier route caused by the existing Portageville Bridge;
- Minimize dangerous interaction of railroad activities on the Portageville Bridge and Letchworth State Park patrons that trespass on it;
- Minimize difficult and costly maintenance; and
- Optimize existing infrastructure and planned independent improvements to the Southern Tier route as part of Norfolk Southern’s overall operational strategy in New York and in this region of the country.

As shown in Table 5-4, nine alternatives were considered during the Project scoping process. Of these, seven of the alternatives would avoid the need for conversion of parkland in Letchworth State Park. However, these alternatives—Alternatives 1, 2, 3, 6, 7, 8, and 9—were found not to meet the Project’s purpose and need or to present engineering, operational, and environmental concerns that made them imprudent, and were therefore rejected. These alternatives and the reasons they were rejected are discussed below.

Table 5-4
Alternatives Considered

<table>
<thead>
<tr>
<th>Alternative</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>No Action / Maintenance Alternative</td>
</tr>
<tr>
<td>2</td>
<td>Repair / Retrofit Existing Bridge</td>
</tr>
<tr>
<td>3</td>
<td>New Bridge on Same Alignment</td>
</tr>
<tr>
<td>4</td>
<td>New Bridge on Parallel Alignment / Remove Existing Bridge</td>
</tr>
<tr>
<td>5</td>
<td>New Bridge on Parallel Alignment / Convey Existing Bridge</td>
</tr>
<tr>
<td>6</td>
<td>New Southern Alignment / Remove Existing Bridge</td>
</tr>
<tr>
<td>7</td>
<td>New Southern Alignment / Convey Existing Bridge</td>
</tr>
<tr>
<td>8</td>
<td>Reroute Rail Traffic / Remove Existing Bridge</td>
</tr>
<tr>
<td>9</td>
<td>Reroute Rail Traffic / Convey Existing Bridge</td>
</tr>
</tbody>
</table>

**Alternative 1—No Action / Maintenance**

Alternative 1 assumes that the existing Portageville Bridge will remain in service and will be subject only to required maintenance. With the No Action Alternative, there would be no change to parkland compared with existing conditions. No parkland would be converted for the new railroad right-of-way. However, this alternative would maintain the existing deficiencies of the Portageville Bridge and could jeopardize the long-term viability of the Southern Tier route.

Under this alternative, given the age and condition of the bridge, it is anticipated that the bridge would eventually be deemed unsafe for continued freight operations, at which time it would have to be closed to rail traffic. Without a bridge across the Genesee River, Norfolk Southern would either have to 1) eliminate rail freight service to several locations and for several customers, and reroute trains over other routes maintained by other railroads, which is logistically complex and would add five-hour service delays; and/or 2) abandon the Southern Tier route altogether, which would not meet Norfolk Southern’s business plan for its New York operations, would result in the loss of customers and routes, and would under-leverage recent capital improvements to other rail facilities on the Southern Tier route that have independent utility but also contribute to improving overall service along this route while improving service in their individual locations. Therefore, this alternative does not meet the project’s purpose and need and is not considered a prudent alternative to avoid conversion of parkland in Letchworth State Park.
Alternative 2—Repair and Retrofit

Alternative 2 would repair and retrofit the existing bridge to the capacity needed to meet current and future freight transport needs. Following an inspection of the existing bridge, Norfolk Southern determined that the extent and severity of structure deficiencies precluded Alternative 2 from being a practicable alternative.

The necessary repairs and retrofits could not be feasibly undertaken while the bridge is open to rail traffic and therefore, Alternative 2 would require rail traffic to be rerouted for 18 months, depriving customers of the benefits of the Southern Tier route, including the efficiencies associated with it. This alternative would require the temporary elimination of rail freight service to several locations and for several customers, and the required complex rerouting of trains over other routes maintained by other railroads. Norfolk Southern estimates an additional $22 million in operating costs and five-hour service delays during construction, and the potential permanent loss of affected customers to other modes or other freight carriers.

Even with repairs and retrofits, fatigue and corrosion would continue to negatively impact the efficient use of the bridge and the Southern Tier route, and there would be substantial maintenance requirements following the retrofit. Alternative 2 would not effectively extend the bridge’s useful life and may not be able to achieve a Cooper E80 load rating for the structure, and thus would do little to improve the efficiency of rail operations, one of the Project’s goals. For these reasons, Alternative 2 could jeopardize the long-term viability of the Southern Tier route and does not meet the Project’s purpose and need. Therefore, Alternative 2 is not considered a prudent alternative to avoid conversion of parkland in Letchworth State Park.

Alternative 3—Remove Existing Bridge and Build New Bridge at Same Location

Alternative 3 would demolish the existing bridge and piers, and a new bridge would be constructed at the same location within the alignment owned by Norfolk Southern. Alternative 3 would shut down a portion of the Southern Tier route during the 18- to 31-month construction period (the construction period depends on the type of replacement bridge constructed). As with Alternative 2, all rail freight would be routed to other rail lines, which would temporarily eliminate rail freight service to several locations and customers. As a result, Norfolk Southern estimates an additional $22 million in operating costs as well as five-hour service delays during construction, and the potential permanent loss of affected customers to other modes or other freight carriers. As such, Alternative 3 fails to effectively meet the Project’s purpose and need and is not considered a prudent alternative to avoid conversion of parkland in Letchworth State Park. Moreover, Alternative 3 would also remove the existing bridge, which is a contributing element to Letchworth State Park’s listing on the State and National Registers of Historic Places and a prominent visual feature of the park.

Alternative 6—New Southern Alignment / Remove Existing Bridge

Alternative 6 would be a new, 4.5-mile rail line and related infrastructure constructed outside of Letchworth State Park. The new route would be south and west of the southern end of the park. It would divert from the existing alignment at Denton Corners Road and rejoin the alignment at Springbrook Road after crossing the Genesee River to the south of the Village of Portageville. Alternative 6 would include the construction of one new, major bridge (approximately one mile long); two new, shorter overpasses; and crossing of three streams that are tributaries to the Genesee River. The existing bridge, piers, and railroad tracks through Letchworth State Park would be removed upon completion of the new railroad alignment.

Alternative 6 would avoid the use of Letchworth State Park for railroad right-of-way, but it would have substantial impacts on adjacent land and, as indicated, would require the construction of three new at-grade crossings with local roadways, counter to New York State policy and Norfolk Southern policy to avoid the construction of additional at-grade rail crossings where possible.
This alternative would require acquisition of approximately 54 acres of land, and would traverse or be adjacent to agricultural land, residential and agricultural structures, and historic cemeteries. The requirements to implement this alternative, including rail and bridge infrastructure and property acquisition, would cost approximately $250 million, which is more than five times the cost of either Alternative 2, 3, 4, or 5. At the same time, this alternative would also remove the existing bridge, which is a contributing element to Letchworth State Park's listing on the State and National Register of Historic Places and a prominent visual feature of the park. Furthermore, the cost of this alternative would far outweigh its benefits. Public comments during scoping by the Citizens' Advisory Committee overwhelmingly opposed Alternative 6 for the same reasons. For all these reasons, Alternative 6 was eliminated from consideration as impractical and because it does not effectively meet the Project's purpose and need. Therefore, Alternative 6 is not considered a prudent alternative to avoid conversion of parkland in Letchworth State Park.

**Alternative 7—New Southern Alignment / Convey Existing Bridge**

Alternative 7 would construct the same southern alignment, outside Letchworth State Park, as Alternative 6. However, Alternative 7 would not remove the existing bridge but would instead convey the bridge to suitable new owners. The new owners would be responsible for repairs, maintenance, or modification to the existing structure.

Like Alternative 6, Alternative 7 would involve a substantially greater cost than other alternatives, and Alternative 7 would require substantial property acquisition. Alternative 7 would maintain the existing bridge, which could allow for a non-rail crossing of the Genesee River if a suitable new owner could be found. However, the cost of this alternative would far outweigh its benefits. Public comments during scoping by the Citizens' Advisory Committee overwhelmingly opposed development of a southern alignment for these reasons. Therefore, Alternative 7 was determined impractical and found not to effectively meet the Project's purpose and need. Therefore, Alternative 7 is not considered a prudent alternative to avoid conversion of parkland in Letchworth State Park.

**Alternative 8—Reroute Rail Traffic / Remove Existing Bridge**

Under Alternative 8, Norfolk Southern would abandon the Southern Tier rail route and remove the existing rail bridge over the Genesee River. This alternative would require that rail freight traffic use alternative routes between Binghamton and Buffalo. Since Alternative 8 would abandon a substantial portion of the Southern Tier route, it would restrict or remove rail freight service to a number of communities and customers and as such has the potential for substantial negative impacts to the region's economy. These negative impacts are the same as those described for Alternative 1, the No Action Alternative. Furthermore, this alternative would not meet Norfolk Southern's business plan for its New York operations. This alternative would also under-leverage recent capital improvements to other rail facilities on the Southern Tier route that have independent utility but also contribute to improved overall service along this route while improving service in their individual locations. Alternative 8 would also remove the existing bridge, which is a contributing element to Letchworth State Park's listing on the State and National Register of Historic Places and a prominent visual feature of the park. Therefore, Alternative 8 was found not to meet the Project's purpose and need and is not considered a prudent alternative to avoid conversion of parkland in Letchworth State Park.

**Alternative 9—Reroute Rail Traffic / Convey Existing Bridge**

Like Alternative 8, Alternative 9 would require that Norfolk Southern abandon the Southern Tier rail route, which would not meet the Project's purpose and need. Unlike Alternative 8, this alternative would not remove the rail bridge over the Genesee River but would instead convey it to a suitable new owner that would be responsible for repairs, maintenance, or modification of
the existing structure. Like Alternative 8, Alternative 9 would abandon a portion of the Southern Tier route, resulting in adverse effects on Norfolk Southern’s operations and negative impacts on the region’s economy. Therefore, Alternative 9 was found not to meet the Project’s purpose and need and is not considered a prudent alternative to avoid conversion of parkland in Letchworth State Park.

5.4.2 Appraisal of Fair Market Value

Prior to approving a conversion of Section 6(f) parkland to non-park use, NPS must find that the fair market value of the park property to be converted has been established and that the property proposed for replacement is of at least equal fair market value, as established by an appraisal performed in accordance with the Uniform Appraisal Standards for Federal Land Acquisition, excluding the value of structures or facilities that would not serve recreational purposes. (36 CFR § 59.3(b)(2))

An appraisal of the fair market value of the park areas that are proposed for conversion for the Project, as well as that of the property proposed for replacement, will be conducted for the formal conversion proposal to satisfy this requirement. This appraisal will take into consideration the future value of the replacement property for the selected preferred alternative.

5.4.3 Evaluation of Reasonably Equivalent Usefulness and Location

In order to approve a conversion, NPS must also find that the property proposed for replacement (the replacement property) is of reasonably equivalent usefulness and location as the property being converted. (36 CFR § 59.3(b)(3))

Criteria for Evaluation

As set forth in the NPS Program Manual, depending on the situation, and at the discretion of NPS, the replacement property need not provide identical recreation experiences or be located at the same site as the conversion property, provided it is in a reasonably equivalent location. The applicable U.S. Department of the Interior regulations, which are incorporated into the NPS Program Manual, set forth the following criteria that are used to determine whether a replacement parcel is of equivalent usefulness and location to the converted property:

- The property to be converted must be evaluated to determine what recreation needs are being fulfilled by the existing facilities and the types of outdoor recreation resources and opportunities available. The property proposed for replacement must then be evaluated in a similar manner to determine if it will meet recreation needs that are at least like in magnitude and impact to the user community as the conversion parcel.

- The replacement property need not necessarily be directly adjacent to or close by the converted site, but it should normally serve the same community. The replacement property should generally be administered by the same political jurisdiction as the converted property.

- The acquisition of one parcel of land may be used to satisfy several approved conversions.

These factors are discussed below for the Portageville Bridge Project’s conversion proposal.

Evaluation of the Conversion Proposal for the Portageville Bridge Project

Conversion Proposal

Under Alternative 4 or 5 for the Portageville Bridge Project, a total of 3.6 acres of parkland would be converted—three areas totaling approximately 2.8 acres that are currently part of Letchworth State Park would be permanently converted to non-park use and another 0.8 acres would be temporarily used during construction for a period of greater than six months. One parcel totaling 2.1 acres that is in close proximity to those areas would be transferred from Norfolk Southern to the park as the replacement property.
Chapter 5: Section 6(f) Evaluation

The specific parcels to be converted and the replacement parcel are illustrated in Figure 5-9 and listed in Tables 5-2 and 5-3, above. As shown in the figures and detailed in the tables, the parkland to be converted consists of sloped, wooded areas adjacent to the existing rail right-of-way; a portion of a small, paved parking lot (the Highbridge Parking Area) just south of the existing bridge (the rest of the parking lot is located on land already owned by Norfolk Southern); a small segment of Park Road (with an adjacent segment located on land already owned by Norfolk Southern); a short segment of the Mary Jemison Trail close to the southern end of the trail (the trail begins at the parking lot on property owned by Norfolk Southern); an area of gorge face on the west side of the Genesee River; a small area of waters of the Genesee River, including a portion of one of the footings of the existing bridge; an area of the eastern banks of the river; and a small segment of the Genesee Valley Greenway Trail (adjacent to another segment located on land owned by Norfolk Southern). All of the parkland proposed for conversion is located in Letchworth State Park, and is in close proximity to the current Norfolk Southern rail right-of-way and to the existing rail bridge across the Genesee River. An estimated 1.0 acres of the parkland to be permanently converted, and the additional 0.8 acres to be temporarily used for more than six months, are on the west side of the Genesee River in Wyoming County; the other 1.8 acres of land to be converted are on the east side of the river in Livingston County.

The replacement property is also located within Letchworth State Park and is adjacent and in close proximity to the conversion property. The replacement property is currently owned by Norfolk Southern. As shown in the figures and tables, the replacement property currently includes existing rail right-of-way, including the existing rail bridge and the northern portion of its three piers. The water area beneath the bridge was not included in acreage for the replacement parcel. Under either alternative, the railroad infrastructure would be removed as part of the conversion proposal. The replacement property also includes wooded land that already functions as open space for users of Letchworth State Park, even though it is not currently parkland. It includes a segment of Park Road, the Gorge Trail, and the gorge face on the west side of the river, waters of the Genesee River, steep banks on the east side of the river, and an area of the Genesee Valley Greenway Trail on the east side of the river. An estimated 1.1 acres of the replacement property are located in Wyoming County and the other 1.0 acres are in Livingston County. The replacement property would differ between Alternative 4 and Alternative 5 as follows:

- **Alternative 4:** In Alternative 4, the existing railroad infrastructure would be removed prior to transfer of the replacement property to Letchworth State Park. This would include removing the tracks, ballast, and the rail bridge over the Genesee River.

- **Alternative 5:** With Alternative 5, the bridge structure across the Genesee River would remain in place. As in Alternative 4, the tracks, ballast, and other railroad infrastructure would be removed prior to transfer of the replacement property. In addition, the bridge spans west of Park Road would be removed, so that Park Road can be shifted as required to accommodate the new bridge in either alternative.

The replacement parcel is located in close proximity to the parcels to be converted and has essentially the same uses as the conversion parcel. As such, NPS can find that the replacement property is of reasonably equivalent usefulness and location as the conversion property, as described below.

*Replacement Property Can Meet the Same Recreation Needs as the Conversion Property*

The replacement property is located within the larger boundaries of Letchworth State Park, as are the conversion properties. Like the conversion properties, the replacement property provides a mix of wooded areas, steep slopes, segments of trails, a segment of Park Road, and areas close to an active freight railroad right-of-way.
In Alternative 5, if a suitable new owner were identified that could maintain the bridge, the replacement property would include the rail bridge, providing a legal high pedestrian crossing above the gorge.

*Replacement Property is Close to the Conversion Property and Can Serve the Same Community*

The replacement property is located adjacent and in close proximity to the conversion properties and would serve visitors to Letchworth State Park, the same community served by the conversion properties.

*Acquisition of One Parcel of Land to Satisfy Several Approved Conversions*

As noted above, under the Section 6(f) regulations, the acquisition of one parcel of land may be used to satisfy several approved conversions. The Portageville Bridge Project is proposing one conversion proposal, involving the conversion of three parcels of land, with a single replacement parcel to replace those converted parcels.

### 5.4.4 Replacement Property Meets the Eligibility Requirements for Acquisition

In order to approve a conversion, NPS must find that the property proposed as a replacement property would itself meet the eligibility requirements for LWCF-assisted acquisition (36 CFR § 59.3(b)(4)). As set forth in the regulations and the NPS Program Manual, this means that the parcel must be accessible to the public and must constitute or be part of a viable recreation area. Land currently in public ownership must not be used as a replacement property unless additional criteria can be met. Further, if full development of the replacement property will be delayed beyond three years from the date of the conversion approval, the conversion proposal must explain why this is necessary (NPS Program Manual, page 8-6).

The replacement property would become part of Letchworth State Park, a viable recreation area that currently surrounds the property. It would be accessible to the public in the same way that the conversion properties currently are. The replacement property would be available for use as parkland once the construction of the new rail right-of-way and new rail bridge are complete. Following receipt of all required approvals, including approval for the conversion of parkland from NPS, the Project is expected to take no more than three years to complete, including final design and construction.

### 5.4.5 Remaining Park Area Must Remain Recreationally Viable

For parks where only a portion of the Section 6(f) property is proposed to be converted, the impact of the conversion on the remaining area must also be considered and the unconverted area must remain recreationally viable or be replaced as well. (36 CFR § 59.3(b)(5))

Letchworth State Park is a 14,350-acre park that extends approximately 17 miles along the Genesee River. As described earlier in Section 5.3.1, the south end of the park is notable for the river gorge and three waterfalls, the scenic overlooks, and a concentration of the park’s historic structures and sites, which include the Portageville Bridge itself. According to OPRHP, the south end of the park is the most intensely used area of the park and supports the greatest number of visitors. The north end of the park has fewer scenic sites of this nature, and is characterized predominantly by the Mt. Morris Dam on the Genesee River. This end of the park also has a large trailer and tent camping area. The Portageville Bridge Project is requesting conversion of a small area in the southern portion of Letchworth State Park—adjacent to an active freight rail right-of-way—from parkland to railroad use. This conversion of a total of 3.6 acres (permanent and temporary) would affect only a small area of the park, although the affected area would be within the portion of the park that has some of the most notable scenic areas and is most heavily visited. As described below, with the conversion proposal, the remaining, un-converted area of Letchworth State Park would remain recreationally viable. The effects of the conversion proposal
on the remaining area of Letchworth State Park during construction and upon completion of the bridge replacement project are described below in Sections 5.4.5-1 and 5.4.5-2, respectively.

5.4.5-1 Park Viability During Construction

The conversion of parkland is required to facilitate the Portageville Bridge Project. As discussed above, during construction the area where work is occurring would be closed to the public. This would result in closure of the segment of Park Road, a portion of the Highbridge Parking Area, and the segments of the Gorge Trail and the Mary Jemison Trail that are located within Norfolk Southern’s existing right-of-way (not subject to Section 6(f) approval). The segment of the existing Genesee Valley Greenway Trail that passes through Norfolk Southern’s right-of-way on the east side of the river (also not subject to Section 6(f)) would also have intermittent closures of less than six months total. Within the conversion areas, the rest of the parking lot and small additional areas of Park Road and the Mary Jemison trail would be affected. A total of 3.6 acres of parkland, representing 0.03 percent of the 14,350-acre park would be disturbed.

The effects of the construction activity within Norfolk Southern’s right-of-way and within the conversion areas would be as follows.

Park Road

Park Road runs north-south for the length of Letchworth State Park, from the seasonal Portageville Entrance in the south to the Mount Morris Entrance in the north, providing access to all of the park areas on the west side of the Genesee River. During construction, a total of approximately 710 linear feet of Park Road within the construction zone would be closed to the public, including the area within temporary construction easements as well as the portion within the existing and proposed (future) Norfolk Southern right-of-way.

Because the short segment of road from the Portageville Entrance to the construction site (approximately ½ mile) does not provide access to any activities in Letchworth State Park, OPRHP will close this ½-mile long roadway segment and the Portageville Road entrance itself to vehicular traffic during construction. Similarly, there are no destination points and no safe places to turn around between the construction closure and the Upper/Middle Falls Area turn-off on Park Road, north of the Project site. Consequently, OPRHP will close this roadway segment for the duration of construction. Figure 5-10 illustrates the segments of road that would be closed during construction.

The only park features located between the Portageville Entrance and the Upper / Middle Falls Area turn-off (approximately 0.5 miles to the north) are the southern trailheads for the Mary Jemison Trail and Gorge Trail, but both of these trailheads would be closed during construction (see below). In addition, in the winter when the Portageville Entrance is closed to vehicles, the segment of Park Road between that entrance and the Mary Jemison Trail serves as part of a snowmobile trail (see the discussion of the Mary Jemison Trail below).

The rest of Park Road—i.e., the area north of the Upper / Middle Falls Area turn-off—would be unaffected by the bridge construction project. This section of the road would remain accessible via the other park entrances (the Castile Entrance, Perry Entrance, and Mt. Morris Entrance). Visitors to the park who come from the south would have to detour around the Portageville Entrance to the Castile Entrance (see Figure 5-10). For visitors, employees, and deliveries to the southern end of the park, the detour from the Portageville Entrance to the Castile Entrance would add approximately 2 to 5 miles to the trip, depending on the destination in the park. For vehicles bound for the northern part of the park that would have used the Portageville Entrance, the detour would add 1 mile to the trip.

To avoid congestion on busy days at the Castile Entrance because of the loss of entrance capacity at the Portageville Entrance during construction, Norfolk Southern will fund construction
of a replacement entrance booth at the Castile Entrance with a two-lane entrance booth rather than the existing single lane to provide greater capacity.

**Highbridge Parking Area**

The portion of the Highbridge Parking Area located within Norfolk Southern’s right-of-way is in the path of the proposed new track alignment and must be relocated. A new parking area would be created on the north side of the right-of-way (partially within Norfolk Southern property and partially within the replacement property), but would not be available until after construction is complete. This parking area currently serves the southern trailheads for the Mary Jemison Trail and Gorge Trail, but both of these trailheads would be closed during construction (see below), so the temporary loss of the parking area would not affect activities in the rest of Letchworth State Park.

**Mary Jemison Trail**

The southern end of the trail, approximately 550 linear feet, would be closed because of its location within the construction zone. Upon completion of construction, this end of the trail would be relocated to outside the railroad right-of-way. The Mary Jemison Trail extends from the small parking area near the existing bridge 2.5 miles to Council Grounds. The northern trailhead is at Council Grounds, which would remain accessible during construction, and the remainder of the trail would remain open to the public throughout construction. The Mary Jemison Trail is used for hiking, biking, horseback riding, skiing, snowmobiling (in conjunction with the segment of Park Road between the Portageville Entrance and the southern trailhead), and archery hunting in the fall as part of the deer management program in the park. In addition, the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) sometimes uses the southern end of the Mary Jemison trail for interpretive programs.

**Gorge Trail**

The southern end of this trail, a total of approximately 300 linear feet, would have to be closed because of its location within the construction zone. This trail extends seven miles along the western edge of the Genesee River gorge from a trailhead near the base of the existing rail bridge to the St. Helena Picnic Area in the middle of the park. Access to this trail is available from a number of points throughout the park and the remainder of the trail would remain open to the public during construction.

**Genesee Valley Greenway Trail**

Approximately 200 linear feet of this trail, which passes beneath the bridge on the east side of the river, would be subject to intermittent closures during construction to protect the safety of the public. This trail is 5.75 miles long, but the area to be closed is in the middle of the route, so when the closures occur, trail users would have access to only a portion of the trail unless they detour around the construction zone. The total amount of time this trail would be affected would be less than six months.

**Other Park Resources**

In addition to these direct effects on recreational elements of Letchworth State Park, construction of the replacement bridge would also result in some temporary disruptions in the portions of the park nearby. Specifically, construction would result in activities that are visually incongruent with the park and that create intermittent noise that may be audible for up to a mile in the park:

- **Visual Impacts**: Construction activities, such as cranes and other visible construction equipment, would be visible in any locations where the bridge is currently visible, which include viewpoints at the Upper/Middle Falls Picnic Area, along the Gorge Trail, along the
Genesee Valley Greenway Trail, and from Inspiration Point. In addition, for most of the
duration of construction, all or portions of two bridges would be visible, which would
adversely affect the scenic views toward the bridge. Overall, the Project’s construction would
result in adverse impacts during construction that would be temporary (although for the
duration of construction) but significant.

- Noise Impacts: There would be noise generated by vehicles, equipment, and rock
  excavation through controlled blasting, as well as potentially by pile drilling if that is required.
  The noisiest construction activity, pile drilling, may be audible for up to a mile from the
  construction site (see Figure 5-10). Controlled blasting activities, anticipated to occur once
  or twice per week and for a very short time period, may be audible for up to ½ mile from the
  site (see Figure 5-10). Other construction equipment, like dump trucks, could be audible for
  ¼ mile from the site, and when multiple pieces of equipment are operating simultaneously,
  this would be audible for greater distances. Normal construction work hours would be on
  weekdays, although some time-sensitive tasks might be performed outside those hours or
  on weekends. These construction hours would limit to the extent possible the disruption to
  guests at the Glen Iris Inn and cabins, as well as those attending events at the Glen Iris Inn.

These inconveniences would not change the overall character of the park, however, nor result in
any areas of the park becoming recreationally unviable. The noise and visual changes would be
noticeable from the immediate area of the park near the construction site, and at times noise
would be audible at greater distances. Even so, given the attractiveness of this segment of the
park, the construction activities are not expected to result in notable declines in patronage to the
park.

The vast majority of the park would be unaffected during construction. As noted above, in the
southern segment of the park, construction would be audible, but otherwise would not affect park
activities. This area would include attractions such as the Glen Iris Inn, Upper/Middle Falls Picnic
Area, and Council Grounds. Farther away, construction would be barely noticeable, if at all.
These locations would include Lower Falls, Inspiration Point (other than distant views of the
bridge), the Visitor Center, Swimming Pool and Cabins, Tea Table, St. Helens Picnic Area,
Gardeau Overlook, Highbanks Camping Area, Highbanks Recreation Headquarters, Mount
Morris Dam Overlook, Mount Morris Dam Visitor Center, and miles of trails and acres of natural
areas. These facilities and recreational opportunities would continue to draw patrons to the park
for the duration of the construction period.

5.4.5-2 Long-Term Park Viability After Conversion

The permanent conversion of 2.8 acres of parkland to railroad use, and the provision of 2.1
acres of replacement land, would not change the overall character of the rest of Letchworth
State Park nor cause any other areas to become recreationally non-viable. Once construction is
completed, all park features affected during construction would be restored to their original
function, as follows.

Park Road

Park Road would continue to run north–south for the length of Letchworth State Park. It would
continue to pass through the right-of-way owned by Norfolk Southern and beneath the railroad
bridge, as well as through the conversion property and the replacement property. The alignment
of the roadway would be shifted slightly to the west to accommodate the new bridge foundations.

Highbridge Parking Area

As noted above, the small parking area south of the existing railroad tracks (half of which is
within property currently owned by Norfolk Southern) would be relocated to a new site north of
the right-of-way. It would continue to serve park visitors using the Mary Jemison and Gorge Trails.

*Mary Jemison Trail*

The southern trailhead for the Mary Jemison Trail would be shifted slightly to the south. With this shift, the trail would retain its existing functionality and recreational usefulness.

*Gorge Trail*

The southern trailhead for the Gorge Trail would be shifted slightly to the south and west, to meet the relocated Park Road. With this shift, the trail would retain its existing functionality and recreational usefulness.

*Other Park Resources*

The vast majority of the park would be unaffected following construction of the Project. The park would continue to include the same attractions as it did before the construction project, and these facilities and recreational opportunities would have the same value as prior to the construction.

In the immediate vicinity of the bridge, the bridge replacement project (and associated conversion proposal) would result in some effects to the surrounding park area, but these effects would not change the overall character of the park or the recreational viability of the park. These effects are discussed below.

Once the new bridge is in place, freight trains would operate at higher speeds through the park (35 miles per hour rather than 10 miles per hour). This would result in slightly increased noise levels associated with train operations that would be audible in the immediate vicinity of the railroad right-of-way in the park but no significant adverse noise impact would result.

In addition, Alternative 4 (in which the existing rail bridge is removed) would result in a significant adverse impact to historic resources, since it would result in the demolition of a contributing historic resource within the State and National Register-listed Letchworth State Park. This alternative would also result in an adverse effect in terms of the visual resources in the park, since the bridge currently contributes to the scenic qualities of the park and is an iconic visual feature in the park. However, at the same time, Alternative 4 would not obstruct views of, interfere with, or reduce the public’s enjoyment of the natural features that compose Letchworth State Park, and would in fact enhance natural views of the river by eliminating the existing iron bridge supports that currently obstruct natural views within the river gorge.

Alternative 5 (in which the existing rail bridge is conveyed to a new owner and remains in place) would avoid some of the adverse impact to the historic resource (the existing bridge and Letchworth State Park), although two spans of the historic bridge would have to be removed west of the gorge. This alternative would nonetheless adversely affect visual resources in the park. The presence of two bridges across the gorge at the top of the Upper Falls—the existing bridge and the new bridge beside it—would result in significant adverse impacts to the aesthetic character of Letchworth State Park and the setting of the existing bridge. At the same time, however, if a suitable new owner could be identified that could maintain the bridge, the addition of a high pedestrian crossing above the gorge would be a benefit to recreational users of Letchworth State Park.

Overall, neither Alternative 4 nor Alternative 5 would change the recreational viability of Letchworth State Park. A relocated parking area would be provided for access to the Gorge Trail and Mary Jemison Trail, and the southern segment of both trails would be relocated. Vistas of the scenic Genesee Gorge, including its three waterfalls, would remain notable in the park and the recreational areas from which those vistas are available would not be altered by the Project.
Chapter 5: Section 6(f) Evaluation

All park facilities and all types of activity available in the park would continue to be available upon completion of the Project.

5.4.6 Coordination with Federal Agencies Has Been Accomplished

The sixth criterion that must be satisfied for conversion of Section 6(f) parkland is that all necessary coordination with other federal agencies has been satisfactorily accomplished prior to the conversion. (36 CFR § 59.3(b)(6))

The Project’s location and implementation requires coordination with several federal and state agencies with jurisdiction over parklands, waterways, and natural and ecological resources. In addition to the Section 6(f) approval, these include the following:

- U.S. Army Corps of Engineers (USACE): Potential permit under Section 404 of the federal Clean Water Act related to filling a small (0.05-acre) wetland (Alternatives 4 and 5) and possible construction work in the Genesee River if existing bridge piers are removed (Alternative 4); potential permit under Section 10 of the Rivers and Harbors Act for removal of old bridge piers from the Genesee River, a navigable waterway of the U.S. (Alternative 4).

- National Park Service (NPS). NYSDOT will coordinate with NPS related to the Genesee River’s status as a designated Study River under the National Wild and Scenic Rivers Act.

- U.S. Fish and Wildlife Service (USFWS): Consultation with the USFWS and potential issuance of a permit under the Bald and Golden Eagle Protection Act regarding potential construction disturbance to bald eagles, which are known to nest near the Project site.

The Project sponsors have undertaken coordination with the USACE regarding potential permits required for the Portageville Bridge Project. In addition, the Project sponsor is coordinating with the USFWS regarding potential effects to species protected under the Endangered Species Act, as documented in Chapter 4.4.9, “General Ecology and Wildlife Resources,” of the Draft Environmental Impact Statement (DEIS) prepared for the Project.

5.4.7 Guidelines for Environmental Evaluation Have Been Met

The guidelines for environmental evaluation must have been satisfactorily completed and considered by the NPS during its review of the conversion and replacement proposal. (36 CFR § 59.3(b)(7))

The environmental effects of the Portageville Bridge Project are being evaluated in accordance with New York State’s State Environmental Quality Review Act (SEQRA), with the New York State Department of Transportation as lead agency for that review. In accordance with SEQRA, a DEIS has been prepared to evaluate the Project’s environmental effects. The SEQRA DEIS also provides information required by the NPS and the USACE to conduct their environmental review in accordance with the National Environmental Policy Act (NEPA). In addition, the Project sponsor has conducted analysis and outreach in accordance with New York State’s State Historic Preservation Act (Section 14.09) regarding the Project’s potential for effects on historic resources. This documentation will provide the basis for the preparation of appropriate documentation and outreach in accordance with Section 106 of the National Historic Preservation Act.

5.4.8 State Intergovernmental Clearinghouse Review Procedures

In addition, if the proposed conversion and replacement proposal constitute significant changes to the original LWCF project, state intergovernmental clearinghouse review procedures must be followed. (36 CFR § 59.3(b)(8))

The proposed conversion and replacement for the Portageville Bridge Project do not constitute a significant change to the LWCF projects at Letchworth State Park and therefore this criterion
does not apply to the Project. Further, New York State has chosen not to participate in the intergovernmental review process.

5.4.9 Consistency of the Proposed Conversion and Replacement with the Statewide Comprehensive Outdoor Recreation Plan

The ninth criterion for a conversion proposal is that NPS must make a determination that the proposed conversion and replacement are in accordance with the applicable State Comprehensive Outdoor Recreation Plan (SCORP). (36 CFR § 59.3(b)(9)) For Letchworth State Park, the applicable SCORP is *The Final Statewide Comprehensive Outdoor Recreation Plan and Final Generic Environmental Impact Statement for New York State 2009-2013* (OPHRP, 2008).

New York State’s SCORP serves as OPRHP’s “status report and as an overall guidance document for recreation resource preservation, planning and development through 2013.” The document sets forth 11 guiding policies intended to provide direction and support for protection and management of natural, cultural, and recreation resources; for each of those policies it also provides action strategies that support and explain those policies. The 11 policies are as follows:

1. **Improve recreation and historic site operation, maintenance, and resource management practices.** The action strategies under this policy include rehabilitation and adaptive reuse of recreation and historic facilities where feasible, and ongoing protection of natural and cultural resources.

2. **Improve and expand water-oriented recreation opportunities.** This includes development of areas where access to the water is provided, and upgrading and protecting water resources.

3. **Apply research techniques and management practices to improve and expand parks, trails, and other open spaces.**

4. **Preserve and protect natural and cultural resources.** The action strategies for Policy 4 include ensuring that recreation is compatible with environmental characteristics, responsible stewardship of land and water resources that sustain plant and animal species and their habitats, protecting habitat corridors and buffer areas, complying with state and federal environmental and historic preservation regulations.

5. **Support compatible recreation and interpretive programs.** This policy’s action strategies include coordinating, improving, and expanding environmental, historical, and cultural interpretive programs in recreational facilities; and providing patron opportunities and interpretive programs for observation and education about significant natural and cultural resources.

6. **Develop comprehensive, interconnected recreationway, greenway, blueway and heritage trail systems.** This includes development of interconnecting trails, full completion of the 534-mile canalway trail system, and encouraging expansion of the Wild, Scenic, and Recreational Rivers System.

7. **Protect natural connections between parks and open space areas.**

8. **Improve access to opportunities for regular physical activity that is in close proximity to where people live, work, and/or go to school.**

9. **Improve cooperation and coordination between all levels of government and the private sector in providing recreational opportunities and in enhancing natural and cultural resource stewardship.**

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10. **Employ ecosystem-based management to ensure healthy, productive and resilient ecosystems which deliver the resources people want and need.**

11. **Improve and expand the statewide commitment toward environmental sustainability in all parks, recreation and historic sites and support facilities.**

In addition to these policies, the SCORP also discusses the need for ongoing land conservation and resource stewardship in New York State, including open space conservation as identified in New York State’s 2006 Open Space Conservation Plan. As part of the open space conservation plan for the State, the SCORP describes successes from priority projects listed in the 2002 Open Space Conservation Plan, which include OPRHP’s acquisition of nearly 89 acres of land in the hamlet of Portageville from the Nunda Rod and Gun Club, which were added to Letchworth State Park. Also partially in Letchworth State Park, the SCORP lists completing the 90-mile Genesee Valley Greenway Trail, which currently has significant gaps and encroachments, as an important future priority. It also lists protection of existing ecological corridors in Region 9 (which includes Wyoming County) as an important priority, including the Genesee River corridor.

The conversion proposal for Letchworth State Park land as part of the Portageville Bridge Project would be consistent with the SCORP. It would maintain the existing recreational resources at Letchworth State Park and would be conducted in a way that is compatible with environmental characteristics and responsible stewardship of land and water resources that sustain plant and animal species and their habitats, that would protect habitat corridors and buffer areas, and that would comply with state and federal environmental and historic preservation regulations. The Project under either Alternative 4 or Alternative 5 would result in adverse impacts to a small (0.05-acre) wetland and small areas of forested land, but measures to minimize these impacts have been developed, and will be refined, in consultation with OPRHP, and these would not change the overall character of the park or ecological significance of or function of the park. Mitigation for any adverse effects to natural resources is being developed in consultation with OPRHP and incorporated into the Project. While Alternative 4 would involve demolition of the historic rail bridge that crosses the Genesee River in the park, and therefore would have an adverse impact on the historic Letchworth State Park, for which the bridge is a contributing element, mitigation for this impact is being developed in consultation with OPRHP.

The conversion proposal would not adversely affect the priority projects of the Open Space Conservation Plan, including the recently acquired Nunda Rod and Gun Club property, the ongoing development of the Genesee Valley Greenway Trail, or the protection of the Genesee River corridor as an ecological corridor.

### 5.5 COORDINATION

When applications to convert Section 6(f) parkland to non-park use are proposed, the state resource agency is responsible for coordination with NPS and for provision of all required application materials. For the Portageville Bridge Project, OPRHP will coordinate with NPS and will provide to NPS a formal conversion request. The formal conversion request submission will include an LWCF amendment form for Letchworth State Park as well as other documentation.

Norfolk Southern will work with OPRHP to provide all the information that is required for submission to NPS. This will include the completed surveys of the affected parcels—including those proposed for conversion and the proposed replacement parcel. Descriptions of these parcels will also be prepared as deed descriptions. It will also include appraisals for the affected parcels prepared in accordance with the Uniform Appraisal Standards for Federal Land Acquisition. Norfolk Southern will work with OPRHP to confirm that the replacement land is appropriate under Section 6(f), and OPRHP will review the conversion proposal documentation and submit it to NPS.