BRIDGE PROJECT
P.I.N. 4935.79.101
Norfolk Southern Railway Southern Tier Route
over Portageville Bridge,
Towns of Portage and Genesee Falls,
Wyoming and Livingston Counties
Table of Contents

1. Introduction .......................................................................................................................... 1
2. Where is the Project Located? ........................................................................................... 1
3. What is the Project History? ............................................................................................... 1
4. What are the Project’s Purpose and Need and Objectives? ........................................... 2
   4.1. Purpose and Need ............................................................................................................ 2
   4.2. Project Objectives ......................................................................................................... 3
5. What Alternatives Are Being Considered for the Project? .............................................. 3
   5.1. What Alternatives Are Being Considered in the EIS? ....................................................... 3
   5.2. What Alternatives Were Considered and Eliminated? ...................................................... 3
   6.2. New York State Environmental Quality Review Act .......................................................... 7
   6.3. Other Federal and State Regulatory Requirements ......................................................... 7
   6.4. Environmental Analysis Framework ............................................................................... 7
7. What Are the Costs and Schedule? ................................................................................. 13
8. What Are the Opportunities for Public Involvement and Agency Coordination? ............. 13
   8.1. Coordination with Cooperating and Participating Agencies ............................................. 13
   8.2. Section 106 Coordination .............................................................................................. 14
   8.3. Section 4(f) Coordination ............................................................................................. 14
   8.4. Section 6(f) Coordination ............................................................................................. 15
   8.5. Environmental Justice Coordination ............................................................................ 15
   8.6. Additional Public Involvement Opportunities ................................................................ 15
   8.7. Scoping Comments and Responses .............................................................................. 16
9. Contact Information ........................................................................................................... 16

List of Tables
1. Social, Economic, and Environmental Considerations to be Evaluated in the EIS .......... 7

List of Figures
1. Location of Portageville Bridge ......................................................................................... Following page: 1
2. Alternative 4 .................................................................................................................... Following page: 3
3. Project Alternatives ............................................................................................................ Following page: 3

Attachments
Attachment A: Scoping Comments and Responses
1. INTRODUCTION

The Federal Highway Administration (FHWA), in cooperation with the New York State Department of Transportation (NYSDOT), is preparing an Environmental Impact Statement (EIS) in accordance with the National Environmental Policy Act (NEPA) for the Portageville Bridge Project (the Project). The EIS will also meet the requirements of the New York State Environmental Quality Review Act (SEQRA). FHWA and NYSDOT are the NEPA joint lead agencies and NYSDOT is the SEQRA lead agency for this Project.

The purpose of the Project is to address the existing deficiencies at the Portageville Bridge by providing a modern rail crossing of the Genesee River at its current location that is capable of carrying current industry standard freight rail loads, to the greatest degree possible meeting Federal Railroad Administration (FRA) Class 4 speeds, while reducing ongoing maintenance efforts and costs. The Project is needed in order for Norfolk Southern to continue safe, reliable, and efficient rail operations on the Southern Tier route. These operations are critical to the economic viability and growth of the Southern Tier and other affected areas of New York.

This Final Scoping Report provides an overview of the Project and its history, its purpose and need, the development and evaluation of alternatives, the environmental framework of the EIS, and public involvement opportunities and agency coordination. Also provided are responses to public and agency comments received during the NEPA scoping phase of the Project (see Attachment A). This report was prepared in accordance with the NYSDOT Project Development Manual, NYSDOT Procedures for the Implementation of SEQRA (17 NYCRR [New York Codes, Rules and Regulations] Part 15), the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR [Code of Federal Regulations] Parts 1500 to 1508), and FHWA regulations Environmental Impact and Related Procedures (23 CFR 771).

2. WHERE IS THE PROJECT LOCATED?

The Portageville Bridge spans the Genesee River between the Town of Genesee Falls (Wyoming County) and the Town of Portage (Livingston County) in western New York (see Figure 1). The bridge is located on right-of-way owned by Norfolk Southern Railway Company (Norfolk Southern) as part of its Southern Tier route, as it passes through Letchworth State Park. The land adjacent to the Project site is primarily wooded parkland or agricultural land. Park roads and trails pass beneath the existing bridge (within the railroad right-of-way), and a visitor parking lot is located adjacent to the bridge (also partly within the railroad right-of-way).

3. WHAT IS THE PROJECT HISTORY?

The Portageville Bridge was constructed by the Erie Railroad Company in 1875. The bridge and the Southern Tier route became part of Conrail’s national freight network on April 1, 1976; Norfolk Southern began operating, pursuant to operating and lease agreements, the entire Southern Tier route, including the Portageville Bridge, on June 1, 1999. On August 27, 2004, Norfolk Southern acquired the route through merger. The Southern Tier route is a critical freight rail link between Buffalo and Binghamton, New York and provides connections to Canada and the eastern seaboard. In addition to serving as a critical rail freight link for Norfolk Southern, the Southern Tier route is used by Canadian Pacific Railway and provides interchange connections to 11 short line railroads. The route also serves communities in western and southern New York State and northern and eastern Pennsylvania.

The Portageville Bridge is a vital, yet currently deficient, component of the Southern Tier route. The bridge is a single track, truss structure that spans approximately 819 feet across and 245 feet above the Genesee River gorge. It is at the end of its useful life as a freight rail structure, and as such, Norfolk Southern must substantially restrict the speed and tonnage of trains that
Location of Portageville Bridge

Figure 1

Source: USGS Topographic Map - Portageville, NY Quadrangle

78°2'58" W, 42°34'40"N

Existing Bridge
cross the Genesee River. Without action to upgrade or replace the bridge, the crossing may need to be taken out of service. This would greatly impair Norfolk Southern’s ability to operate on a substantial portion of the Southern Tier route and would negatively impact the economies of the many locations it serves.

With this in mind, Norfolk Southern pursued a project to replace the existing bridge. In its investigation of options to replace the Portageville Bridge, Norfolk Southern identified the following four goals for the Project:

1) Eliminate operational constraints along the Southern Tier route caused by the existing Portageville Bridge;
2) Reduce the need for extensive ongoing maintenance and related costs of this crossing;
3) Optimize existing infrastructure at this location and planned 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;1 and
4) Address the potential for trespassing on the Portageville Bridge by Letchworth State Park patrons.

NYSDOT initiated an environmental review for the Project in 2008 under SEQRA. Activities of this review included a project scoping meeting in October 2008, publication of a Draft EIS (DEIS) in November 2012, a public comment period on the DEIS from November 2012 through February 1, 2013, and a public hearing on the DEIS in January 2013.

In July 2013, it was determined that Congestion Mitigation and Air Quality improvement program (CMAQ) funds could be made available to support construction of the Project. As a federal funding program, the allocation of CMAQ funds requires involvement of a federal transportation agency and implicates federal environmental review procedures (i.e., NEPA). As such, FHWA has assumed the role of federal lead agency for the environmental review of the Project pursuant to NEPA with NYSDOT maintaining its role as state lead agency to ensure continued compliance with SEQRA. The NEPA EIS will incorporate the analyses from the SEQRA DEIS as appropriate, and will also incorporate additional analyses as required by the NEPA process and to comply with other federal procedures.

FHWA initiated its NEPA review with publication of a Notice of Intent (NOI) in the Federal Register on October 31, 2013. The NOI also began the NEPA scoping phase of the Project. A public scoping meeting was held on November 19, 2013 in Mount Morris, New York. The scoping comment period extended through December 19, 2013.

4. WHAT ARE THE PROJECT’S PURPOSE AND NEED AND OBJECTIVES?

4.1 Purpose and Need

The Portageville Bridge has reached the end of its useful life as a freight rail structure. The bridge is incapable of meeting the weight and speed standards of modern freight railroads and because of its structural conditions, requires frequent inspections, continuous monitoring, and needed repairs. The purpose of the Project is to address the existing deficiencies at Norfolk Southern’s Portageville Bridge by providing a modern rail crossing of the Genesee River at its current location that is capable of carrying current industry standard freight rail loads, to the greatest degree possible meeting FRA Class 4 speeds, while reducing ongoing maintenance

1 While contributing to the overall performance of the route, these improvements each have independent utility, provide local benefits, and do not affect conclusions about appropriate improvements required for the Portageville Bridge Project.
efforts and costs. The Project is needed in order for Norfolk Southern to continue safe, reliable, and efficient rail operations on the Southern Tier route. These operations are critical to the economic viability and growth of the Southern Tier and other affected areas of New York.

4.2 Project Objectives
In support of the Project’s purpose and need, Norfolk Southern, NYSDOT, and FHWA have identified the following objectives for the Portageville Bridge Project:

1) Eliminate the structural deficiencies of the existing Portageville Bridge;
2) Address operational constraints along the Southern Tier Route caused by the existing bridge; and
3) Reduce the need for extensive ongoing maintenance costs related to the existing Portageville Bridge.

The purpose, need, and objectives are the basis to determine the range of alternatives that have been developed for the Portageville Bridge Project.

5. WHAT ALTERNATIVES ARE BEING CONSIDERED FOR THE PROJECT?

5.1 What Alternatives Are Being Considered in the EIS?
Based on the Project’s purpose and need and its Project goals, the following alternatives have been identified for evaluation in the EIS:

• Alternative 1—No Action: NEPA requires the evaluation of a No Action Alternative in an EIS. The No Action Alternative assumes no work in the Project area other than that planned by others or implemented as part of routine maintenance. The No Action/Maintenance Alternative assumes that the existing Portageville Bridge would remain in service and would be subject only to required maintenance. Rail traffic on the Southern Tier route would continue to be restricted, as the bridge cannot accommodate the weight of industry-standard rail cars and allows operations only at a very low speed. This alternative serves as a baseline for comparison to the build alternative(s).

• Alternative 4—New Bridge on Parallel Alignment / Remove Existing Bridge: Alternative 4 includes the construction of a new single-track railroad bridge approximately 75 feet south of the existing bridge. New approach tracks would also be constructed for approximately 1,200 feet on either side of the bridge to realign rail traffic over the new crossing. The existing bridge would remain operational during construction of the new bridge. Upon the opening of the new bridge, the existing bridge and the existing tracks between the diverted right-of-way and the existing bridge would be removed. The new bridge would be dedicated to rail freight traffic, and pedestrian access would be prohibited (see Figure 2).

5.2 What Alternatives Were Considered and Eliminated?
A number of alternatives for the Project were considered but eliminated from further study in the EIS because they did not meet the Project’s purpose and need and/or because they resulted in engineering, cost, and/or environmental ramifications that made them unreasonable. The alternatives that were considered but eliminated, and the reasons for not carrying them forward, are described below. The location of these alternatives is shown in Figure 3.

• Alternative 2—Repair and Retrofit Existing Bridge: Alternative 2 would involve repairing and retrofitting 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 of structural deficiencies precluded Alternative 2 from being a reasonable
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 efficiencies of the Southern Tier route, including temporarily eliminating rail freight service to several locations and for several customers and requiring complex re-routing 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. Moreover, Alternative 2 would not effectively extend the bridge’s useful life nor increase its load carrying capacity to the Cooper E80 standard, and thus would do little to improve the efficiency of rail operations. Even with repairs and retrofits, fatigue and corrosion would continue to degrade structural elements of the bridge, and there would continue to be substantial maintenance requirements following the retrofit. The maintenance requirements would accelerate over time as the structure continues to age. 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 was eliminated from further consideration.

- **Alternative 3—New Bridge on Same Alignment:** Alternative 3 would involve demolishing the existing bridge and piers, and constructing a new bridge at the same location within the alignment owned by Norfolk Southern. This would shut down the Southern Tier rail alignment during the 18- to 31-month construction period (the length of 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. In addition, the existing bridge is a contributing element to Letchworth State Park, which is listed on the State and National Register of Historic Places (S/NHRP) and a prominent visual feature of the park. As such, Alternative 3 was determined to be unreasonable and eliminated from further consideration.

- **Alternative 5—New Bridge on Parallel Alignment / Convey Existing Bridge:** Alternative 5 would involve construction of a new rail bridge approximately 75 feet south of the existing bridge, with the existing bridge remaining for a non-railroad purpose under new ownership. Rail tracks would be modified for about 1,200 feet on either side of the bridge to accommodate the new bridge alignment. Maintenance, repairs, and any modifications to the existing bridge would be the responsibility of the new owner. Upon completion of the new bridge, Norfolk Southern would convey the existing bridge, as it would no longer be used for freight rail purposes.

Alternative 5 was evaluated in the SEQRA DEIS for the Project. Throughout the preparation and public review of the SEQRA DEIS and throughout the scoping process for this NEPA DEIS, the New York State Office of Parks, Recreation and Historic Preservation (OPRHP), which is responsible for Letchworth State Park, has declined interest in acquiring the existing bridge, and no suitable alternative owner has been identified.

The impacts of Alternative 5 were identified in the SEQRA DEIS. While this alternative would allow the historic bridge structure (contributing resource to State and National Register of Historic Places (S/NRHP)-listed Letchworth State Park) to remain in place, it would not avoid any of the other adverse effects of Alternative 4 on historic resources related to relocation of a segment of Park Road, the Gorge Trail, the Mary Jemison Trail, the Highbridge Parking Lot and sign, and fieldstone walls. Furthermore, Alternative 5 would result in additional impacts related to historic resources as follows:
While Alternative 5 would preserve the majority of the existing bridge, some alterations to the bridge would nonetheless be required. To accommodate the proposed realignment of a segment of Park Road, which would be needed to allow the new bridge’s arch to be founded in the gorge wall, the westernmost segment of the existing bridge must be removed. Specifically, the western two spans of the bridge approach must be removed, including the structural pier of the bridge on the west side of Park Road and the bridge deck spanning from the pier on the east side of Park Road to the west abutment. This would result in the removal of major structural elements of the bridge and would alter the visual connection of the bridge to the west bank of the Genesee River.

Alternative 5 would result in two side-by-side bridges, which would be more obstructive to scenic views of the gorge than a single bridge (Alternative 4), and the presence of two bridges would constitute an adverse visual impact. This adverse impact would also adversely affect the historic character and setting of the Letchworth State Park gorge crossing, which has historically had only one rail bridge over the Genesee River. In views south from various viewpoints within Letchworth State Park, the existing bridge would be visible in context of the new bridge behind it, negatively affecting views and the historic gorge setting.

In addition, Alternative 5 would maintain the existing bridge piers within the Genesee River, which would not allow the river to return to free flowing conditions. Alternative 5 would also be less compatible with the Genesee River’s status as a protected river under the federal Genesee River Protection Act and as a New York State Scenic River, because of its adverse visual impacts.

For these reasons, Alternative 5 was determined to be unreasonable and has been eliminated from further consideration in the EIS.

Alternative 6—Southern Alignment / Remove Existing Bridge: Alternative 6 would shift the Southern Tier route to a new, 4.5-mile-long rail route and related infrastructure outside Letchworth State Park, to avoid impacts to the park, with a new crossing of the Genesee River outside the park. The new route would be south and west of the southern end of the park. After completion of the new route, the existing bridge would be demolished.

Alternative 6 would divert from the existing alignment at Denton Corners Road (on the west side of the river in Wyoming County) and rejoin the alignment at Springbrook Road (on the east side of the river in Livingston County) 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); construction of two new, shorter overpasses; and crossing of three streams that are tributaries to the Genesee River.

Alternative 6 would avoid the continued use of the Norfolk Southern railroad right-of-way that is located within Letchworth State Park, but it would have impacts on adjacent land and require the construction of three new at-grade crossings with local roadways, counter to New York State policy and Norfolk Southern policy regarding rail crossings. 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 three times the cost of Alternatives 2, 3, 4, or 5. Therefore, this alternative is considered impractical.

Alternative 6 would also include removing the existing bridge, which is a contributing element to Letchworth State Park and a prominent visual feature of the park. In addition,
public comments from the Citizens' Advisory Committee (described in section 8.6 below) overwhelmingly opposed Alternative 6.

Therefore, for the reasons discussed above, Alternative 6 was determined to be unreasonable and eliminated from consideration.

- Alternative 7—Southern Alignment / Convey Existing Bridge: Alternative 7 would involve the construction of the same southern alignment outside Letchworth State Park as Alternative 6. However, Alternative 7 would not remove the existing bridge, and would instead convey the bridge to new owners. The new owners would be responsible for repairs, maintenance, or modification to the existing structure.

Like Alternative 6, Alternative 7 would involve Project costs that would be substantially greater than other alternatives and would require substantial property acquisition. Thus, this alternative is considered impractical.

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, no suitable alternative owner has been identified. Public comments from the Citizens' Advisory Committee overwhelmingly opposed development of a southern alignment.

Therefore, for the reasons discussed above, Alternative 7 was determined to be unreasonable and eliminated from further consideration.

- Alternative 8—Reroute Rail Traffic / Remove Existing Bridge: Under Alternative 8, Norfolk Southern would cease using a substantial portion of the Southern Tier 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. Alternative 8 would restrict or remove rail freight service to a number of communities and as such has the potential for negative impacts to the region's economy. Alternative 8 would also remove the existing bridge, which is a contributing element to Letchworth State Park and a prominent visual feature of the park. Alternative 8 fails to meet the Project's purpose and need and therefore was eliminated from further consideration.

- Alternative 9—Reroute Rail Traffic / Convey Existing Bridge: Like Alternative 8, Alternative 9 would cease using a portion of the Southern Tier route, resulting in adverse effects on Norfolk Southern's operations and the region's economy. Alternative 9 could allow for the existing bridge to provide non-rail travel across the Genesee River if a suitable new owner was found. However, no suitable alternative owner has been identified. Since this alternative would not meet the Project's purpose and need, it was eliminated from further consideration.

6. HOW WILL ALTERNATIVES AFFECT THE ENVIRONMENT?

As noted above, FHWA and NYSDOT are preparing an EIS in accordance with NEPA and SEQRA to document the potential impacts of the Project alternatives on the environment. The EIS will incorporate relevant information from the previous SEQRA DEIS and other Project documents and will address the regulatory requirements of NEPA, SEQRA, and related federal and state environmental rules and regulations. The applicable federal and state regulations, as well as the subject areas that will be studied, are discussed below.

6.1 National Environmental Policy Act of 1969
The procedural provisions of NEPA (set forth in 40 CFR §§ 1500-1508) require federal agencies to consider the environmental impacts of their actions, including not only direct and indirect
effects, but also cumulative effects. FHWA and NYSDOT are the NEPA joint lead agencies for this Project.

The Project is classified as a NEPA Class I project in accordance with 23 CFR § 771.115, which requires an EIS to identify and evaluate reasonable alternatives; determine the likely social, economic, and environmental impacts of the action; and identify measures to mitigate any adverse impacts.

6.2 New York State Environmental Quality Review Act

NYSDOT is serving as the SEQRA lead agency for the Project. NYSDOT’s regulations for implementing SEQRA are provided at 17 NYCRR Part 15. In accordance with those regulations, the Project is classified as a non-Type II action, indicating that its potential for environmental impacts should be evaluated under SEQRA. In accordance with 17 NYCRR Part 15, the NEPA and SEQRA processes for the Project are being coordinated, and therefore, NYSDOT and other New York State agencies undertaking a discretionary action for this Project have no obligation to prepare a separate EIS under SEQRA. NYSDOT will give full consideration to the federal Final EIS and will prepare a Record of Decision in accordance with Section 15.9 of 17 NYCRR Part 15.

6.3 Other Federal and State Regulatory Requirements

A number of federal regulatory requirements apply to the Project. Regulations pertinent to specific environmental topics are identified in Table 1.

6.4 Environmental Analysis Framework

The EIS will examine potential impacts related to each of the technical areas described below in Table 1. The environmental analysis will consider all potential direct, indirect, and cumulative effects of the project upon the social, economic, and environmental resources within the defined study area.

<table>
<thead>
<tr>
<th>Table 1</th>
<th>Social, Economic, and Environmental Considerations to be Evaluated in the EIS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject Area</td>
<td>Approach for Analysis</td>
</tr>
<tr>
<td><strong>Land Use</strong></td>
<td>The Project is located adjacent to parkland and rural land, and therefore, has limited potential to impact population characteristics, land use, or land use plans for the area. This section will document the Project’s potential effects to proximate land uses, and assess consistency with local plans and population characteristics. The analysis will be prepared based on U.S. Census data, geographic information system (GIS) data, and field visits.</td>
</tr>
<tr>
<td><strong>Neighborhood and Community Cohesion</strong></td>
<td>This section will evaluate the Project’s potential to divide neighborhoods, isolate communities, or generate new development; however, the Project site is predominantly located within rural, forested parkland with minimal development.</td>
</tr>
</tbody>
</table>
Table 1 (Cont’d)
Social, Economic, and Environmental Considerations to be Evaluated in the EIS

<table>
<thead>
<tr>
<th>Subject Area</th>
<th>Approach for Analysis</th>
<th>Applicable Regulatory Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social Groups Benefitted or Harmed</td>
<td>The Project site is located in Letchworth State Park and adjacent rural land. This section will evaluate potential effects on vulnerable populations and determine whether the Project would have disproportionate adverse impacts on minority or low-income populations in accordance with federal environmental justice requirements. The environmental justice analysis will follow the CEQ guidance document, Environmental Justice Guidance under the National Environmental Policy Act (December 1997); the U.S. Department of Transportation's Environmental Justice Order 5610.2(a) (Actions to Address Environmental Justice in Minority Populations and Low-Income Populations); and FHWA's FHWA Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (Order 6640.23A, dated June 14, 2012).</td>
<td>NYSDOT Procedures for the Implementation of SEQRA (17 NYCRR Part 15), CEQ regulations implementing NEPA (40 CFR Parts 1500 to 1508), and FHWA regulations Environmental Impact and Related Procedures (23 CFR Part 771) Environmental Justice (Executive Order 12898 of 1994, 59 CFR 7629, February 16, 1994; U.S. Department of Transportation Order 5610.2(a), May 2, 2012; FHWA Order 6640.23A, June 14, 2012)</td>
</tr>
<tr>
<td>Schools, Recreational Areas, and Places of Worship</td>
<td>There are no schools or places of worship in proximity to the Project site, but the Project is located on right-of-way that runs within the boundaries of a state park, which will be addressed in the “Parks and Recreational Resources” section discussed below.</td>
<td>NYSDOT Procedures for the Implementation of SEQRA (17 NYCRR Part 15), CEQ regulations implementing NEPA (40 CFR Parts 1500 to 1508), and FHWA regulations Environmental Impact and Related Procedures (23 CFR Part 771)</td>
</tr>
<tr>
<td>Regional and Local Economies</td>
<td>There are commercial uses within Letchworth State Park (e.g., Glen Iris Inn), and the Portageville Bridge is part of an important freight rail route through Southern New York. Tourism at the park is also an important industry for Wyoming and Livingston Counties. This section will consider potential effects to businesses and employment characteristics and how local and regional economies may be affected by the Project. The analysis will be prepared based on Quarterly Census of Employment and Wages (QCEW) data, the U.S. Department of Agriculture’s Census of Agriculture, and information on goods movement from Norfolk Southern.</td>
<td>NYSDOT Procedures for the Implementation of SEQRA (17 NYCRR Part 15), CEQ regulations implementing NEPA (40 CFR Parts 1500 to 1508), and FHWA regulations Environmental Impact and Related Procedures (23 CFR Part 771)</td>
</tr>
<tr>
<td>Business Districts</td>
<td>There are no business districts within or adjacent to the Project area.</td>
<td>NYSDOT Procedures for the Implementation of SEQRA (17 NYCRR Part 15), CEQ regulations implementing NEPA (40 CFR Parts 1500 to 1508), and FHWA regulations Environmental Impact and Related Procedures (23 CFR Part 771)</td>
</tr>
<tr>
<td>Specific Business Impacts</td>
<td>This section will evaluate whether the Project would affect access or operation to nearby businesses, including those associated with operations at Letchworth State Park (e.g., Glen Iris Inn). Businesses will be identified based on the Letchworth State Park map, Livingston County Real Property Tax Services, and field investigations.</td>
<td>NYSDOT Procedures for the Implementation of SEQRA (17 NYCRR Part 15), CEQ regulations implementing NEPA (40 CFR Parts 1500 to 1508), and FHWA regulations Environmental Impact and Related Procedures (23 CFR Part 771)</td>
</tr>
<tr>
<td>Wetlands</td>
<td>This section will evaluate potential effects to wetlands, including a 0.09-acre federal jurisdictional wetland identified near the Project area. The analysis will comply with guidance from the U.S. Army Corps of Engineers (USACE) Wetlands Delineation Manual. Data sources will include field visits and information from the USACE, U.S. Fish &amp; Wildlife Service (USFWS), OPRHP and New York State Department of Environmental Conservation (NYSDEC). Any impacts to wetlands will be determined in consultation with the USACE.</td>
<td>Clean Water Act (33 USC §§ 1251-1387) Executive Order 11990, Protection of Wetlands New York State Protection of Waters (ECL Article 15, Title 5; 6 NYCRR Part 608)*</td>
</tr>
</tbody>
</table>
### Table 1 (Cont’d)

<table>
<thead>
<tr>
<th>Subject Area</th>
<th>Approach for Analysis</th>
<th>Applicable Regulatory Compliance</th>
</tr>
</thead>
</table>
| **Surface Waters**                | This section will evaluate potential effects to streams and other surface waterbodies near the Project area, including the Genesee River and an identified intermittent stream flowing beneath the railroad right-of-way. The analysis will be prepared based on data from USACE, NYSDEC, U.S. Coast Guard, and field reconnaissance. | Clean Water Act (33 USC §§ 1251-1387)  
Section 10 of the Rivers and Harbors Act of 1899 (33 USC § 403)  
New York State Protection of Waters (ECL Article 15, Title 5; 6 NYCRR Part 608)*  
State Pollutant Discharge Elimination System (SPDES) (N.Y. ECL Article 3, Title 3; Article 15; Article 17, Titles 3, 5, 7, and 8; Article 21; Article 70, Title 1; Article 71, Title 19; Implementing Regulations 6 NYCRR Articles 2 and 3)* |
| **Wild and Scenic Rivers**        | This section will evaluate potential effects to the Genesee River with respect to its designation as a New York State Scenic River and a “Permanent Study River,” by the U.S. Congress. The analysis will comply with Section 7 of the National Wild and Scenic Rivers Act, relying on information presented in other sections of the EIS. | National Wild and Scenic Rivers Act of 1968 (16 USC §§ 1271-1287) and Genesee River Protection Act of 1989 (16 USC § 1276(a))  
New York State Wild, Scenic and Recreational Rivers Act (ECL Article 15 Title 27, 6 NYCRR Part 666)*                                                                                                                                 |
| **Navigable Waters**              | Although classified as a navigable waterway by the USACE, safe navigation is not possible along the portion of the Genesee River within Letchworth State Park. This section will evaluate potential effects to the Genesee River with respect to its state and federal classification as a navigable waterway. | Rivers and Harbors Appropriation Act of 1899 (33 USC § 403)  
Clean Water Act (33 USC §§ 1251-1387)                                                                                                                                                                                                 |
| **Floodplains**                   | This section will consider potential effects on floodplains and flood control programs (including effects on the Mount Morris Dam’s function as a flood control dam); however, the Genesee River in proximity to the Project area is characterized by steep embankments without delineated floodplains. The analysis will be based on data from USACE, NYSDEC, and the Federal Emergency Management Agency (FEMA). | Executive Order 11988 of 1977; USDOT Order 5650-2, “Floodplain Management and Protection,” April 23, 1979                                                                                                                                 |
| **Coastal Resources**             | The Project is not located within a designated coastal area.                                                                                                                                                                                                                      | Coastal Zone Management Act of 1972 (15 CFR Part 930)  
Waterfront Revitalization of Coastal Areas and Inland Waterways Act (19 NYCRR Parts 600-603)                                                                                                                                 |
| **Groundwater Resources, Aquifers, and Reservoirs** | Groundwater within the Project site is deemed fresh groundwater, and may be a source of potable water supply. However, the Project is not located in a Primary Water Supply or Principal Aquifer Area identified by the U.S. Environmental Protection Agency (EPA) or NYSDEC. There are also no public wells within the Project site. This section will identify any potential effects of the project on groundwater supply and potable water sources that could be affected by groundwater from the Project site. | Clean Water Act (33 USC §§ 1251-1387)  
Section 10 of the Rivers and Harbors Act of 1899 (33 USC § 403)  
Safe Drinking Water Act (42 USC § 300f)                                                                                                                                                                                                 |
| **Stormwater Management**         | This section will evaluate the Project’s potential to affect the quality or quantity of stormwater runoff. Measures to mitigate adverse stormwater impacts will be identified in accordance with State Pollutant Discharge Elimination System (SPDES) permit requirements. | Clean Water Act (33 USC §§ 1251-1387)  
State Pollutant Discharge Elimination System (ECL Article 3, Title 3; Article 15; Article 17, Titles 3, 5, 7, and 8; Article 21; Article 70, Title 1; Article 71, Title 19; 6 NYCRR Part 750; established in accordance with Section 402 of the federal Clean Water Act) |
Table 1 (Cont’d)  
Social, Economic, and Environmental Considerations to be Evaluated in the EIS

<table>
<thead>
<tr>
<th>Subject Area</th>
<th>Approach for Analysis</th>
<th>Applicable Regulatory Compliance</th>
</tr>
</thead>
</table>
| **General Ecology and Wildlife Resources** | Letchworth State Park has many natural features and habitats that serve wildlife in the area. This section will evaluate potential effects on wildlife habitats and ecological communities, including threatened and endangered species, such as the federally protected bald eagle and federally proposed endangered northern long-eared bat. Ecological resources in the Project area will be described from habitat observations made during field visits, information from USFWS, OPRHP, and NYSDEC, and from published and unpublished academic sources. If adverse impacts are identified, mitigation measures will be developed in consultation with USFWS and OPRHP. | Bald and Golden Eagle Protection Act (16 USC 668-668c)  
Endangered Species Act (16 USC §§ 1531-1544; 50 CFR Part 402)  
Executive Order 13112 “Invasive Species”  
Endangered and Threatened Species of Fish and Wildlife; Species of Special Concern (ECL, Sections 11-0535[1]-[2], 11-0536[2], [4], Implementing Regulations 6 NYCRR Part 182)* |
| **Historic and Cultural Resources** | This section will evaluate potential effects on historic architectural resources and archaeological resources, including Letchworth State Park, which is listed on the State and National Registers of Historic Places (S/NRHP). The area is also known as an important site for Native American tribes. The evaluation of historic and cultural resources will comply with Section 106 of the National Historic Preservation Act and will rely on documentary studies, site visits, and consultation with Native American tribes and OPRHP. | National Historic Preservation Act (16 USC § 470A; 36 CFR Part 800)  
U.S. Department of Transportation Act—Section 4(f) (49 USC § 303; 23 CFR Part 774) |
| **Parks and Recreational Resources** | The Project site is within Letchworth State Park, and the new bridge would alter some park features. This section will evaluate potential long-term effects on Letchworth State Park from changes associated with the Project. The analysis will be prepared based on field reconnaissance, Project plans, and consultation with OPRHP. OPRHP will be consulted regarding any potential adverse impacts to the park and measures to mitigate these impacts. | NYSDOT Procedures for the Implementation of SEQRA (17 NYCRR Part 15), CEQ regulations implementing NEPA (40 CFR Parts 1500 to 1508), and FHWA regulations Environmental Impact and Related Procedures (23 CFR Part 771)  
U.S. Department of Transportation Act—Section 4(f) (49 USC § 303; 23 CFR Part 774)  
| **Visual Resources** | This section will evaluate the Project’s potential to affect views to and from important visual resources, taking into consideration scenic qualities within Letchworth State Park and the Portageville Bridge. The analysis of visual resources will be prepared in accordance with FHWA’s Guidance for Preparing and Processing Environmental and 4(f) Documents (1987), Environmental Impact Statement Visual Impact Discussion (undated), and Guidance Material on the Preparation of Visual Impact Assessments (1986). This analysis will also comply with NYSDEC’s Assessing and Mitigating Visual Impacts guidance (DEP-00-2, issued July 31, 2000). | NYSDOT Procedures for the Implementation of SEQRA (17 NYCRR Part 15), CEQ regulations implementing NEPA (40 CFR Parts 1500 to 1508), and FHWA regulations Environmental Impact and Related Procedures (23 CFR Part 771) |
| **Farmlands** | Portions of the new railroad right-of-way would be located in farmland adjacent to Letchworth State Park. This section will consider potential effects on agricultural operations as well as soils meeting the U.S. Department of Agriculture (USDA) definition of prime farmland and farmland of statewide importance; however, no active farmland has been identified in proximity to the Project. | Farmland Protection Policy Act (7 USC § 4201) |
# Table 1 (Cont’d)

## Social, Economic, and Environmental Considerations to be Evaluated in the EIS

<table>
<thead>
<tr>
<th>Subject Area</th>
<th>Approach for Analysis</th>
<th>Applicable Regulatory Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Air Quality</strong></td>
<td>The potential increase in the speed and weight of trains crossing the new bridge may increase locomotive emissions. This section will evaluate potential effects on ambient air quality from the Project, in accordance with applicable state and federal standards, including the National Ambient Air Quality Standards (NAAQS) developed by the EPA. Procedures set forth in 17 NYCRR § 15, NYSDOT’s The Environmental Manual (TEM) and FHWA’s Interim Guidance Update on Mobile Source Air Toxic Analysis in NEPA Documents (September 2009) will be used to determine pollutants for analysis.</td>
<td>Clean Air Act (42 USC § 7506(c); 40 CFR Part 93)</td>
</tr>
<tr>
<td><strong>Energy and Greenhouse Gases</strong></td>
<td>This section will evaluate the Project’s potential effects on energy consumption and greenhouse gas (GHG) emissions.</td>
<td>Draft Energy Analysis Guidelines for Project-Level Analysis, NYSDOT, November 25, 2003.</td>
</tr>
<tr>
<td><strong>Noise</strong></td>
<td>The Project is located within parkland and near noise-sensitive uses such as a hotel. This section will evaluate potential changes in ambient noise levels and potential effects on sensitive receptors associated with future rail operations, following guidance for rail projects developed by the Federal Transit Administration (FTA) and the FRA. FTA’s Transit Noise and Impact Assessment guidance document will be used to model noise and to identify potential adverse impacts.</td>
<td>Railroad Noise Emission Compliance Regulations (49 CFR Part 210)</td>
</tr>
<tr>
<td><strong>Asbestos</strong></td>
<td>Based on the age of the existing bridge, there is a potential that asbestos-containing material present in the bridge or in the approaches (e.g., associated with existing utility lines). This section will identify the measures that would be implemented to ensure proper handling, transport, and disposal of such materials, if identified or encountered during construction.</td>
<td>Asbestos National Emission Standards for Hazardous Air Pollutants (40 CFR Part 61, Subpart M)</td>
</tr>
<tr>
<td><strong>Hazardous Waste and Contaminated Materials</strong></td>
<td>This section will identify the Project’s potential to disturb or expose hazardous waste or contaminated materials, including those associated with the existing bridge, and measures that would be put in place for proper handling, transport, and disposal of these materials to protect public health, worker safety, and the environment. The section will also identify Norfolk Southern procedures to handle the transport of hazardous materials. Analysis will be based on the results of a Phase I Environmental Site Assessment (ESA) that meets American Society of Testing Materials (ASTM) standards and Norfolk Southern’s operating procedures.</td>
<td>NYSDOT Procedures for the Implementation of SEQRA (17 NYCRR Part 15), CEQ regulations implementing NEPA (40 CFR Parts 1500 to 1508), and FHWA regulations Environmental Impact and Related Procedures (23 CFR Part 771) Hazardous Materials Transportation Act (49 U.S.C. 5101 et seq.)</td>
</tr>
<tr>
<td><strong>Construction Effects</strong></td>
<td>The Project is located within Letchworth State Park, and its construction would involve staging of activities within the park, and activities would be visible and audible to park patrons. Construction activities would also affect natural features of the park, including habitats for sensitive species. This section will evaluate the potential short-term effects related to each of the subject areas described above that may occur during construction and will discuss measures to mitigate adverse impacts. Analysis will be prepared in accordance with the methodologies identified above for the long-term effects of the Project. Engineering plans, standards construction means and methods, and information from Norfolk Southern will be used to develop and evaluate the construction effects of the Project.</td>
<td>NYSDOT Procedures for the Implementation of SEQRA (17 NYCRR Part 15), CEQ regulations implementing NEPA (40 CFR Parts 1500 to 1508), and FHWA regulations Environmental Impact and Related Procedures (23 CFR Part 771)</td>
</tr>
</tbody>
</table>
Table 1 (Cont’d)
Social, Economic, and Environmental Considerations to be Evaluated in the EIS

<table>
<thead>
<tr>
<th>Subject Area</th>
<th>Approach for Analysis</th>
<th>Applicable Regulatory Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indirect Effects</td>
<td>This section will consider the Project’s potential to induce separate actions later in time or farther removed in distance from the Project and result in secondary impacts.</td>
<td>NYSDOT Procedures for the Implementation of SEQRA (17 NYCRR Part 15), CEQ regulations implementing NEPA (40 CFR Parts 1500 to 1508), and FHWA regulations Environmental Impact and Related Procedures (23 CFR Part 771)</td>
</tr>
<tr>
<td>Cumulative Effects</td>
<td>This section will consider the potential combined effects of the Project with other past, present and reasonably foreseeable actions.</td>
<td>NYSDOT Procedures for the Implementation of SEQRA (17 NYCRR Part 15), CEQ regulations implementing NEPA (40 CFR Parts 1500 to 1508), and FHWA regulations Environmental Impact and Related Procedures (23 CFR Part 771)</td>
</tr>
<tr>
<td>Short-Term Uses of the Environment Compared with Long-Term Benefits</td>
<td>This section will discuss the short-term effects that are necessary to realize the long-term benefits of the Project.</td>
<td>NYSDOT Procedures for the Implementation of SEQRA (17 NYCRR Part 15), CEQ regulations implementing NEPA (40 CFR Parts 1500 to 1508), and FHWA regulations Environmental Impact and Related Procedures (23 CFR Part 771)</td>
</tr>
<tr>
<td>Irreversible and Irretrievable Commitment of Resources</td>
<td>This section will consider materials and resources—such as land, building materials, energy, human labor, and fiscal resources—that will be committed to the Project and therefore unavailable either during the lifetime of the Project or in perpetuity.</td>
<td>NYSDOT Procedures for the Implementation of SEQRA (17 NYCRR Part 15), CEQ regulations implementing NEPA (40 CFR Parts 1500 to 1508), and FHWA regulations Environmental Impact and Related Procedures (23 CFR Part 771)</td>
</tr>
<tr>
<td>Unavoidable Adverse Impacts</td>
<td>This section will compile and summarize any adverse impacts identified in each technical chapter for which there is no reasonable mitigation and therefore cannot be avoided.</td>
<td>NYSDOT Procedures for the Implementation of SEQRA (17 NYCRR Part 15), CEQ regulations implementing NEPA (40 CFR Parts 1500 to 1508), and FHWA regulations Environmental Impact and Related Procedures (23 CFR Part 771)</td>
</tr>
<tr>
<td>Section 4(f) Evaluation</td>
<td>This is an independent evaluation that is often incorporated into an EIS. This section will evaluate compliance with Section 4(f) of the U.S. Department of Transportation Act, which prohibits FHWA from approving any project that “uses” public parks, wildlife refuges, or historic resources unless there is no feasible and prudent alternative to that use and all measures to minimize harm have been implemented. The Project would require the use of elements of Letchworth State Park that are protected under Section 4(f).</td>
<td>U.S. Department of Transportation Act—Section 4(f) (49 USC § 303; 23 CFR § 774)</td>
</tr>
<tr>
<td>Section 6(f) Evaluation</td>
<td>Approval is required from the National Park Service in accordance with Section 6(f) when a project would alter parkland that previously received federal money from the Land and Water Conservation Fund. Letchworth State Park has received such funding and the Project would require the conversion of parkland from outdoor recreation use; therefore, a Section 6(f) analysis is required.</td>
<td>Land and Water Conservation Fund Act of 1965 (16 USC § 460I-4 – 460I-11; 36 CFR Part 59)</td>
</tr>
<tr>
<td>Smart Growth</td>
<td>This section will evaluate consistency with the New York State Smart Growth Public Infrastructure Policy Act, established to maximize the social, economic, and environmental benefits from public infrastructure development by minimizing the impacts associated with unnecessary sprawl.*</td>
<td>New York State Smart Growth Public Infrastructure Policy Act (ECL Article 6)*</td>
</tr>
</tbody>
</table>

* Pursuant to applicable federal law (Interstate Commerce Commission Termination Act of 1995 (49 USC § 10501), the Federal Railway Safety Act of 1970 (49 USC § 20101 et seq.), federally regulated railroads operating in interstate commerce, including Norfolk Southern, are not subject to local and state laws that might otherwise apply. Norfolk Southern intends to voluntarily comply with local and state law where doing so does not compromise railroad operations.
7. **WHAT ARE THE COSTS AND SCHEDULE?**

The cost of Alternative 4 is estimated at $67.5 million. Construction of Alternative 4 would take place over approximately 27 months, with completion by the end of 2017. This schedule assumes that construction would occur over the entire year, although there may be times when inclement winter weather requires temporary shutdowns, which could lengthen the construction schedule.

8. **WHAT ARE THE OPPORTUNITIES FOR PUBLIC INVOLVEMENT AND AGENCY COORDINATION?**

Public participation is an integral part of the NEPA and SEQRA processes, as well as other parallel processes, including Section 106, Section 4(f), Section 6(f), and Executive Order 12898 (environmental justice) reviews. FHWA and NYSDOT have provided and will continue to provide opportunities for meaningful public and agency participation throughout the environmental review process for the Project. Public and agency comments received during the previous SEQRA DEIS process will be considered throughout the NEPA process, as appropriate.

To outline the process for engaging public and agency participation, FHWA and NYSDOT developed a Coordination Plan in accordance with the most recent federal transportation reauthorization law, Moving Ahead for Progress in the 21st Century (MAP-21), which carries forward the public involvement principles of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) of 2005. Public and agency involvement opportunities are summarized below.

8.1 **Coordination with Cooperating and Participating Agencies**

Agencies can be involved as lead, cooperating, and/or participating agencies, depending on their anticipated role.

- **Lead Agencies:** The responsibility of the lead agencies is to ensure compliance with applicable environmental review processes, such as NEPA or SEQRA. As stated above, FHWA and NYSDOT are the NEPA joint lead agencies and NYSDOT is the SEQRA lead agency for this Project.

- **Cooperating Agencies:** A Cooperating Agency, according to CEQ regulations (40 CFR § 1508.5), means any federal agency, other than a lead agency, that has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposed project or project alternative. A state or local agency of similar qualifications or—when the effects are in areas of interest for the purpose of Section 106 consultation under the National Historic Preservation Act with a federally recognized Indian tribe—a tribal government may, by agreement with the lead agencies, also become a Cooperating Agency. CEQ regulations also state (40 CFR § 1501.6) that an agency may request the lead agency to designate it as a Cooperating Agency. The following were invited to serve as Cooperating Agencies for the Project:
  - Advisory Council on Historic Preservation (ACHP);
  - U.S. Army Corps of Engineers (USACE);
  - U.S. Department of Interior (DOI);
  - U.S. Department of Interior, National Park Service (NPS);
  - U.S. Environmental Protection Agency (EPA);
  - U.S. Fish and Wildlife Service (USFWS);
  - New York State Department of Environmental Conservation (NYSDEC);
- New York State Office of Parks, Recreation, and Historic Preservation (OPRHP)
- State Historic Preservation Office (SHPO) at OPRHP; and
- Federal Railroad Administration (FRA).

FHWA and NYSDOT will have monthly meetings with Cooperating Agencies throughout the environmental review process to keep them informed of the Project’s progress and to solicit information that can assist in an expedited completion of the NEPA review.

- **Participating Agencies:** Participating Agencies are those federal, state, or local agencies or federally recognized tribal government organizations with an interest in the Project. The standard for Participating Agency status is more encompassing than the standard for Cooperating Agency status. Therefore, Cooperating Agencies are, by definition, Participating Agencies, but not all Participating Agencies are Cooperating Agencies. The following were invited to serve as Participating Agencies for the Project:
  - Surface Transportation Board;
  - Genesee Transportation Council;
  - Livingston County;
  - Wyoming County;
  - Town of Genesee Falls; and
  - Town of Portage.

FHWA and NYSDOT have apprised Participating Agencies of the availability of scoping materials and will continue to notify them of public meetings and other Project information, as appropriate.

### 8.2 Section 106 Coordination

Section 106 of the National Historic Preservation Act of 1966 (16 USC § 470A; 36 CFR Part 800) requires federal agencies to consider the effects of their undertakings on historic properties that are listed in or meet the eligibility criteria for listing in the National Register of Historic Places. Participants in the Section 106 consultation process include the State Historic Preservation Office (SHPO), Advisory Council on Historic Preservation, federally recognized Tribal Nations, other Consulting Parties, and the public. Individuals and organizations with a demonstrated interest in the Project may participate as Consulting Parties (subject to FHWA approval) due to the nature of their legal or economic relationship to the Project or affected historic properties, or their concern with the Project’s effects on historic properties. A Section 106 Consulting Parties meeting will be scheduled in the spring of 2014.

Consulting Parties will have an opportunity to review information on the identification of historic properties within the area of potential effects, to offer their views on the Project’s potential effects to historic properties, and to consult on measures to avoid, minimize, or mitigate any adverse effects.

The previous SEQRA DEIS included coordinated review with the SHPO related to potential effects on historic resources under Section 14.09 of the New York State Historic Preservation Act. Previous work efforts will be incorporated, as applicable, into the documentation prepared for the Project to meet the requirements of Section 106.

### 8.3 Section 4(f) Coordination

In accordance with 23 CFR § 774.5, FHWA must provide opportunities for coordination and comment to the official(s) with jurisdiction over any Section 4(f) resource that may be affected by the Project as well as to the DOI, and as appropriate, the Department of Agriculture and the
Department of Housing and Urban Development. Review of the Section 4(f) evaluation for this Project will include DOI, OPRHP, SHPO, and NYSDEC. As described above, potential effects on historic properties are being coordinated through Section 106 of the NHPA, which will be taken into consideration as part of the Section 4(f) evaluation.

8.4 Section 6(f) Coordination

The DOI, through the NPS, provides funding under the Land and Water Conservation Fund (LWCF) Act of 1965 for state and local efforts to plan, acquire, or develop land to advance outdoor recreational activities (16 USC § 4601-4). OPRHP serves as the New York State agency that administers LWCF funds received from DOI. When conversion of these properties to a non-recreational use is proposed, the action is subject to conditions of the LWCF Act (commonly referred to as Section 6(f)). 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 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.

8.5 Environmental Justice Coordination

Executive Order 12898 requires federal agencies to involve the public on Project issues related to human health and the environment. USDOT’s “Final Order on Environmental Justice” indicates that project sponsors should create public involvement opportunities to solicit input from affected minority and low-income populations in considering project alternatives.

An evaluation of Environmental Justice communities was prepared for the SEQRA DEIS and low-income communities were identified in the Town of Portage and the Town of Genesee Falls, the two towns that encompass the Project site in Livingston and Wyoming Counties, respectively. These communities were identified as Environmental Justice communities, but the SEQRA DEIS concluded that no disproportionate impact would occur to these communities. As part of the outreach efforts already undertaken for the SEQRA DEIS, local residents were informed about the Project and invited to public hearings on the Project. For the NEPA EIS, the local communities will continue to be included in the public outreach process, to ensure that they can participate meaningfully in review of the Project.

8.6 Additional Public Involvement Opportunities

FHWA, NYSDOT, and Norfolk Southern have engaged and will continue to engage members of the public through various meetings and other forums. Opportunities for public review have and will include the outreach efforts described below:

- **Public Meetings and Comment Periods.** The public was invited to provide written comments during a public comment period and to provide oral comments at a public scoping meeting held on November 19, 2013. The scoping comment period extended through December 19, 2013. In addition, a public comment period will be established for the NEPA DEIS. A public hearing will be held during the DEIS public comment period. Project documents will be made available on the Project website (see below), with paper copies at a number of locations near the Project site (such as municipal offices and libraries). Comments raised at the public hearing and during the DEIS comment period will be responded to, as appropriate, in a Final EIS (FEIS)/Record of Decision (ROD).

- **Citizens’ Advisory Committee.** NYSDOT and Norfolk Southern formed a Citizens’ Advisory Committee (CAC) in 2009 to provide information about the Project as planning and design progresses and to solicit comments from stakeholders, including involved and interested agencies and members of the public, to guide the Project’s development, in addition to
comments solicited during the SEQRA process. Approximately 200 individuals were invited to participate in the CAC, and 39 individuals chose to actively participate. These individuals represent federal, state, and local governmental agencies; business, community, and environmental groups and organizations; local land and business owners; elected officials; and area residents, including park patrons. NYSDOT and Norfolk Southern hosted two CAC meetings prior to completion of the SEQRA DEIS. Members of the CAC will be invited to all public meetings held for the NEPA phase of the Project.

- **Other Stakeholder Outreach.** During the course of the Project, NYSDOT, FHWA, and Norfolk Southern will continue to coordinate with various stakeholders to present Project information and to solicit comments and questions. This outreach will include meetings with federal, state, and local agencies, elected officials, and business and community groups.

- **Project Website.** A Project website (www.dot.ny.gov/portagevillebridge) has been established to provide information to the public about the Project. The website was established at initiation of the Project’s SEQRA review in 2008 and has been maintained since that time. The site has been and will continue to be updated regularly to include announcements of project meetings and access to Project documents (e.g., scoping documents and the EIS), which will be posted as they become available.

- **New York State Smart Growth Public Infrastructure Act.** The Smart Growth Act requires New York State infrastructure entities, including NYSDOT, to solicit input from and consult with various representatives of affected communities and organizations within those communities and to give consideration to the local and environmental interests affected by public infrastructure projects. The public outreach conducted and planned in accordance with NEPA and SEQRA, Section 106, and Section 4(f) will satisfy the public outreach requirements of the Smart Growth Act.

8.7 **Scoping Comments and Responses**
The public was invited to review Project information and provide comments during the NEPA scoping phase of the Project, which included a public scoping meeting held on November 19, 2013 in Mount Morris, New York. A total of 20 interested individuals or representatives of agencies or organizations signed in at the public scoping meeting, but no one provided oral comments at the meeting. A total of eight written submissions were received providing comments during the scoping comment period. Comments received during the NEPA scoping phase for the Project, and responses to those comments, are provided in Attachment A.

9. **CONTACT INFORMATION**
For further information about the Project, please visit the Project website (www.dot.ny.gov/portagevillebridge) or contact:

Michael S. Kowalczyk  
Area Engineer  
**Federal Highway Administration**  
New York Division  
Leo W. O’Brien Federal Building  
11A Clinton Avenue, Suite 719  
Albany, NY 12207  
518-431-8892  
Michael.Kowalczyk@dot.gov

Raymond F. Hessinger, P.E.  
Director, Freight & Passenger Rail Bureau  
**New York State Department of Transportation**  
50 Wolf Road POD 5-4  
Albany, NY 12232  
518-457-8075  
Raymond.Hessinger@dot.ny.gov
ATTACHMENT A
SCOPING COMMENTS AND RESPONSES
## Scoping Comments and Responses

<table>
<thead>
<tr>
<th>No.</th>
<th>Commenter</th>
<th>Category</th>
<th>Comment</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>P. Schery</td>
<td>Purpose and Need</td>
<td>A new, modern rail crossing is needed to preserve this important freight corridor.</td>
<td>Comment noted.</td>
</tr>
<tr>
<td>2</td>
<td>D. Pevsner</td>
<td>Alternatives</td>
<td>The existing Portageville Bridge is a spectacular railroad bridge in New York State. The existing bridge has been, and remains, the only way for Letchworth State Park visitors to stand right above the Genesee River falls. When the replacement bridge opens, the existing bridge would provide an excellent view of operating freight trains and the falls. Norfolk Southern should donate any costs associated with demolition of the existing bridge for its preservation instead. Further, OPRHP is the logical next owner of the bridge, and its upkeep will be easily supported by the revenues from the tourism that it will generate. If the existing bridge is demolished, it will be a historical and economic crime against the citizens of New York.</td>
<td>FHWA and NYSDOT have considered alternatives that would convey the existing bridge to a suitable owner, including OPRHP, for an alternative use. OPRHP has consistently indicated that it does not wish to take responsibility for the existing bridge, and no suitable owner for the bridge has been identified. Therefore, conveyance of the existing bridge to a new owner is not reasonable and is no longer under consideration.</td>
</tr>
<tr>
<td>3</td>
<td>P. Piraino</td>
<td>Alternatives</td>
<td>The old bridge should be maintained as a pedestrian walkway.</td>
<td>See the response to Comment 2 above.</td>
</tr>
<tr>
<td>4</td>
<td>M. Smith, Finger Lakes Railway Corporation</td>
<td>Process, Agency Coordination, and Public Participation</td>
<td>A new EIS seems like overkill given the clear need for the bridge replacement and the broad environmental benefits, beyond just the bridge itself, that are associated with this Project. Another EIS will delay this worthwhile Project and its positive environmental benefits as well as significantly increase costs. A quick approval of this Project is needed.</td>
<td>FHWA and NYSDOT have identified federal funds for construction of the Project. Receipt of these funds is dependent on compliance with the National Environmental Policy Act and FHWA’s environmental review procedures. Where possible, work completed for the SEQRA DEIS is incorporated into the NEPA document. FHWA and NYSDOT are coordinating to expedite the NEPA review of the Project.</td>
</tr>
<tr>
<td>5</td>
<td>G. Musumeci, U.S. Environmental Protection Agency</td>
<td>Environmental Effects</td>
<td>The new EIS should incorporate by reference all relevant sections of the SEQRA EIS as is reasonable while maintaining a cohesive NEPA document.</td>
<td>Comment noted. The EIS will be based on the previous analyses conducted for the SEQRA EIS where appropriate.</td>
</tr>
<tr>
<td>6</td>
<td>G. Musumeci, U.S. Environmental Protection Agency</td>
<td>Environmental Effects</td>
<td>Council on Environmental Quality (CEQ) guidance encourages federal agencies to include the concepts of pollution prevention in EISs during the alternatives analysis phase, mitigation development, and decision-making processes. EPA suggests that all pollution prevention and safety measures be discussed in the EIS. For example, all construction equipment used for the Project should, at a minimum, meet Tier 3 emissions standards or Tier 4 if available.</td>
<td>The EIS will identify pollution prevention measures for the construction and operation of the replacement bridge and for demolition of the existing bridge. As will be specified in the EIS, construction equipment would be equipped with air pollution control devices, where available and when not cost-prohibitive and unnecessary idling of trucks and equipment would be minimized. These requirements would be included as part of the specifications of the construction contract.</td>
</tr>
</tbody>
</table>
### Attachment A (Cont’d)

#### Scoping Comments and Responses

<table>
<thead>
<tr>
<th>No.</th>
<th>Commenter</th>
<th>Category</th>
<th>Comment</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>G. Musumeci, U.S. Environmental Protection Agency</td>
<td>Environmental Effects</td>
<td>The EIS should include any necessary wetlands, cultural resources, or other mitigation plans, including those that concern revegetation or land replacement.</td>
<td>The EIS will identify mitigation for the potential environmental impacts of the Project. These commitments may include potential permit conditions for the filling of a wetland; measures to mitigate adverse effects identified pursuant to Section 106 of the National Historic Preservation Act; replacement parkland; and a tree planting program.</td>
</tr>
<tr>
<td>8</td>
<td>G. Musumeci, U.S. Environmental Protection Agency</td>
<td>Environmental Effects</td>
<td>The EIS should include a comprehensive evaluation of cumulative, indirect, and secondary impacts of the Project. The cumulative impacts analysis should consider the environmental impacts of the Project, as a whole, and if any, as one of a number of other proposed and/or approved actions in the area that would have the potential to affect the same resources.</td>
<td>The EIS will include an analysis of indirect effects and cumulative impacts, prepared in accordance with CEQ guidance and FHWA and NYSDOT environmental review requirements.</td>
</tr>
<tr>
<td>9</td>
<td>National Marine Fisheries Services</td>
<td>Environmental Effects</td>
<td>NMFS has reviewed the Project limits and has not identified species under its jurisdiction within the Project limits.</td>
<td>Comment noted.</td>
</tr>
<tr>
<td>10</td>
<td>M. Lester, Army Corps of Engineers</td>
<td>Environmental Effects</td>
<td>The Genesee River is considered a navigable waterway in the area of the Project. Any work proposed in, over, or under this section of the river will require a USACE Section 10 permit. Any potential impacts to the Genesee River should be thoroughly addressed and evaluated in the EIS.</td>
<td>The EIS will identify all necessary permits for construction of the Project. The EIS will address the potential environmental effects of construction activities in, over, or under the Genesee River, including activities associated with demolition activities.</td>
</tr>
<tr>
<td>11</td>
<td>M. Lester, Army Corps of Engineers</td>
<td>Environmental Effects</td>
<td>The Genesee River at the Project Site is designated a Study River under the National Wild and Scenic River Act. Any correspondence with the National Park Service should be included in the DEIS.</td>
<td>The National Park Service is serving as a Cooperating Agency for the NEPA review of the Project. Any correspondence with the National Park Service will be provided in an EIS appendix.</td>
</tr>
<tr>
<td>12</td>
<td>M. Lester, Army Corps of Engineers</td>
<td>Environmental Effects</td>
<td>In a letter dated June 22, 2011, USACE issued a Preliminary Jurisdictional Determination for a small wetland within the vicinity of the existing bridge. Any impacts to waters and wetland within the boundaries of this Preliminary Jurisdiction Determination should be addressed and evaluated in the EIS.</td>
<td>The EIS will fully document potential effects to waters and wetlands within the USACE’s Preliminary Jurisdiction Determination.</td>
</tr>
<tr>
<td>13</td>
<td>M. Lester, Army Corps of Engineers</td>
<td>Environmental Effects</td>
<td>If the Project limits have changed since issuance of the Preliminary Jurisdiction Determination, the EIS must address potential impacts to waters and wetlands within these areas.</td>
<td>The Project limits have not changed since USACE issued its Preliminary Jurisdictional Determination.</td>
</tr>
<tr>
<td>No.</td>
<td>Commenter</td>
<td>Category</td>
<td>Comment</td>
<td>Response</td>
</tr>
<tr>
<td>-----</td>
<td>-----------</td>
<td>---------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>14</td>
<td>M. Lester, Army Corps of Engineers</td>
<td>Environmental Effects</td>
<td>Any fill proposed within waters or wetlands will require a USACE permit under Section 404 of the Clean Water Act and a corresponding Section 401 Water Quality Certification. The evaluation of impacts to wetlands should include direct, indirect, cumulative, and secondary impacts.</td>
<td>The EIS will identify all necessary permits and approvals for the Project. It is anticipated that a Section 404 permit and corresponding Section 401 Water Quality Certification will be needed for the Project. Impacts to wetlands will be evaluated in a manner consistent with all applicable regulations.</td>
</tr>
<tr>
<td>15</td>
<td>M. Lester, Army Corps of Engineers</td>
<td>Environmental Effects</td>
<td>The EIS should include information regarding field investigation and consultations with the U.S. Fish and Wildlife Service (USFWS) and the New York Natural Heritage Program regarding potential impacts to terrestrial and aquatic wildlife in the area and potential impacts to threatened or endangered species listed under the Endangered Species Act. An evaluation of potential impacts to the proposed endangered northern long-eared bat (Myotis septentrionalis) should also be included.</td>
<td>The EIS will include an evaluation of potential impacts to terrestrial and aquatic wildlife, including threatened and endangered species. FHWA and NYSDOT have coordinated with USFWS and the New York State Natural Heritage Program to identify threatened and endangered species in the project area. The EIS will document all identified species, potential impacts of the project on these species, and measures to avoid or minimize these impacts. An evaluation of the northern long-eared bat will be undertaken in consultation with USFWS.</td>
</tr>
<tr>
<td>16</td>
<td>M. Lester, Army Corps of Engineers</td>
<td>Environmental Effects</td>
<td>The EIS should document potential impacts on archaeological resources and historic sites. The EIS should also document any consultation with the State Historic Preservation Officer and outreach and consultation with Native American tribes that is undertaken pursuant to the National Historic Preservation Act.</td>
<td>FHWA has initiated review of the Project pursuant to Section 106 of the National Historic Preservation Act. The EIS will document any adverse effects of the Project and measures identified to mitigate these adverse effects. The EIS will also include a description of consultation efforts under Section 106.</td>
</tr>
<tr>
<td>17</td>
<td>E. Howe, Clerk and S. Howe, Highway Superintendent, Town of Portage</td>
<td>Environmental Effects</td>
<td>The Town of Portage insists that roads near the bridge be properly maintained during construction and left either in the current condition or better when construction is complete. Dust from construction traffic using these roads should also be minimized.</td>
<td>Norfolk Southern is committed to maintaining the access roads during construction and will ensure that any damage from construction of the Project is corrected. The EIS will also commit to dust control measures.</td>
</tr>
</tbody>
</table>