Appendix B
Comments on the Portageville Bridge Project’s Draft Scope
Reference 1

Chuck Flansburg
Dear Sir(s),

I have read the story this past weekend in the Hornell Evening Tribune Online regarding the fate of the Portageville Railroad Bridge at Letchworth State Park, New York. Although I am currently in the Navy, I grew up in Hornell, NY. The old iron bridge at Letchworth has always been a favorite place to visit at the park. The bridge itself is iconic of the history of not only the park, but part of the railroading history in western New York State. I have also read up on the scoping documents that are available on the NYSDOT website. I write this letter as input to the public forum slated for October 1st at Mount Morris Visitor Center, since I cannot attend in person. I really wish I could attend though.

My point of view is that a new railroad bridge should be built to carry rail traffic. The old bridge can then be turned over to the state as a historic landmark. I have attached to this e-mail a graphic rendering of what I think should be done in regards to the design and location of a new bridge in relation to the old bridge. I am not sure of all the plans that are on the drawing boards at this time. I know that any other alternative for the rerouting of rail traffic or doing nothing will cost more in the long run. The construction of a new bridge is probably the more cost effective, long term solution. Federal funding could be obtained to aid in the construction of a new bridge.

I will now describe some of the specifics of my ideas. The ideal location for the new bridge is south of the old iron bridge. I think that the new railroad bridge should be a steel-reinforced concrete or steel beam arch for the main span and approach spans. The main span should be a straight line while the approach spans slightly curve from the approach embankments at the top of the gorge. I like the arch idea, because it does not impede the flow of the river, even at storm flood stage. The arch also provides a modern, yet beautifying style to the landscape.

Supports for the bridge involve two steel-reinforced concrete tower piers that rise up from the gorge. The west tower pier should be profiled into the gorge's western wall. The footing of the tower should be trapezoidal or hexagonal, and set below the rubble at the floor of the gorge. The rubble removed for construction, then can be replaced along or over the west tower pier footing to naturalize the look of the base of the gorge wall, as well as provide scour protection. The east tower pier, also with a trapezoidal or hexagonal footing, can be set into the gorge floor east of the old canal/towpath, east side of the river. Some of the rubble from the excavation and profiling for the west tower pier can be used for scour protection at the base of the east tower pier. The approach abutments are of steel-reinforced concrete, and set into the top of the gorge walls. Upon completion, the footprint and operation of the new bridge should have a minimal impact on the environment.

The new railroad can be fanned off from the approaches to the old bridge. Then, the fence line can be extended 50 to 100 feet or yards north into the adjacent tree line, perpendicular to the rail right of way. The rail bed on the new bridge can be adjusted to accommodate higher train speeds with the curvature of the approach spans. The deck of the new bridge can also be designed with a service catwalk on the northern edge of the bridge. Additional fencing and deck design can be installed as to prevent BASE and bungee jumping, both stunts that arch bridges attract.

As for the old iron bridge, here is my idea. Once the new railroad span is completed, the old span can be turned over to the state as a tourist attraction and historic landmark. Currently, the old bridge is off limits because it is a railroad right of way. The iron bridge can be modified to accommodate pedestrian and bicycle traffic. A security fence at least 12 feet tall along both sides of the span can allow the iron bridge to provide an awesome vantage point for tourists to view the Letchworth Park gorge. The State of New York, through the park service, can allow tourist access to the bridge with the implementation of daily fees or passes. For example - $2 per person; $5 per family up to four people; $10 per season/camping pass. Toll collection points can be established at both ends of the bridge. The accumulation of access fees to the iron bridge, along with private donations, can be used to help offset the cost of maintenance and upkeep. The only possible environmental impact of the old iron bridge, other than current known effects, would be pollution potential of dust and rust during any maintenance, preservation, and painting.

In summary, this has been my input of ideas for the Portageville Railroad Bridge at Letchworth.
State park, New York. Whatever aspects of proposals to resolve the issue at hand of dealing with the old iron bridge, I hope a replacement for it can move forward. I hope the attached graphic also demonstrates the passionate interest that I have to contribute to this cause. Perhaps, federal funding can be obtained to help pay for the new bridge. Anyhow, I wish the best for the progression of the project.

Sincerely,

Chuck Flansburg
1541 Nelms Ave
Norfolk, VA 23502
bull-rat@hotmail.com
(H) 757-855-7072
(C) 757-284-2520

Want to do more with Windows Live? Learn "10 hidden secrets" from Jamie.
entry?ocid=TXT_TAGLM_WL_domore_092008
Sir(s),

I greatly appreciate your reception of my previous input in regards to the situation with the Portageville railroad bridge. At this time, I wish to offer additional graphic input. I have used the powerpoint and picture attachments here to give some perspectives visions of my ideas previously submitted. I hope that these may be of some use in planning a replacement for the old iron bridge. Please let me know how these turn out for you. Thanks!

v/r

Chuck Flansburg
1541 Nelms Ave
Norfolk, VA 23502

See how Windows Mobile brings your life together—at home, work, or on the go.
http://clk.atdmt.com/MRT/go/msnnkwxp1020093182mrt/direct/01/
Portageville Railroad Bridge at Letchworth State Park
Replacement Idea

By Chuck Flansburg
U.S. Navy, Norfolk, VA
The old iron bridge uses the same footprint as the previous wooden trestle.
View from the South of the Span, Looking North
Note – West Tower Pier Profile into Gorge Wall, Recapped with rubble.
Reference 2

Gail Rogers
Oct 8, 2008

Norfolk Southern Corporation
Raymond Hessinger PE
NY DOT
50 Wolfe Rd Mail Pod 5-4
Albany, NY 12232

Dear Gentlemen,

After reading the 16-page scoping document and attending your informational meeting on Oct 1st 2008, I will proceed with a few comments.

1st Is the park in agreement with another bridge adjacent to the existing one? This is a question that needs to be answered.

2nd Are you going to have another meeting to inform the landowners what is going on?

3rd I am sure without a doubt that Governor Patterson would give the Norfolk Southern Corporation great praise for spending $35 million as opposed to over $100 million for an alternative route.

4th If the bridge is located outside of the park as I saw in your second draft, the impact on the environment would be severe, not to mention the significant Native American areas you would encounter. Years ago there were tribal villages in this area.

5th Time is money as you reported and if you do the alternate route outside the park...
it's going to take more time to move the goods.

2. The Portageville high bridge is included on
the National and State preservation listing. If
76 built another bridge next to the existing one
look at how much notoriety the NS corporation
would afford.

76 If the existing bridge was turned over to
the park and NS built a new one people
would not be trespassing but enjoying
the walkway. This would as you said
enhance the recreational activities in
the park.

I would appreciate hearing from you
and please keep me abreast of what is
going on.

Thank you for taking the time to read
my comments.

Sincerely,

Gail Rogers
Postmaster of Portageville
Owner of Bottle Tree Bed and Breakfast
6612 St Rt 19A
Portageville NY 14536
SCOPING UPDATE COMMENT FORM
PORTAGEVILLE BRIDGE REPLACEMENT PROJECT

You are invited to comment on the Portageville Bridge Replacement Project, and the Scoping Document. Scoping is the process that identifies relevant environmental effects of an action that must be addressed in a Draft Environmental Impact Statement.

Name: ________________________________
Address: ________________________________
Email: ________________________________

☐ Please add my name to the Portageville Bridge Replacement Project Mailing List.

Comments can be submitted in writing until October 17, 2008 to:
Mr. Raymond Hessinger, P.E.
NYSDOT
50 Wolf Road, Mail Pod 5-4
Albany, New York 12232
Reference 3
Michael Rogers
SCOPING UPDATE COMMENT FORM
PORTAGEVILLE BRIDGE REPLACEMENT PROJECT

You are invited to comment on the Portageville Bridge Replacement Project, and the Scoping Document. Scoping is the process that identifies relevant environmental effects of an action that must be addressed in a Draft Environmental Impact Statement.

I am writing to voice my concerns about what is going to happen with this bridge project. My family has owned and operated the boat dock farm which sits between 1941 and the existing park. My concern is that our land will be altered in some way. We want to preserve our land for the future generations in our family who have not yet been able to enjoy nature.

We sincerely hope the state does not intend to move ahead with any of the suggested plans that would detract from our Highland on this farm.

Name: Michael Rogers
Address: 6417 East 1941
Email: Portageville, NY 14336

☐ Please add my name to the Portageville Bridge Replacement Project Mailing List.

Comments can be submitted in writing until October 17, 2008 to:
Mr. Raymond Hessinger, P.E.
NYSDOT
50 Wolf Road, Mail Pod 5-4
Albany, New York 12232
Reference 4

Donna Brown
Mr. Krupitza,

I would like a copy of anything you have on the Bridge problem in Letchworth.

But I feel the bridge should be kept in the park if at all possible. The bridge has always been there. It doesn't seem right not to see it when you drive through the park. I have lived here all my life and would really want it to stay in the park.

Sincerely,

Donald Brown
11554 Rte 19A
Portageville
N.Y. 14536

RECEIVED
OCT 14 2006
Freight Bureau
Reference 5
David W. Parish, President
Livingston County Historical Society
Sept 16, 2008

Regarding the Portage Viaduct proposal, I will attend the Oct. 1 meeting, 3-7 p.m., representing the Livingston County Historical Society, 30 Center St., Geneseo, N.Y. 14454. If it is possible, a mailing of advance materials would be useful.

Dand W. Penish
President
L.C.H.S.

RECEIVED
SEP 18 2008
Freight Bureau
Reference 6
Richard W. Svenson, Director
Division of Environmental Health Protection
October 16, 2008

Mr. Joe Krupitza  
New York State Department of Transportation  
Freight Bureau  
50 Wolf Road, Pod 5-4  
Albany, NY 12232

RE: DOT Scoping Document:  
Portageville Bridge Project  
Town of Portage, Livingston County  
Town of Genesee Falls, Wyoming County

Dear Mr. Krupitza:

Per Mr. Raymond Hessinger’s September 11, 2008, transmittal letter, we received the Scoping Document for the proposed Portageville Bridge Project, in the Town of Portage, Livingston County and the Town of Genesee Falls, Wyoming County. Regional staff reviewed the Scoping Document and also contacted both the Livingston and Wyoming County Health Departments about the proposed project and we do not have any comments or objections. The Wyoming County Health Department would like to be included as an involved/interested party for this project, and it would be greatly appreciated if you could also do the same for the Livingston County Department of Health.

Please be advised that Dr. Howard Freed is the new Director for the Center for Environmental Health and future reports may be directed to his attention. If you have any questions or need contact information for the Wyoming County and Livingston County Health Departments, please contact Claudine Jones Rafferty at (518) 402-7510.

Sincerely,

Richard W. Svenson, P.E., Director  
Division of Environmental Health Protection

cc:  
Dr. Freed  
Mr. Bills/Ms. Jones Rafferty  
Drs. Carlson/Salame-Alfie  
Drs. Horn/Grey  
Mr. Van Houten  
Ms. J Ellison/Mr. J. Mazurowski, Livingston County Health Department  
Dr. G. Collins/Mr. S. Perkins, Wyoming County Health Department

RECEIVED  
OCT 20 2008  
Freight Bureau

N:\dehp\CLAUDINE\Division\LWRP_and_DOT_Reviews\DOT_Reviews\WRO\DOT_Comment_Letter_Portageville Bridge Project
Reference 7
Bill Greene
You are invited to comment on the Portageville Bridge Replacement Project, and the Scoping Document. Scoping is the process that identifies relevant environmental effects of an action that must be addressed in a Draft Environmental Impact Statement.

SCOPING UPDATE COMMENT FORM
PORTAGEVILLE BRIDGE REPLACEMENT PROJECT

Name: Bill Greene  
Address: 20 Willots Ave.  
Email:  

Comments can be submitted in writing until October 17, 2008 to:  
Mr. Raymond Hessinger, P.E.  
NYSDOT  
50 Wolf Road, Mail Pod 5-4  
Albany, New York 12232

[ ] Please add my name to the Portageville Bridge Replacement Project Mailing List.
Reference 8

Chet McGhee

US Department of the Interior, Bureau of Indian Affairs
From: Joseph Krupitza  
To: Chester.McGhee@bia.gov  
CC: Hessinger, Raymond; Madden, John  
Date: 9/23/2008 10:23 AM  
Subject: Re: Norfolk Southern Railway, Portageville Bridge

Dear Mr. McGhee:

Thanks for your reply and encouraging suggestions.

In our public outreach efforts, NYSDOT has mailed a letter and scoping packet to Mr. Maurice John of the Seneca Indian Nation encouraging participation.

Sincerely,

Joe Krupitza

Mr. Krupitza
Our office received your request for comments on the rehabilitation or replacement of the Norfolk Southern Railway’s Portage Viaduct as part of the State’s Environmental Quality Review Act. While there are currently no federally recognized tribes located in Wyoming County, we encourage your office to consult with the Seneca Nation of Indians based on the tribe’s aboriginal connection with that region of New York.

Should you have questions or need additional information, please don’t hesitate to contact me.

Chet McGhee  
Environmental Protection Specialist  
U.S. Department of the Interior  
Bureau of Indian Affairs  
Eastern Regional Office  
Nashville, TN  
Phone: 615.564.6834  
Fax: 615.564.6571

Joseph R. Krupitza  
Civil Engineer 1  
NYSDOT  
Freight Bureau  
50 Wolf Road - Mail Pod 5-4  
Albany, NY 12232  
Phone: (518) 485-0105  
Fax: (518) 457-3183
Reference 9

US Department of the Interior, Fish and Wildlife Service
United States Department of the Interior

FISH AND WILDLIFE SERVICE

New York Field Office
3817 Luver Road
Cortland, NY 13045
Phone: (607) 753-9334 Fax: (607) 753-9699
http://www.fws.gov/northeast/nyfo

To: Raymond Hessinger

Date: Sep 23, 2008

USFW File No: 80733

Regarding your: ☑ Letter ☐ FAX ☐ Email

Dated: September 11, 2008

For project: Replacement or rehabilitation of the Portageville Bridge, PIN 4935.79.301

Located: Over the Genesee River on the Southern Tier rail line at MP SR 361.66

In Town/County: Towns of Portage and Genesee Falls / Livingston and Wyoming Counties, respectively


Acknowledges receipt of your "no effect" and/or no impact determination. No further ESA coordination or consultation is required.

Acknowledges receipt of your determination. Please provide a copy of your determination and supporting materials to any involved Federal agency for their final ESA determination.

☑ Is taking no action pursuant to ESA or any other legislation at this time but would like to be kept informed of project developments.

As a reminder, until the proposed project is complete, we recommend that you check our website (http://www.fws.gov/northeast/nyfo/es/section7.htm) every 90 days from the date of this letter to ensure that listed species presence/absence information for the proposed project area is current. Should project plans change or if additional information on listed or proposed species or critical habitat becomes available, this determination may be reconsidered.

USFWS Contact(s):

Supervisor: ___________________________ Date: 09-24-2008

TOTAL P. 01
You are invited to comment on the Portageville Bridge Replacement Project, and the Scoping Document. Scoping is the process that identifies relevant environmental effects of an action that must be addressed in a Draft Environmental Impact Statement.

I WAS IN ATTENDANCE AT THE OCT. 1ST VTS. — VERY INFORMATIVE. I HAD ALREADY READ THE INFORMATION SENT TO MY BROTHER. 2 MOST IMPORTANT ITEMS — * CONTINUE YOUR SCOPING PLAN. * KEEP PROPERTY OWNERS IN THE LOOP.

NO QUESTION A NEW BRIDGE IS NEEDED.

Name: Kate Kingsley
Address: 21 Oak St., Geneva, N.Y. 14454
Email: katepl@frontier.net

☐ Please add my name to the Portageville Bridge Replacement Project Mailing List.

Comments can be submitted in writing until October 17, 2008 to:
Mr. Raymond Hessinger, P.E.
NYSDOT
50 Wolf Road, Mail Pod 5-4
Albany, New York 12232
Reference 11
Edward Hamilton
You are invited to comment on the Portageville Bridge Replacement Project, and the Scoping Document. Scoping is the process that identifies relevant environmental effects of an action that must be addressed in a Draft Environmental Impact Statement.

Comments can be submitted in writing until October 17, 2008 to:
Mr. Raymond Hessinger, P.E.
NYSDOT
50 Wolf Road, Mail Pod 5-4
Albany, New York 12232

☑ Please add my name to the Portageville Bridge Replacement Project Mailing List.
Reference 12
Irene Szabo, Acting Trail Chair
Finger Lakes Trail Conference
10 October 08

Raymond Hessinger, P.E.
NYSDOT
50 Wolf Road, Mail Pod 5-4
Albany NY 12232

Scoping Document Comment:

On behalf of the Finger Lakes Trail Conference and the North Country National Scenic Trail:

There is a heavily-used long distance trail system which will be affected by any of these alternatives, where both the Letchworth Branch of the Finger Lakes Trail AND the Genesee Valley Greenway follow the abandoned railbed of the Pennsylvania RR branch to Rochester, laid upon the previous towpath of the Genesee Valley Canal. Within the park, this trail passes under the current high bridge, parallel to the east bank of the river, just above river level, continues through Portageville village on a few blocks' worth of streets, then rejoins the railbed just past the crossroads where NY 436 turns east after crossing the river. The trail continues along the old canal prism, now on the west side of the river, to "Whiskey Bridge," the next bridge over the Genesee River, roughly a mile south of the village, and continues south parallel to NY 19A. South of Whiskey Bridge the route is ALSO part of the 4600-mile North Country National Scenic Trail.

Therefore any of the proposed alternatives will involve construction, presumably, above a popular trail in one spot or the other, so the question of whether the trail will be closed temporarily, or safety barriers built above the trail (like snowsheds over railroads in the Sierras?) will have to be addressed. Naturally none of us interested in this trail wants to see it closed, especially since long-distance hikers do use this trail system.

Public safety plus historic preservation along this canal corridor will therefore remain a consideration for each alternative.

And one small consideration from me personally for construction of any safety fencing, whether during construction or on the existing bridge should the park accept it as a pedestrian feature: please remember to include small framed cut-outs within mesh for photographers!

Irene Szabo, Acting Trail Chair, FLTC
6939 Creek Rd
Mt. Morris NY 14510
585/658-4321
treeweenies@aol.com

www.fingerlakestrail.org
Reference 13
Sharon Donovan
From: Joseph Krupitza
To: Donovan, Sharon
CC: Hessinger, Raymond; Madden, John
Date: 10/15/2008 9:17 AM
Subject: Re: Portageville Bridge Project

Good Morning:

Thanks for your comments on the scoping phase of the project. Your name will be added to the mailing list.

If you would like to visit the NYS DOT website regarding the project, please visit:

https://www.nysdot.gov/divisions/operating/opdm/passenger-rail

If you scroll down the webpage, there are links to various items pertinent to the project.

Thanks for your time and consideration.

Joe Krupitza

>>> "Sharon Donovan" <wpdskd@gmail.com> 10/15/2008 9:00 AM >>>
I just recently was informed of the plans for the Portageville Bridge Project. In fact it has been since the public meeting at the Mt. Morris Dam. I hope I am not too late in expressing my concerns for the relocation of a bridge outside the Park. Being a semi-resident of the town of Portageville for 67 years, I can assure you that the proposed railroad bed and accompanying bridges are definitely not in the interest of the community nor the environment. For one thing, there are many cemeteries along this route that would have to be moved. There are natural wetlands that would be destroyed. The Green Way would be disrupted, and much wildlife would be impacted. Please add my name and address to the Portageville Bridge Replacement Project Mailing List. Thank you,

Sharon Donovan
56 W. Cherbourg Dr.
Cheektowaga, N.Y., 14227

Joseph R. Krupitza
Civil Engineer 1
NYS DOT
Freight Bureau
50 Wolf Road - Mail Pod 5-4
Albany, NY 12232
Phone: (518) 485-0105
Fax: (518) 457-3183
Reference 14
Dawn Terziani
SCOPING UPDATE COMMENT FORM
PORTAGEVILLE BRIDGE REPLACEMENT PROJECT

You are invited to comment on the Portageville Bridge Replacement Project, and the Scoping Document. Scoping is the process that identifies relevant environmental effects of an action that must be addressed in a Draft Environmental Impact Statement.

Please see attached

Name: DAWN (VINTAGE) TERZIAN
Address: 6712 Rte. 19A Portageville, NY 14536
Email: dawnsherridan@peoplepc.com

☐ Please add my name to the Portageville Bridge Replacement Project Mailing List.

Comments can be submitted in writing until October 17, 2008 to:
Mr. Raymond Hessinger, P.E.
NYSDOT
50 Wolf Road, Mail Pod 5-4
Albany, New York 12232

RECEIVED
DEC 08 2008
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Dear Mr. Hessinger:

I am writing on behalf of my husband and myself to address our concerns regarding the potential environmental impacts of the options proposed in your Portageville Bridge Replacement Project.

Our main concerns would be regarding the option 7 which moves the bridge outside the park and essentially through our property. Obviously we would oppose this option for the obvious reasons involving devaluing our property which we purchased in September 2001.

Our intent in purchasing 50 miles from the city of Rochester was to live outside the city in the countryside where we could avoid pollutants and enjoy living in close proximity to Letchworth park; a park my husband and I both enjoyed the beauty of since our youth, having both been raised in the suburbs of Rochester. During our many excursions in childhood and as adults, never once did we think that the railroad bridge was ugly or should be removed. Instead, it adds to the historical interest and I often wondered at the structure and wished to ride over the top or view the high falls from that perspective.

For this reason both my husband and myself favor the option 4 which builds a new bridge for Railroad use next to the existing, and gives the old bridge to the park for pedestrian and park use. I would love to see a viable option that joins trails on both side of the park.

But as to environmental concerns of the impact of option 7 there are many things you will need to consider besides the unhappy few families that would have their quiet country home turned into a major commercial railroad route. Our property at 6712 Route 19A has the railway crossing at a diagonal behind our home on both our 10 acre plot and the surrounding Ayer's productive agricultural plots. Here are the concerns we would like addressed in regards to our property and our immediate neighbors:

1. Noise level (a.m and p.m.), speed of the trains, pollution of the immediate environment,
2. Potential hazardous effects of the loads carried by the railroad in accidents
3. Historical - both ours and our neighbor's home are 150+ year old homes and gambrel barn of historical significance
4. Neighbors B&B Bottle Tree Farm business, our potential bus, registered as Dawn's Herbs & Odd Inspirations, Ayer's current farm land used for agriculture
   a. several herb species grown on land including endangered Echinacea Tennesseensis used for medicinal purposes, Gingko trees, and I have planted hazelnut trees as a part of the Arbor Foundation hazlenut project, morrel mushrooms in may
   b. Existing agricultural use - we rent land to and surrounding land owned by Ayers considered prime agricultural use, potato crops, beans, corn and oatstraw. Land access would be cut in half with access impeded to some parts
5. Underground springs and possible interference with our streams and our source of well water due to weight, construction and pollution
6. Housing of thoroughbred rescue horse, land access for exercise would be cut off
7. Native American artifacts/arrowheads found on land regularly
8. Would be killing a lot of deer, crosses regular migration route into and from park pheasant and wild turkey habitat
9. Road crossing for school bus and already dangerous speed 55 mph road with dangerous curve, plus regular route for many semis some carrying hazardous loads or oversize loads
10. Loss of potential development of land for natural gas

In conclusion, the park has housed the crossing for years and drawn many visitors in spite of its presence. There is no reason to believe that moving it off park grounds will justify ruining surrounding land owners property at a significantly higher cost to tax payers.

Thank you for including us in on any and all meetings that affect these issues.

The Terziani's

Vincent & Dawn Terziani
6712 Route 19A
Portageville, NY 14536
ACRES 0.44

OWNER_NAME_Teziani, Vincent A. Jr.

STREET_ADDR 6712 R: 19A
Reference 15
Robin Dropkin, Executive Director
Parks and Trails New York
Mr. Krupitz,

Thank you for inviting us to comment on Norfolk Southern Railway's Portage Viaduct rehabilitation/replacement project. Attached are our comments. We look forward to participating as an interested party.

Fran Gotcsik
Director of Programs and Policy

Parks & Trails
NEW YORK

29 Elk Street, Albany, NY 12207, www.pny.org

p: 516-434-1583, f: 516-427-0067

Join Parks & Trails New York's e-mail
list to receive E-News and periodic alerts
October 16, 2008

Mr. Joseph Krupitza
NYS DOT
Freight Bureau
50 Wolf Road, Pod 5-4
Albany, NY 12232

Re: PIN 4935.79.301
Norfolk Southern Railway, Portage Viaduct

Dear Mr. Krupitza:

Thank you for the opportunity to comment on PIN 4935.79.301, rehabilitation or replacement of the Norfolk Southern Railway, Portage Viaduct. Parks & Trails New York wishes to be considered as an interested agency in this project.

Founded in 1985, Parks & Trails New York is a statewide not-for-profit membership organization dedicated to enhancing the health and quality of life of New Yorkers through the use and enjoyment of a growing network of parks, pedestrian and bicycle trails, greenways, and heritage corridors throughout the state. Our interest in this project stems not only from our commitment to protect and revitalize our magnificent state parks such as Letchworth, but also from our experience with two trail systems that are located in the park and which would be directly affected by this project, the Letchworth Branch of the Finger Lakes Trail and the 90-mile Genesee Valley Greenway.

We have reviewed the background information, goals and objectives, and Preliminary List of Alternatives presented in the Scoping Document for the Portageville Bridge, also known as the High Bridge, and have the following comments:

- Impact on aesthetic resources – visual impact
  For many, both today and in generations past, the view of the High Bridge spanning the gorge is the image that is emblematic of Letchworth State Park. In the late 1800s, the High Bridge was the terminus for Pennsylvania Railroad excursion trains that brought day trippers from Rochester to spend the day at the bridge picnicking and enjoying the river and gorge. Still today the High Bridge is the cover photo for the 2008 Letchworth State Park Vacation Guide and the Perry Area Chamber of Commerce and Livingston County Tourism websites represent
the park with photos of the bridge.

Issues to address in the Environmental Impact Statement (EIS):

- The EIS should ensure that the design of any other bridge added to the view shed will complement, not comprise, the view of the High Bridge and its natural surroundings.
- A preliminary design for any new bridge should be included in the EIS.
- Exact location of any new bridge should be detailed in the EIS. The materials presented did not identify the location for the new bridge making it difficult for us to fully comment on its impact.

- Impact on historic and archaeological resources
Since it is a contributing element to the Letchworth State Park National and State Register listings, erection of a new bridge in close proximity to the High Bridge would seriously compromise the integrity of this important historic resource. As noted above, any design for a new bridge must be executed to minimize impacts on the historic High Bridge. Because it would destroy a structure of great importance to the landscape and history of the park, as well as the transportation history of the region, we do not support the High Bridge’s destruction as part of this project.

Issues to address in the Environmental Impact Statement:

- The EIS should detail maintenance costs for the existing High Bridge if it were to be used only by pedestrians, not 286,000-pound freight trains.
- The EIS should include the full cost of removal of the bridge by the railroad. Instead of expending these monies to destroy the bridge, we recommend that the money instead be set aside as an endowment or maintenance fund that can be used by the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) to support maintenance and operation of the bridge as a pedestrian walkway.

- Impact on open space and recreation
The Scoping Document rightly notes that because of its location the project may present short and long-term impacts to availability and enjoyment of land within the park. It also states that “the project also provides an opportunity to enhance the recreational activities within Letchworth Park” and mentions the “opportunity to create a pedestrian bridge crossing connecting trails on either side of the Genesee River. However, the Scoping Document does not specifically note the existence of two major long-distance trails that traverse the east side of the park along the former Genesee Valley Canal and Pennsylvania Railroad corridor, the Finger Lakes Trail and Genesee Valley Greenway. These trails are located directly under the High Bridge and would be impacted by any construction and demolition activities.
Issues to address in the Environmental Impact Statement:

> The EIS should address the issue of alienation of park land that would occur with construction of a new bridge parallel to the High Bridge. PTNY opposes park alienation that results in a net loss in the amount of parkland, aesthetic value or recreational opportunities for the same population that is served by the affected parkland. Furthermore, PTNY supports due consideration of a net gain in parkland or recreational opportunities as mitigation for the alienation.

> The EIS should detail the full extent of compensation that will be provided to OPRHP as a result of impacts to the land and disruption of activities, temporarily or permanently, within the park.

> The EIS should provide compensation to the Finger Lakes Trail Conference and Genesee Valley Greenway Partners in terms of trail improvements or other considerations for the impact of the project on the Finger Lakes Trail and Genesee Valley Greenway. For example, the railroad could provide funds to NYSOPRHP to acquire an easement on adjoining private property that would help create a more stable Genesee Valley Greenway and Finger Lakes Trail between the High Bridge and Route 436 in Portageville.

> The EIS should state specifically what will be done to additionally “enhance the recreational activities” in the park.

> The EIS should provide details on the location and design of any new proposed pedestrian bridge. A pedestrian trail bridge at near river level, however, can never take the place of the view that could be gained from the High Bridge 245 feet above the gorge. We strongly encourage the railroad and OPRHP to fully investigate the costs of maintaining the High Bridge for pedestrian use so that at last the public can legitimately and safely have the magnificent views of the Genesee River gorge that they have sought for years.

Without a doubt, the operational constraints and maintenance costs imposed on Norfolk Southern by the present 133-year old bridge must be addressed to ensure the railroad’s profitability and competitiveness. However, all solutions must be undertaken with keen attention to the visual, historic and recreational impacts and the integral role that the High Bridge plays in the public’s definition of what is Letchworth State Park. We look forward to participating in the environmental review process.

Sincerely,

Robin Dropkin
Executive Director
Reference 16
Bert and Patty Therrien
From: Patty therrien <abbethany@yahoo.com>
To: <jkrupitza@dot.state.ny.us>
Date: 10/18/2008 2:11 PM
Subject: Portageville High Bridge Scoping Document comments

Dear Mr. Krupitza:

My name is Patricia Therrien. My husband Bert and I own and have resided at property adjacent to the rail line that passes over the "High Bridge" for the last 15 years (198 Portageville Rd.). We recently attended the public scoping meeting held October 1st at the Letchworth State Park Visitor Center in Mt. Morris. We very much appreciated the opportunity to view the alternate plans, and ask questions of and speak to representatives from the various agencies. We found all our discussions with them to be very helpful and informative. They encouraged us to submit any questions or concerns we may have regarding the project to you.

We have two concerns, the first of which relates to Norfolk & Southern's goal of attaining speeds of 60 miles per hour across either a newly constructed bridge, or the rehabilitated existing bridge. Of course we moved into our home fully aware that our proximity to the railroad would mean we would need to become accustomed to the noise and rumbling that accompanies the passing of a train, but speeds have historically been 35 mph at most, and more recently around 10 mph given problems with the integrity of the existing structure. In talking with members of the NYS DOT they assured us that the most important goal is to increase the weight-bearing capacity of the bridge so that maximum loads may be carried on this rail line in keeping with the rest of the rail system. They characterized the possibility of following a new alignment through the park that would eliminate the sharp curve on the west side of the river as highly unlikely, and eliminating this curve would be the only real way to bring speeds up to 60 mph. We consider regaining speeds of around 35 mph as totally reasonable, but if any plans are approved that would bring speeds to 60 mph we would be, frankly, quite worried as the shaking and vibrations that would probably occur would be quite disruptive of the relative peace we enjoy right now.

The other concern we have is regarding our gravel road, which will be the only access to the bridge once construction commences. We know that the size of trucks and heavy equipment traveling counties times a day will be impressive. Several years ago, when Rt. 436 was reconstructed, dump trucks brought fill dirt to a site on our road many times a day and completely destroyed it, as well as making it a complete dusty and dirty mess. The construction company never returned the road to its original condition. We can only imagine how equipment traveling the full length of our road repeatedly will result in its complete breakdown. It is our hope, that prior to the beginning of any construction, at least an oil and stone surface can be applied that will minimize damage and dust that will result from its frequent and heavy use.

Thank you for taking the time to review these concerns. If you have any questions for us, or if you would like to speak to us further, please feel free to contact us at the above email address, by phone (585) 468-2385, or by mail at:

Mr. and Mrs. Bert Therrien
198 Portageville Rd.
Hunt, NY 14846

Sincerely,

Bert and Patty Therrien

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Reference 17
Andy Beers, Executive Deputy Commissioner
New York State Office of Parks,
Recreation and Historic Preservation
October 17, 2008

Mr. Joe Krupiza
NYS DOT – Freight Bureau
50 Wolf Road
Pod 5-4
Albany, NY 12232

Re: PIN 4935.79.301
Norfolk Southern Railway, Portageville Bridge
Southern Tier, MP SR 361.66
Town of Portage, Livingston County
Town of Genesee Falls, Wyoming County

Dear Mr. Krupiza:

I am providing these comments on the Portageville Bridge Project Scoping Document dated August 2008 on behalf of the New York State Office of Parks, Recreation and Historic Preservation (OPRHP). Consistent with the State Environmental Quality Review Act (SEQRA), OPRHP is an involved agency for this project. These comments are being provided for incorporation into the Scoping document, to assure that issues, concerns and other information important to our Agency are addressed within the DEIS. These comments include those of the State Historic Preservation Office (SHPO).

Alternatives – Existing Bridge

Alternatives 4, 6 and 8 in the Scoping document include, “leave existing bridge for Parks use.” OPRHP has determined that our agency is not in a position to accept ownership or responsibility for the long-term costs of maintaining the existing bridge. Therefore, if this option is to be included in the alternatives analysis, the DEIS will need to quantify the short and long-term financial costs of converting and maintaining the existing bridge for Park’s use, and also to identify one or more public agencies or private entities (not OPRHP) that would be willing to accept ownership and financial responsibility. If there is no viable ownership scenario, the alternatives should be revised to exclude this option.

Alternatives – Pedestrian Trail Crossing

Enhancing trailway connections is a major initiative for OPRHP. The bridge replacement project creates an important opportunity to create a public pedestrian crossing, linking existing hiking trails on the east and west sides of the Genesee River within Letchworth State Park. The Scoping document and the DEIS should include an analysis of the technical
and economic feasibility of creating a pedestrian trail crossing as part of the larger project. For example, Alternatives 3 and 5, under which a new bridge would be constructed at the existing location, should include an analysis of the feasibility of incorporating a public trail crossing into the design of the bridge structure. Connecting the existing trails on each side of the gorge and providing a unique opportunity to view the gorge would provide significant public benefits and would address safety concerns from unauthorized public use of the existing and/or a new bridge. The DEIS should fully identify and describe the range of alternatives including opportunities for pedestrian access. The Agency strongly believes that any design of a new bridge should include a pedestrian walkway. This inclusion could serve as potential mitigation for impacts of a new bridge as well as providing transportation enhancements.

Project Goals and Objectives
The Scoping document states, “Objectives will be developed for each goal during the scoping process to provide specific and measurable means by which to evaluate and compare project alternatives.” OPRHP would like to be able to review and participate in the development of these objectives.

Clarification of long term goals for speed, frequency and size of trains across the gorge needs to be described and considered in evaluating impacts from the various alternatives.

Visual and Aesthetic Resources
An analysis of impacts on visual and aesthetic resources should consider adverse visual impacts to the Park, the Park visitor experience and on the National Register Listing of the Park. The impact on both the viewshed and aesthetics of alternatives containing both one and two bridges needs to be addressed. In addition, the impact of increased speeds, numbers of trains and length of trains on the park environment and visitor experience should be considered.

The design of any new or rehabilitated structure will be important in terms of evaluating the visual impacts to the park. The type of construction, materials, and color, all need to be included in a description of the alternatives. Visualizations of any new bridge proposals should be shared with OPRHP and the public, early in the decision-making process, as opposed to waiting until after a preferred alternative has been selected.

The bridge’s dramatic location and high visibility from key viewshed areas within the Park make it something other than a simple background utilitarian structure. The demolition of the historic bridge would constitute a negative impact to historic features and views within the Park. Construction of a new bridge either on or near the existing alignment would also constitute a negative impact on the Park. The context of any proposal should clearly note this and include measures in the DEIS to either address or mitigate such impacts through interpretation, recordation, design, or preservation.

Historic and Archaeological Resources
The Scoping document states that the bridge is a contributing element to the National Register listed Lettsworth State Park. However, to further define this statement, more
description regarding the significance of the bridge should be included in the DEIS. The bridge represents historic transportation, engineering and materials history, as well as an additional layer of land use history within the park. These considerations should be clearly noted within the DEIS as part of the historic significance of the bridge.

Impacts to historic and cultural resources both inside and outside of the Park should also be considered. Specifically, if there is any track realignment on the east side of the gorge, potential impacts to the Cascade House Hotel which existed immediately to the south of the current track alignment should be considered.

Impact on Plants and Animals
The DEIS needs to consider impacts to wildlife and vegetation in the park, not just threatened and endangered species and significant ecological communities. Areas within Letchworth State Park have been designated as a New York State Bird Conservation Area (BCA) which requires agencies take bird conservation into consideration when making planning or management decisions. Letchworth State Park has also been identified as an Important Bird Area (IBA) by Audubon New York. Impacts to bird populations from noise, timing of construction and frequency and speed of trains should be considered especially during breeding and migration.

Impact on Growth and Character of Community or Neighborhood
The Scoping document states that the proposed bridge project is not expected to have a significant impact on this category. The impact of more trains, faster trains, and larger trains should be evaluated in terms of the surrounding communities, and especially when discussing alternative 7, a new bridge outside the Park.

The realignment of the track also needs to be considered.

Process
Since it is likely that this project will include either federal funding or permits or approvals, the provisions of Section 106 of the National Historic Preservation Act of 1966 will need to be considered in the project planning. This will include reaching out to interested parties and including consulting parties during the DEIS process and any review and agreement process. Also, if an adverse effect is the outcome of the Section 106 consultation process, the provisions of Section 4(f) of the Department of Transportation Act of 1966 will also need to be considered. In addition, if the project entails the taking of parkland then this will trigger Section 6(f) of the Land and Water Conservation Fund Act, commonly referred to as the Conversion process. It is important that this EIS meet the requirements of a Federal EIS as well. OPRHP believes it is critical that federal agencies be notified now of the intent of this EIS, which will serve as the notice required for complying with both SEQR and NEPA.

Hazardous Materials
The DEIS should identify any hazardous remediation issues that would be associated with the alternatives of removing or rehabilitating the existing bridge. Possible concerns are lead paint and asbestos. Has any testing been done regarding hazardous wastes that might be present on the Norfolk Southern property as a result of the railroad operations over the decades of ownership?
Drawings
The public scoping meeting only provided drawings for two of the alternatives proposed in the Scoping document. The first proposal detailed the new bridge as being located approximately 75 feet south of the existing bridge. This indicated that a small amount of parkland would be impacted. The drawings did not include the additional lands that would be required by Norfolk Southern for the maintenance right-of-way (ROW). This will need to be more clearly delineated in the DEIS. Drawings in the DEIS should include the entire taking of parkland that would be required as well as any temporary ROW limits required for construction of a replacement structure and track alignments. These should all be shown on plans included in the DEIS. All alternatives that include adding land to the current Norfolk Southern existing ownership needs to be defined.

Track Alignment Alternatives and Track Stability
The Scoping document states that bridge will be designed to carry trains at 60mph, the industry standard. It also states that current track alignment limits trains to speeds of 35mph. What is the likelihood that the alignment will be modified in the future to accommodate faster trains? The DEIS should consider potential impact of various track realignments as they approach the bridge. Potential plans should be discussed in terms of potential speeds and size of trains crossing the gorge in the future. Failure to consider this could be seen as an improper segmentation of projects under SEQR.

The plan on display at the scoping meeting indicated a replacement parallel bridge just south of the existing bridge and associated track alignment changes approaching a replacement bridge. The DEIS should provide detail on the extent of the track alignment changes in regards to subsurface drainage issues on the western approach and what impact the extent of addressing the drainage issues will have on adjacent State Park lands both to the south and north of the track alignment.

Safety
The DEIS should discuss how various alternatives will control illegal pedestrian access. Increased speeds will also increase the probability of derailment. The impacts from a derailment should also be discussed.

Impact on Critical Environmental Areas
The DEIS should include details and documentation concerning the listing of the Genesee River within Letchworth State Park as a Wild, Scenic and Recreational River by New York Department of Environmental Conservation. Also, the DEIS should include details and documentation concerning the Federal Legislation referred to as the Genesee River Protection Act of 1989 which identified the Genesee River for protections afforded to rivers listed for study for potential addition to the National Wild and Scenic River System. As part of this analysis, a determination will be needed on whether the construction of a second bridge while retaining the existing bridge (Alternative 4), which would result in two bridges at this location, is allowable under the Wild and Scenic River designation.
Items to be considered as "mitigating measures" for impacts to State Park lands include:

- Removal of existing bridge could provide for reuse of existing concrete abutments and the construction of a new pedestrian bridge crossing the Genesee River connecting the Finger Lakes Trail – Letchworth Branch and Park Trail #7 located on the east side of the river to Park Trail #1 located on the west side of the river. This would also include a new connecting trail pinned to the gorge wall leading south from the new pedestrian bridge passing near the brink of Upper Falls and connecting to Trail #1 downstream of the Upper Falls.

- Use the existing concrete and stone abutments and piers (pending evaluation of their structural integrity) that were formerly part of the Genesee Valley Canal and Pennsylvania Railroad, located approximately ¼ mile upstream from the existing Norfolk Southern Bridge. If necessary improving the structural integrity of these abutments and piers could provide a multiuse light vehicle load rated bridge crossing the Genesee River. Such a bridge would provide a safe crossing of the Genesee River on the Finger Lakes Trail – Letchworth Branch and the Genesee Valley Greenway. Approaching trail development approaching such a crossing should also be included. Currently the Finger Lakes Trail – Letchworth Branch crosses the Genesee River on the New York State Department of Transportation Rt. 436 Bridge which only has vehicle drive lanes and no sidewalk area. The Genesee Valley Greenway has defined a circuitous detour route using county and town roads avoiding the Rt. 436 Bridge.

- Design of overhead protection for trail users traveling under the east side of the bridge. This has been an issue in the past for Norfolk Southern.

- Widen the Park Road where it crosses under the existing bridge abutment. This would serve to reduce the dangers inherent in the sharp curve and pedestrian crossing.

In closing, we want to reiterate the statement in the Scoping document (page 14), "The project provides an opportunity to enhance the recreational activities within Letchworth Park." Also this project has important bearing on both historic and natural resources. It is imperative that the DEIS thoroughly address each of these resources that are of such importance to our visitors to New York State.

Thank you for the opportunity to provide these comments. We look forward to our continued participation in this process and to reviewing the DEIS.

Sincerely,

Andy Beers
Executive Deputy Commissioner
cc. Wint Aldrich
    Dan Kane
    Mark Thomas
    Rich Parker
    Tom Alworth
Reference 18

Julian W. Adams, Sr. Historic Sites Restoration Coordinator
New York State Office of Parks,
Recreation and Historic Preservation
Re: PIN 4935.79.301
Norfolk Southern Railway/Portageville Bridge
Southern Tier, MP 361.66
T/O Portage, Livingston Co.
T/O Genesee Falls, Wyoming Co.
08PR04896

Thank you for forwarding a copy of the Portageville Bridge Project Scoping Document. The Historic Preservation Field Services Bureau of the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) has reviewed the information in accordance with the provisions of Section 14.09 of the New York State Parks, Recreation, and Historic Preservation Act of 1980.

As the Scoping Document states "The Portageville Bridge is included on the National and State Preservation Offices' Listing of Historic Places as a "contributing element" to Letchworth State Park." Letchworth State Park itself is listed on the National Register of Historic Places, and this bridge, within the boundaries of the park, contributes to its significance. Therefore, any proposed work at the bridge has the possibility of impacting historic resources at Letchworth.

The proposed alternatives in the scoping document cover all the scenarios we would expect such a document to include. We look forward to working with you as the project goes forward.

I look forward to hearing from you. If you have any questions or if I can be of any assistance, please call me at (518) 237-8643, ext. 3271.

Sincerely,

Julian W. Adams
Sr. Historic Sites Restoration Coordinator

An Equal Opportunity/Affirmative Action Agency
Reference 19
Lesta Ammons, Biologist
US Army Corps of Engineers
Regulatory Branch

SUBJECT: DA Number: 2008-01754, Scoping Document - New York State Department of Transportation and Norfolk Southern Corporation Portageville Bridge Project

Mr. Raymond Hessinger, P.E.
NYS DOT
50 Wolf Road, Mail Pod 5-4
Albany, New York 12232

Dear Mr. Hessinger,

This is in reference to a request for a response to the Scoping Document for the New York State Department of Transportation and Norfolk Southern Corporation Portageville Bridge Project. The proposed project is located at milepost 361.66 along the Norfolk Southern Corporation’s Southern Tier Route across the Genesee River in Letchworth State Park near the town of Portageville in Livingston County, New York.

We are providing the following comments based on the information included in the Scoping Document dated August 2008 that was provided to us. Please note that these comments are preliminary and we may provide additional comments upon receipt of additional information and/or documentation.

**Purpose and Need**

The information contained in the scoping Document indicates that “Objectives will be developed for each goal during the scoping process...” Please provide a clear statement of the purpose and need statement in future documentation once the objectives have been established.

**Alternatives**

The information contained in the document regarding the method used in the selection of the alternatives listed is limited. Additional information describing the reasons for the selection of the proposed alternatives, the criteria used during the screening process of the proposed alternatives, and the factors used to eliminate alternatives from consideration during the screening process should be included in future documentation. This will provide a more clear understanding of how the screening process was applied to the evaluation of these alternatives. The screening criteria used regarding the comparison of impacts to waters and wetlands of the United States should be clearly addressed. Documentation of the methods used to evaluate the waters and wetlands during the screening process should be included in the evaluation report. This information will directly relate to the evaluation of the selection of the least environmentally damaging practicable alternative.
Waters
The Genesee River is considered to be Section 10 Navigable waters in the area of the proposed bridge project; therefore, coordination with the United States Coast Guard will be required for this project.

Any fill exceeding one-tenth of an acre proposed to be placed below the ordinary high water mark in Section 10 waters will require a Department of the Army permit. Some activities may be covered under our Nationwide Permit program without the need to provide pre-construction notification to the Corps of Engineers.

The Genesee River may be designated as a Wild and Scenic study river in the section of river involved in the proposed project. Any correspondence or coordination with the National Park Service regarding this proposed project should be included in future documentation.

Wetlands
The Scoping Document states that a Wetlands Delineation Report will be prepared and consultation regarding the report will be made with the USACE and the New York State Department of Environmental Conservation (NYSDEC). Verification of the delineation of the wetlands in the area should take place prior to calculation of final impacts for alternatives advanced to final review out of the screening process. The delineation report should include diagrams showing both wetlands and waters. The term “waters” includes perennial streams, intermittent streams, ephemeral streams, and any connecting drainage ways, swales, and/or ditches that carry flowing water between and among waters and wetlands.

Any fill exceeding one-tenth of an acre proposed to be placed in Section 404 waters or wetlands will require a Department of the Army permit. Some activities may be covered under our Nationwide Permit program without the need to provide pre-construction notification to the Corps of Engineers. Discussions of impact to wetlands should also include cumulative, secondary, and indirect impacts. Additionally, as stated under the “Alternatives” section, documentation of the methods used to evaluate the waters and wetlands during the screening process should be included in future documentation.

Threatened and Endangered Species and Plant and Wildlife
In future documentation, please include information regarding field investigations and/or consultations with the US Fish and Wildlife Service (USFWS) and New York Natural Heritage Program regarding potential impacts to terrestrial and aquatic wildlife in the area as well as any potential impacts to threatened and endangered species.

Historic Properties
In future documentation please provide any correspondence resulting from the proposed coordination with the New York State Historic Preservation Office regarding historic properties and archeological resources discussed in the Scoping Document.

Other
Documentation regarding other coordination as described in the Scoping Document such as
consultation with the New York State Department of Environmental Conservation, and the Federal Emergency Management Association for example would also provide information that might be necessary for our review.

Questions pertaining to this matter should be directed to me at 716-879-4247, by writing to the following address: U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, or by e-mail at: lesta.m.ammons@usace.army.mil

Sincerely,

Lesta Ammons
Biologist
Reference 20

Robert L. Ewing, Environmental Analyst 2
Division of Environmental Permits, NYSDEC
Dear Mr. Krupita:

The New York State Department of Environmental Conservation ("Department" or "DEC") has reviewed the August 2008 Scoping Document for the Draft Environmental Impact Statement (DEIS) being prepared for the above-referenced project which entails the rehabilitation or replacement of Norfolk Southern’s Portage Viaduct over the Genesee River. As requested, the Department is providing you with the following comments on the Department's likely jurisdictional involvement with this project and the draft scoping document.

1) **Involved Agency Status.**

   From the information provided, it appears that the DEC is an involved agency in the State Environmental Quality Review Act ("SEQRA") process (see jurisdictional authorities below).

2) **The Department's Jurisdictions.**

   As you know, SEQRA relies on the Lead Agency to manage the environmental review process but does not change existing jurisdictions or limit the independent decision-making authority of any involved agencies. In that regard, possible DEC authorizations for the rehabilitation or replacement alternatives proposed for this project appear to be the following:

   - Within the boundaries of Letchworth State Park, the Genesee River is designated as a
Scenic River under the Wild, Scenic and Recreational Rivers System Act (see Environmental Conservation Law ["ECL"] Art. 15, Title 27 and its implementing regulations at 6 NYCRR Part 666). Management of scenic river areas is directed at preserving and restoring their natural scenic qualities (see ECL § 15-2707[b][2] and 6 NYCRR § 666.4[b]).

- New York State Regulated Freshwater Wetlands PO-3 and PO-14 were identified in the area of the existing Norfolk Southern Railroad. PO-3 is located approximately 240 meters to the east of the existing railroad tracks. PO-14 is located approximately 390 meters to the west of the existing railroad tracks. The DEC has jurisdictional authority over project impacts to state regulated wetlands under the Freshwater Wetlands Act (see ECL Article 24 and its implementing regulations at 6 NYCRR Parts 663-665).

- If the project results in probable impacts to threatened or endangered species, the Department will have jurisdiction under ECL Article 11 (see ECL § 11-0535).

- In the vicinity of the bridge, the Genesee River is classified by the Department as "B" and, as such, is a protected water under ECL Article 15 (see ECL 15-0501[2]). DEC could, therefore, have jurisdictional authority over potential impacts to the bed, banks and water of the Genesee River in the proposed project area.

3) DEIS Draft Scoping Document Comments.

ALTERNATIVES section (pages 8 & 9)

It should be noted that, except for the repair, retrofitting or the replacement of the existing bridge at the same location for the same use (existing uses, see 6 NYCRR § 666.13.A.2), the construction of a new railroad bridge within Letchworth State Park would be prohibited (see 6 NYCRR § 666.13.K.1).

Retention of the existing bridge as a public road or non-motorized open space recreational use would require a permit under the Wild, Scenic and Recreational Rivers System Act (see 6 NYCRR § 666.13 - Table of Use Guidelines at E.5.b). The use would not be grandfathered (see 6 NYCRR § 666.13 - Table of Use Guidelines at A.1).

ENVIRONMENTAL IMPACTS section

Lead Agency (page 10)

This section notes that NYSDOT will be the SEQRA lead agency and that NYS OPRHP will be an involved agency in the environmental review process. Given the probable jurisdictions cited above, the DEC should also be identified as an involved agency.
Environmental Consequences - Specific Impact Categories

Impact to Waters (page 12)

The DEIS should include delineations of New York State Regulated Freshwater Wetlands PO-3 and PO-14 in the vicinity of alternatives in order to evaluate possible requirements for an Article 24 Freshwater Wetlands Permit from the Department.

Impacts to Plants and Animals (page 12-13)

This section will likely describe the general wildlife community, including vegetation, wildlife, habitat, and threatened and endangered species in the project development area, including the presence of invasive species.

- The DEIS should indicate that concerns with biodiversity, animal movements and animal mortalities associated with the proposed operational changes for rail traffic through this segment will be addressed as part of the SEQRA review.

- In addition, the Letchworth State Park is designated as an Important Bird Area by the National Audubon Society and a Bird Conservation Area by New York State. The bird population within the park is considered primarily non-migratory, and DEC is concerned about both construction-related and operational impacts to avian species. The DEIS should include an inventory of the bird population in the area surrounding the existing bridge, as well as at the possible locations for alternative structures, in order to assess potential impacts that may occur due to avian non-migratory activities and behavioral characteristics. This may include consultation with existing Breeding Bird Surveys (BBS), Christmas Bird Counts (CBC), local birding groups, Audubon and Nature Conservancy chapters, and regional DEC biologists.

- The Department's preliminary review has also identified multiple Natural Heritage Program (NHP) sites that contain rare species and significant natural communities that are in the vicinity of the project, including: Shale Cliff and Talus Community, Hemlock - Northern Hardwood Forest Community, Appalachian Oak-Hickory Forest Community and *Trollius laxus*, Spreading Globeflower. The project sponsor should have a qualified naturalist investigate the project area for Rare, Threatened and Endangered Species, which should include a habitat and nest site survey of any listed endangered, threatened or species concern. The results of this study should be discussed in the DEIS in relation to potential impacts to these resources that may result from construction of the project and efforts needed to minimize displacement of these species or disturbance of critical habitat. If applicable, the DEIS should describe any measures needed to avoid adverse impacts to any identified rare species or significant natural communities, including avoidance of construction in critical habitat areas, and scheduling construction to avoid interruption of breeding and nesting activities.
In conclusion, DEC appreciates the opportunity to comment on the SEQRA DEIS Scope for this project, proposed by Norfolk Southern, which will examine various alternatives at the Portageville Bridge to increase load carrying capacity, remove operational constraints and maintain acceptable levels of safety. If you have any questions, you may contact me by phone at (518) 402-9482, at the address above or by email at rlewing@gw.dec.state.ny.us.

Sincerely,

Robert L. Ewing
Environmental Analyst 2
Division of Environmental Permits

cc: Mr. John Madden, P.E.
NYSDOT / Freight Bureau
50 Wolf Road - POD 54
Albany, NY 12232

Mr. Raymond Hessinger, P.E.
Acting Director Freight Bureau
NYSDOT
50 Wolf Road - POD 54
Albany, NY 12232

Doug Sheppard, DFWMR - CO
John Cole, DEP - R8
David Denk, DEP - R9
Betty Ann Hughes, DEP - CO
Reference 21
Joanne Arany, Executive Director
Edward J. Olinger, VP for Preservation
Landmark Society of Western New York
October 17, 2008

Mr. Raymond Hessinger, P.E.
NYSDOT
50 Wolf Road, Pod 5-4
Albany, NY 12232

Dear Mr. Hessinger:

Thank you for the opportunity to comment on the Scoping Document for the Portageville Bridge Project.

The Landmark Society has an interest in this project because of the Portageville Bridge's status as a historic structure and as an integral part of a historic landscape. This project also has the potential to have an impact on historic resources surrounding the bridge and within any proposed new alignment.

Because of the importance of the resource and of the project, we would like to see a more transparent public process with more opportunities for public input. Only two public meetings are anticipated, according to the current scoping document. We assume that the alternatives will be developed in enough detail to fully assess impacts and provide for a comparison of alternatives and possibly narrow the list to feasible alternatives. Given the sensitive nature of the existing bridge site within the park viewshed and the engineering constraints for a new structure (either at the existing site or at the parallel alignment site), the development of the alternatives will be of great public concern. We request that regular public meetings be held during the preparation of the DEIS to acquaint the interested parties with the development of the alternatives and to receive comments on those alternatives.

The language in the scoping document does not accurately reflect the official historic status of the bridge or of the park. In the section "Impact on historic and archaeological resources," pages 13-14, please note that the terminology in the first sentence is incorrect: "The Portageville Bridge is included on the National and State Preservation Offices'..." This should read: "The Portageville Bridge is a contributing element within the State and National Register-listed Letchworth State Park." The bridge has also been identified by the State Historic Preservation Office as individually eligible for the State and National Registers.

Also please note the incorrect wording of the last sentence of this section: "the structure could potentially be an historic resource." As an identified contributing element in a National Register-listed landscape and an individually eligible structure, the structure is not "potentially" a historic resource, it is a historic resource. Some of the alternatives under consideration involve removal of the bridge, which clearly constitutes an impact on a historic resource.
Letchworth State Park is a State- and National Register-listed property with a period of significance from 1000 B.C. to 1950 A.D. This means that a wide range of historic resources are encompassed within the park and must be taken into consideration in planning this project.

The National Register documentation of the site indicates that Letchworth State Park is an archaeologically sensitive area with many documented archaeological sites, which are believed to be only a sampling of the existing sites, many of which have not been discovered. There is a strong possibility that the proposed project would impact archaeological resources.

Also according to the National Register documentation, “from the mid-nineteenth to the mid-twentieth century Letchworth State Park has been a canvas for the designs of landscape architects.” Roads and trails, viewsheds, and vegetation are among the elements of the designed historic landscape that must be considered as part of the review of impacts on historic resources. Other contributing elements called out in the National Register documentation, including buildings such as picnic shelters, objects such as stone walls, and structures such as culverts, roads and trails, must also be considered.

In addition to the resources within the park, cultural resources outside the park must also be evaluated. The alignment of the Avoidance Alternative Corridor (Alternate 6 – New Bridge Outside of Park) will result in a significant shift of the alignment of the rail line and may result in impacts to cultural resources. A complete cultural resource survey should be conducted so that the impacts on cultural resources of all the alignments may be evaluated.

We request that you provide a copy of the detailed results of the scoping process and a schedule for the entire environmental review process.

We look forward to continued involvement as an Interested Agency and appreciate the opportunity to be of assistance to you as this process moves forward.

Sincerely,

Joanne Arany
Executive Director

Edward J. Olinger
Vice President for Preservation
Reference 22
Robert A. McNary, Regional Director
Finger Lakes Regional Office, Empire State Development
Re: Portageville Bridge Rehabilitation or Replacement Project, Letchworth State Park

Dear Mr. Krupitza:

As per our recent discussion, we appreciate your contacting us regarding our interest in your development of the Environmental Impact Statement under the State Environmental Quality Review Act (SEQRA). In the following narrative I have described in greater detail some of the points that we discussed.

ESD has several interest areas. First, the Portageville Bridge and Rail Line connects shippers/receivers in several important economic regions of New York State, and even beyond. The ability of the bridge to support greater train speeds and also accommodate heavier rail cars (as have now become the national standard) is important to those served by the line. We understand that the value and functionality of the line as a primary "goods movement corridor" is in jeopardy because of the weight, speed and safety restrictions on the existing bridge. We also understand that it is important for New York State shippers and receivers to have access to heavier cars at higher speeds so that they can maintain and improve their competitive position in the marketplace.

The efficiency and competitiveness of the Class One and Shortline Rail System in this area is vitally important to not only the Finger Lakes and Western New York Regions, but also the Southern Tier. Economic limitations/dislocations in all of these regions would be accelerated by the potential loss of rail service and capacity due to the bridge problems.

A second general area of ESD interest is the tourism impact of Letchworth State Park. The bridge crosses the Genesee River Gorge and often tourists come to the Park to see both the Gorge and the bridge. Letchworth is one of the Region's premier tourist destination spots, greatly contributing to the Region's vacation importance. We are cognizant of the fact that disposable income from these visitors is important to the nearby local and regional businesses.
We believe that the freight movement needs and tourism experience can be accommodated with a proposed project that considers both of these interests. We would be glad to discuss this statement in greater detail. Thank you for this opportunity.

Sincerely,

Robert A. McNary, Regional Director
Finger Lakes Regional Office
Empire State Development