Portageville Bridge Project

Final Scoping Document

March 2009

New York State Department of Transportation
Norfolk Southern Corporation
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Appendix A - Responsiveness Summary – Response to Comments on the Portageville Bridge Project’s Draft Scope

Appendix B - Comments on the Portageville Bridge Project’s Draft Scope
INTRODUCTION

Norfolk Southern (NS) is proposing to modernize the Portageville Bridge across the Genesee River in Letchworth State Park. The Bridge is approaching the end of its useful life as a freight rail structure and the change will increase the load carrying capacity, remove operational constraints, and maintain acceptable levels of safety of the Bridge. The Portageville Bridge, also known as the High Bridge, is located at milepost 361.66 along the Southern Tier Route. The Southern Tier Route is Norfolk Southern’s mainline route between Buffalo and Binghamton, NY. The bridge crosses the Genesee River in Letchworth State Park near the town of Portageville, NY. See Figure 1 for a project location map. Within the Park, the Genesee River flows from south to north through a deep gorge and over three scenic waterfalls. The bridge is situated near the southern end of the park adjacent to the Upper Falls and is oriented in a general east-west direction.

The existing bridge is an 819 feet long steel viaduct carrying a single railroad track, approximately 245 feet above the floor of the gorge. The viaduct spans the gorge on six steel towers constructed in 1875. The superstructure of the viaduct consists of three spans of pin-connected deck trusses and ten spans of deck plate girders built in 1903. The aging Portageville Bridge is a vital yet weak link on the Southern Tier Route.

This project will examine various alternatives to increase capacity, remove operational constraints and maintain acceptable levels of safety. The alternatives will include maintaining the status quo, replacement on new or existing alignment, and rehabilitation of the existing bridge.

The New York State Department of Transportation (NYSDOT) requires that projects receiving state funding follow the provisions of the State Environmental Quality Review Act (SEQR). In addition, some of the alternatives may require a formal action by the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP), such as providing an additional Right of Way easement on state parkland, which is also subject to SEQR review. As such, a Draft Environmental Impact Statement (DEIS) will be prepared for the Portageville Bridge.
Project. NYSDOT will serve as the lead agency. NYSOPRHP will participate in NYSDOT’s implementation of the SEQR processes as an involved agency.

The first step in the preparation of a DEIS is the public scoping process. This Scoping Document represents the final step in the scoping process that has been completed for the Project. This Scoping Document presents a description of the project’s purpose and need, the project goals and objectives, alternatives to be considered, the methodology to be used for the environmental analyses, and a description of the plan for public and agency involvement. The purpose of this Scoping Document is to provide the public and agencies with an initial opportunity to comment on the DEIS process including the project’s purpose and need, alternatives considered, and the methodologies to be used in the analyses.
Figure 1 – Project Location Map
PROJECT PURPOSE AND NEED

The purpose of the project is to provide a modern rail crossing of the Genesee River for Norfolk Southern (NS) Railway Company, on the Southern Tier Route, between Buffalo, New York and Binghamton, New York, 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. This is needed in order for Norfolk Southern to continue safe, reliable and efficient rail operations on the Southern Tier Route in the State of New York. These operations are critical to the economic viability and growth of the Southern Tier and other affected areas of New York.

Background

Norfolk Southern Corporation is a Norfolk, VA-based company that controls a major freight railroad, Norfolk Southern Railway Company. The railway operates approximately 21,000 route miles in 22 eastern states, the District of Columbia and Ontario, Canada. It serves all major eastern ports and connects with rail partners in the West and Canada, linking customers to markets around the world. NS provides comprehensive logistics services and offers the most extensive intermodal network in the East.

The Southern Tier Route is Norfolk Southern’s mainline between Buffalo and Binghamton, NY with through connections to Boston, MA. NS owns and operates this section of railroad. The Southern Tier Route is vital to NS’s local and national operations. There are 12 to 14 trains per day over the route and it is the only NS east-west line in New York State. The line supports the movement of double stack cars from the west to east coast. The Portageville Bridge is the last bridge on NS’s Southern Tier Route that is not capable of carrying 286,000 pound gross weight (286 kip) freight cars, a current industry standard.

The existing bridge is the second bridge to occupy this location. The first bridge was constructed in 1851 and was owned by the Erie Railroad. The original bridge was a timber trestle. The trestle was completely destroyed by fire in 1875. The existing iron/steel bridge was constructed on some of the same piers of the original bridge that same year and is still in use today. In 1907
William Prior Letchworth, who owned a 1,000-acre estate surrounding the bridge, deeded his estate to the State of New York. Following his death in 1910, Letchworth State Park was created and the bridge has been part of the Park viewshed ever since. Today the Park encompasses 14,350 acres in Wyoming and Livingston Counties.

More than 150,000,000 people reside within a 500-mile radius of the Southern Tier Route, representing approximately 50% of the U.S. population and 60% of the nation's buying power. Sixty-two percent of Canada's population and 80% of its manufacturing activity are also within this radius.

**Problem Identification**

In order for NS to maintain a safe, economically competitive railroad, aging infrastructure must constantly be maintained, upgraded, and/or replaced. The 133-year old Portageville Bridge is part of this aging infrastructure. Norfolk Southern considers safety to be of paramount importance. The NS vision statement “Be the safest, most customer-focused and successful transportation company in the world” clearly emphasizes that goal of safety, which includes operational, environmental and personal safety. The following issues, each directly related to the existing Portageville Bridge are all in direct conflict with this vision.

**Operational Constraints**

Operational constraints refer to any issue that causes the railroad to operate at a level below the railroad’s preferred optimal performance level. Several such operational constraints exist in this project. The first is the load-carrying capability of the existing bridge. In the United States, the ability for Class 1 freight railroads to carry 286,000 pound gross weight (286 kip) traffic is the current industry standard. As was stated above, the existing Portageville Bridge is the last bridge on NS’s Southern Tier Route that is not capable of meeting this standard. In order for NS to maintain an efficient, economical service on the Southern Tier Route their infrastructure must be consistent with this standard. Providing a structure capable of carrying these loads will bring the entire Southern Tier Route to this standard.
The second operational constraint is a relatively low train speed. The FRA categorizes all track into nine classes based upon the maximum speed allowed. The current dominant class of track for Class 1 freight railroad mainline track is FRA Class 4 which corresponds to 60 miles per hour (MPH). For railroads, as with most businesses, time is money. When trains operate at less than the preferred speed more time is required to move goods. The existing track geometry limits the train speed to 35 MPH. However, due to the condition and age of the bridge, trains currently operate at approximately 10 MPH over the bridge. In addition, Park patrons trespassing on the bridge limit the train speeds, as described below. In order for NS to maintain an economically competitive railroad, any new infrastructure, including trackwork, should be designed for 60 MPH train speeds, although it is anticipated that train speed over the bridge would be no more than 35 MPH for the foreseeable future given the current alignment and other constraints.

### Interaction with Park Patrons

Letchworth State Park is described as the “Grand Canyon of the East”. This description comes from the scenic gorge surrounding the Genesee River through the park. The River flows over three scenic waterfalls within the park. The Portageville Bridge spans the scenic gorge near the Upper Falls. Although it is illegal and dangerous to trespass on railroad property, park patrons frequently use the existing bridge as an overlook point to get a better view of the falls and surrounding gorge. This creates a safety concern for the Park and NS. To help ensure the safety of the park patrons, NS currently operates at a train speed of approximately 10 MPH over the bridge. This is mostly due to the limited sight distance caused by the sharp curves approaching the bridge from both directions. Park patrons trespassing on the bridge cannot see an approaching train and the engineer cannot see the trespassing park patrons until the train is almost on the bridge. Minimizing the interaction between the railroad and the park patrons is in the best interest of both parties.

### Maintenance Difficulties

The Portageville Bridge has been an ongoing maintenance issue for the railroad. Since NS acquired this line segment from Conrail in 1999, over $850,000 has been spent on the Portageville Bridge to maintain it in a safe operational condition for current traffic. Because of the condition of the bridge, frequent inspections and repairs are necessary. A high-level bridge
of this type is relatively difficult and dangerous to inspect and maintain and poses a safety challenge for inspectors and maintenance personnel to access. These issues are directly related to the age of the bridge. The 133-year old bridge has significantly exceeded the expected design life of 100 years. As fatigue and corrosion continue to take their toll on the existing bridge these maintenance issues will likely become more frequent and severe.

Planning Context

Since NS acquired this line segment from Conrail in 1999, numerous improvements have been made on the Southern Tier Route. Three bridges on this line have been replaced, each now capable of carrying 286,000 pound gross weight traffic. The Portageville Bridge is the last bridge on this route that is incapable of carrying 286,000 pound gross weight traffic. The following table summarizes the recent infrastructure improvements NS has made in this segment.

Norfolk Southern – Southern Tier Route
Recent Infrastructure Improvement Activities

<table>
<thead>
<tr>
<th>Bridge</th>
<th>Year Replaced</th>
<th>Approximate Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bridge SR-421.83 over Clinton Street in Buffalo</td>
<td>2002</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>Bridge SR-214.42 over Front St. in Binghamton</td>
<td>2004</td>
<td>$3,500,000</td>
</tr>
<tr>
<td>Bridge SR-393.68 over Buffalo Rd. in Attica</td>
<td>2007</td>
<td>$700,000</td>
</tr>
</tbody>
</table>

The entire route is only as good as the weakest link. None of these improvements can be utilized to their full potential until the Portageville Bridge is brought to a comparable operating level.

PROJECT OBJECTIVES

A project’s objectives are the measure of whether each alternative meets the project’s purpose and need under SEQR. They are used as the basis for developing the criteria and screening methodology for evaluating the project alternatives. Objectives have been developed for the Portageville Bridge Project relating to operational standards, reliability, safety, compatibility, cost-effectiveness, and environmental considerations. The project objectives are as follows:
Goal #1: Eliminate operational constraints caused by the existing bridge.

Goal #2: Minimize dangerous interaction of railroad activities and Letchworth State Park patrons.

Goal #3: Minimize dangerous and costly maintenance.

Goal #4: Optimize existing infrastructure and planned improvements to the Southern Tier Route.

ALTERNATIVES

Norfolk Southern is proposing the Portageville Bridge Project to address problems posed by the existing bridge, which is near the end of its useful life as a rail freight bridge. The project will consider alternatives including replacement, rehabilitation, abandonment of the rail route, and decommissioning of the existing bridge. The replacement alternatives will consider using the existing alignment as well as new alignments. Rehabilitation alternatives will reuse the existing structure. Route abandonment alternatives involve rerouting of rail traffic over other routes and discontinuing rail service over the bridge. Consistent with SEQR requirements, the project alternatives will also include a No Action Alternative, wherein the existing structure would remain in service and receive only regular maintenance, as a baseline for alternative comparison.

The table below lists the preliminary list of alternatives to be considered. In the initial stages of the EIS process, the list of alternatives will be screened to evaluate which meet the project purpose and need, along with other factors (e.g., environmental impacts, cost). The remaining alternatives will be further evaluated in the DEIS.

<table>
<thead>
<tr>
<th>Alternative No.</th>
<th>Description</th>
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<tbody>
<tr>
<td>1</td>
<td>No action alternative</td>
</tr>
<tr>
<td>2</td>
<td>Repair/retrofit existing bridge; maintain current alignment.</td>
</tr>
<tr>
<td>3</td>
<td>Replace existing bridge with new bridge; maintain current alignment.</td>
</tr>
<tr>
<td>4</td>
<td>New bridge parallel to existing bridge; maintain current alignment. Leave existing bridge for use by others.</td>
</tr>
<tr>
<td>Alternative No.</td>
<td>Description</td>
</tr>
<tr>
<td>----------------</td>
<td>-------------</td>
</tr>
<tr>
<td>5</td>
<td>New bridge parallel to existing bridge; maintain current alignment. Remove existing bridge.</td>
</tr>
<tr>
<td>6</td>
<td>New bridge outside of park. Leave existing bridge for use by others.</td>
</tr>
<tr>
<td>7</td>
<td>New bridge outside of the Letchworth State Park. Remove existing bridge.</td>
</tr>
<tr>
<td>8</td>
<td>No replacement bridge. Reroute traffic to existing alternate rail lines. Leave existing bridge for use by others.</td>
</tr>
<tr>
<td>9</td>
<td>No replacement bridge. Reroute traffic to existing alternate rail lines. Remove existing bridge.</td>
</tr>
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Note: Within each build alternative, there would be various bridge types (e.g., truss-bridge, girder-bridge, arch).

No Action Alternative

The No Action Alternative assumes that the existing Portageville Bridge will remain in service and will be subject only to regular maintenance. This alternative serves as a baseline for comparison to the build alternatives. The No Action Alternative also takes into account planned improvements that have recently been completed or are programmed for completion in the near future. Small-scale projects may include “state-of-good-repair” maintenance. Major investment projects involve substantial improvements to the rail system in the region. A complete list of applicable projects to be included in the No Action Alternative will be included in the DEIS.

Build Alternatives

The DEIS will consider a number of different build alternatives to improve the existing Southern Tier Route rail crossing over the Genesee River. These alternatives will consider both reusing the existing bridge and construction of a new bridge. For a new bridge, alternatives proposed will vary in the type of new bridge (for example truss-bridge, girder-bridge or arch) and track alignment. All new designs will follow the requirements of the American Railway Engineering and Maintenance-of-Way Association (AREMA) Manual for Railway Engineering and any Norfolk Southern specifications.
Alternatives Reusing the Existing Portageville Bridge

These alternatives would retain the existing bridge and include the necessary repairs and retrofits required to increase the load carrying capacity to that of current design standards.

Alternatives Replacing the Existing Portageville Bridge

These alternatives would involve the construction of a new bridge. The existing bridge could be removed or retained, but if retained, it would no longer be used for rail traffic. The possible location of the new bridge includes on the existing alignment, adjacent to and upstream of the existing alignment, and an alignment outside the Park boundaries.

Alternatives Abandoning the Rail Route and Decommissioning the Bridge

These alternatives would involve rerouting rail traffic to existing alternate NS lines in other portions of the State and abandoning the portion of the Southern Tier Route that relies on the Portageville Bridge. The existing bridge could be removed or retained, but if retained, it would no longer be used for rail traffic.

For all of the build alternatives the following design requirements, consistent with the industry standard and current Norfolk Southern practice, will be followed. As a new bridge is anticipated to have a long life, the bridge structure will be designed to accommodate 60 MPH train speeds, even though it is anticipated that trains will only cross the bridge at 35 MPH or less for the near future, based on existing train technology and track alignments. Where possible any new track alignment will be designed for 60 MPH train speeds. This will not be possible for an alternative that uses the existing alignment or an alignment immediately adjacent to the existing due to the existing curves previously described. This is possible for the new alignment outside the Park boundaries and as such design for 60 MPH train speeds will be required for trackwork on these alignments.
ENVIRONMENTAL IMPACTS

Guidelines

A Draft Environmental Impact Statement will be prepared consistent with 17 New York State Codes, Rules, and Regulations (NYCRR) Part 15, the Department of Transportation’s Rules for implementing the New York State Environmental Quality Review Act. To the extent incorporated by NYSDOT in 17 NYCRR Part 15, the SEQRA DEIS will also meet the requirements for EISs under National Environmental Policy Act (NEPA) of 1969. In particular, the DEIS will identify and discuss the following (where applicable and significant):

- Reasonably related short-term and long-term impacts, cumulative impacts, and other associated environmental impacts.
- Potentially significant adverse environmental impacts that cannot be avoided or adequately mitigated if the proposed action is implemented.
- Any irreversible and irrevocable commitments of environmental resources that would be associated with the proposed action.
- Impacts of the proposed action on the use and conservation of energy.
- A description of mitigation measures.

Lead Agency

NYSDOT will be the SEQR lead agency for this project. NYSOPRHP is an involved agency in the environmental review process.

DEIS Scoping

Scoping of the DEIS will be performed during the early stages of the project. The scoping process has six objectives:

- Focus the DEIS on the potentially significant adverse environmental impacts;
- Eliminate non-significant and non-relevant issues.
- Identify the extent and quality of information needed.
- Identify the range of reasonable alternatives to be discussed.
• Provide an initial identification of mitigation measures that may be needed.
• Provide the public and regulatory agencies with an opportunity to participate in the identification of impacts.

Affected Environment

A review of existing conditions will be conducted. This will be accomplished to provide data and information sufficient to understand the impacts of the proposed action and alternatives. This task involves collecting data, which will include, but not be limited to the following:

- Presence of wetlands
- Presence of state or federally listed threatened or endangered species and significant natural communities
- Presence of culturally significant areas which would include any building, structure, district, area, site, or object that is listed in or determined eligible for the State/National register of Historic Places.
- Visual conditions
- Land use and zoning
- Unique land forms
- Wild, Scenic, and Recreational Rivers
- Parks, recreation and open space
- Presence of hazardous materials/asbestos.

Environmental Consequences - Specific Impact Categories

The potential environmental impact categories will be examined to determine which may be significant. As part of this process, specific consultation with environmental agencies will take place. Consistent with New York State SEQR regulations and guidance materials, the following impact categories will be addressed in the preparation of the Environmental Consequences section of the DEIS.

*Impact on land* - The most significant impact in this category is expected to be related to a unique land form (i.e., the Genesee River Gorge). Other potential impacts include the potential
for disturbance of bedrock and a short-term impact for siting of the construction staging area.

*Impact on water* - The Flood Insurance Rate Map or the Flood Insurance Study Report will be reviewed to determine if the proposed project is located within a flood plain. The presence or absence of flood plains and the potential for impacts will be documented. The potential effects of the proposed project on water quality will be discussed. The following factors will be considered to the extent applicable for the proposed project.

- Erosion controls to prevent siltation.
- Designs to preserve existing drainage or to minimize dredge and fill.
- Location with regard to an aquifer or sensitive ecological areas such as wetlands.

Measures to minimize impacts to surface and groundwater, including but not limited to minimizing runoff will be identified to demonstrate that state water quality standards and federal, state, or local requirements can be met.

Wetlands delineation will be conducted and a Wetlands Delineation Report will be prepared for the proposed action. The survey will be completed according to the 1987 Corps of Engineers Wetlands Delineation Manual by a qualified professional. This will include consultation with the United States Army Corps of Engineers and the NYSDEC (if necessary) to verify that the wetlands delineation and report preparation are conducted consistent with appropriate regulations and standards. Impacts to wetlands will be assessed.

*Impact on air* - This includes a review of regulatory requirements to determine if a detailed air quality analysis is needed. Consultation will be made with the USEPA Green Book for current National Ambient Air Quality Standards attainment status. If either Wyoming County or Livingston County is determined to be non-attainment, then the appropriate air quality analysis will be conducted.

*Impact on plants and animals* - The United States Fish and Wildlife Service (USF&WS) and the New York Natural Heritage Program (NYNHP) will be consulted regarding the wildlife aspects of the proposed project for the purposes of determining the possible impacts to wildlife resources. In addition, State Park staff in Albany and the Park’s office will be consulted on this
item. If needed, recommendations to minimize or reduce impacts to wildlife resources will be made. The USF&WS and the NYNHP will be contacted to determine if there are endangered or threatened species or significant natural communities that may be impacted by the proposed project.

**Impact on agricultural resources** - This section will identify any effects of converting farmland to non-agricultural uses and involves determining if the farmland is protected by the Farmland Protection Policy Act (FPPA). Farmland protected by the FPPA is either prime farmland which is not already committed to urban development or water storage, unique farmland, or farmland which is of state or local importance. The Soil Conservation Service and other applicable agencies (e.g., New York State Department of Agricultural and Markets) will be contacted to determine whether the FPPA or other laws are applicable.

**Impact on aesthetic resources** - This section will consider the extent to which any lighting or visual impacts associated with the proposed project will result in any significant adverse impact to residents or others in the vicinity of the installation. Facilities that are located in visual proximity to sensitive land uses may sometimes produce significant visual impacts. Appropriate NYSDEC and NYSDOT policies and guidance defining the nature of visual and aesthetic impacts to be evaluated will be consulted, including consulting such documents to determine if a visual assessment is necessary. The referenced documents also identify avoidance, mitigation, and offset measures that eliminate, reduce, or compensate for negative visual effects and those issues will be analyzed as well.

**Impact on historic and archaeological resources** - The Portageville Bridge is a contributing element to Letchworth State Park, listed in the National Register of Historic Places. The State Historic Preservation Office (SHPO) will be consulted as part of the analysis to determine if the proposed project will pose a potentially significant adverse impact to any properties and whether there is reason to believe that significant, prehistoric, historic, archaeological, or paleontological resources would be lost or destroyed as a result of the proposed project. Section 14.09 of the NYS Historic Preservation Act of 1980 requires consultation with the Office of Parks, Recreation, and Historic Preservation (Historic Preservation Field Services Bureau) if the project
has the potential to cause any damage in the quality of any historic, architectural, archaeological, or cultural property that is listed on or determined eligible for the State/National Register. Consultation would include potential impacts to the bridge as well as other eligible/listed properties. Appropriate cultural resource studies will be performed to identify and evaluate State/National Register eligibility of any property within the project impact area that may meet the criteria for listing. If it is determined the project has the potential to trigger an action, the necessary action to address the requirements of State Section 14.09 and Federal Section 106 will need to be addressed. Section 106 will satisfy the requirements of Section 14.09; therefore, the document should be revised to address Section 106.

**Impact on open space and recreation** - There are a variety of activities in the Park, including hunting, fishing, hiking, horseback riding, biking, and camping. Letchworth also offers nature, history and performing arts programs, guided walks and tours, a summer lecture series, whitewater rafting, kayaking, hot air ballooning, and swimming. Winter activities include ice skating, snow tubing, cross-country skiing, snowmobiling and horse-drawn sleigh rides. Both short-term and long-term impacts to open space and recreation could potentially occur given the location of the proposed project in Letchworth State Park. To the extent same are identified as potentially significant adverse impacts, they will be analyzed in the DEIS. Disruption or disturbance to these activities could be caused by land use changes, construction and noise. The project also provides an opportunity to enhance the recreational activities within Letchworth Park. Depending on the alternative selected, and engineering, operational, and financial considerations, there may be an opportunity to create a pedestrian bridge crossing connecting trails on either side of the Genesee River. If the project requires the use of additional parkland, then a review under Section 6(f) of the Land and Water Conservation Fund Act may be involved.

**Impact on critical environmental areas** – The Genesee River within Letchworth Park is listed as a Wild, Scenic and Recreational River by the NYSDEC. Potential significant adverse impacts, if identified, will be evaluated and any appropriate mitigation measures will be recommended. In addition, the project will be reviewed to determine if the proposed action will impact the exceptional or unique characteristics of a Critical Environmental Area (CEA) established pursuant to 6 NYCRR 617.14(g).
Construction Impacts - Depending on which alternative is selected, rail traffic could be disrupted during the construction phase. Minor short-term disruption to vehicle traffic in the area could occur during construction.

Impact on Transportation – The DEIS will provide an analysis of the effect upon the movement of freight under each alternative.

Impact on energy - Energy requirements associated with the proposed project include assessing the following impacts:

- Those which relate to changed demands for stationary facilities. Any major changes in stationary facilities, which would have a measurable effect on local supplies, will be identified.
- Those which involve the movement of vehicles and rail equipment.

This is not considered to be a significant potential impact.

Impact on noise and odor - Noise is defined as any loud, discordant or disagreeable sound or sounds. More commonly, in an environmental context, noise is defined simply as unwanted sound. Certain activities inherently produce sound levels or sound characteristics that have the potential to create noise. When lands adjoining an existing or proposed facility contain residential, commercial, institutional or recreational uses that are proximal to the facility, noise is likely to be a matter of concern to users of these lands. The NYSDEC and NYSDOT have policies that present noise impact assessment methods, examine the circumstances under which sound creates significant noise impacts, and identify avoidance and mitigative measures to reduce or eliminate noise impacts and such policies will be utilized to determine whether the project presents such impacts. If found to be significant, such policies will be analyzed to identify appropriate measures to mitigate impacts. In order to analyze such potentially significant adverse impacts, changes in noise levels and frequency associated with the proposal will be compared to background and existing noise levels.
Impact on public health - This section will address any potentially significant adverse impacts on the public health and safety from implementation of the proposed project. The project site will be screened for the presence of hazardous substances and asbestos. This analysis will also include evaluating any risks from explosion, release of hazardous substances, and storage of hazardous chemicals. In addition this will address construction activities near solid or hazardous waste disposal sites (if any).

Impact on growth and character of community or neighborhood - The proposed bridge project is not expected to have a significant impact on this category. There would be no expected change in regional growth, budgets, or the need for community services.

Secondary (induced) impacts - The potential for induced or secondary impacts on surrounding areas will be identified. The DEIS will analyze such factors as shifts in patterns of population movement and growth, public service demands, and impact on community character including potentially positive impacts on business to the extent influenced by the proposed project as appropriate under SEQR.

Cumulative Impacts - Cumulative impacts are those impacts on the environment that result from the incremental or increased impact of an action when the impacts of that action are added to other past, present and reasonably foreseeable future actions. Cumulative impacts can result from a single action or a number of individually minor but collectively significant actions taking place over a period of time. Either the impacts or the actions themselves must be related. The DEIS will assess whether there are related actions that may result in cumulative impacts when considered with the proposed project.

PUBLIC INVOLVEMENT

Some public outreach activities have already taken place. The NYSDOT has established a website to make information and documents relative to the project available (https://www.nysdot.gov/divisions/operating/opdm/passenger-rail/portageville). In addition, a Public Information Meeting was held for the project on October 17, 2008 at the U.S Army Corp.
of Engineers, William B. Hoyt II Visitor Center in Mount Morris, New York. Notices about the meeting were published in NYSDEC Environmental Notice Bulletin and local Newspapers in September 2008.

A Citizens Advisory Committee (CAC) is being formed to address yet to be identified key subject areas for the development of the DEIS for the project. The purpose of the CAC will be to allow stakeholders to provide input, exchange viewpoints, and discuss ideas regarding these subjects. The CAC will be an advisory body that will make recommendations to the NYSDOT and Norfolk Southern regarding these subject areas to ensure their full consideration during development of the DEIS. It is anticipated that there will be three to four meetings spaced approximately two months apart.

A second public meeting will be held which will be a combined public information meeting and public hearing to solicit input on the DEIS and accept public comments. A mailing/email list will be developed to keep interested citizens and regulatory agencies current on the project.

A 2005 amendment to the New York State SEQR Law requires every Environmental Impact Statement to be posted on a publicly accessible web site. The DEIS will be posted as soon as it is accepted and will remain posted until the Final EIS is accepted. The Final EIS will be posted when it is accepted, and will remain posted until one year after all final approvals have been issued for the project.
Appendix A
Responsiveness Summary – Response to Comments on the Portageville Bridge Project’s Draft Scope
The following constitutes a responsiveness summary of the comments received on the Draft Scoping Document (referred to as the “Draft Scope”) for the Portageville Bridge Project’s Draft Environmental Impact Statement (“DEIS”) to be prepared under the New York Environmental Quality Review Act, N.Y. Environmental Conservation Law Article 8, and associated NYSDOT regulations in 17 NYCRR Part 15. The comments are organized by DEIS topic, and the responses to such comments are provided in *italics* following the comments.

**PROJECT IDENTIFICATION, EVOLUTION, CONDITIONS AND NEEDS, AND OBJECTIVES**

**Conditions and Needs**
- Clarification of long-term goals for speed, frequency and size of trains across the gorge needs to be described and considered. (Ref 17)
- Purpose and Need - Requests a clear statement of the purpose and need statement once the objectives have been established. (Ref 19)
- Indicated an understanding of the need for replacement of the bridge so as to maintain the ability for Norfolk Southern to safely and competitively operate the railroad. (Ref 22)

**Transportation Conditions, Deficiencies, and Engineering Considerations**
- Relationship of existing curves to train operating speed. (Ref 11)

**Speeds and Delay**
- Expressed concern regarding the proposed design train speed for of 60 MPH. Consider the historic train speed of 35 MPH to be reasonable. (Ref 16)
- Track Alignment Alternatives and Track Stability - Questioned the likelihood of trains operating at 60 MPH through the park in the future. Stated a need to discuss potential speeds and size of trains crossing the gorge in the future. Indicated that failure to consider this could be seen as improper segmentation of projects under SEQR. (Ref 17)

*Response:*
*The Purpose and Need section of the Scoping Document has been revised to more clearly state the purpose and need for this project. The DEIS will discuss the potential impacts of any change from the current operating plan on the Southern Tier Route within the project area. This includes changes to the train speed, train weight and frequency of operations.*

**Safety Considerations, Accident History, and Analysis**
- Reimbursement to local emergency services to rail specific incidents, data sheets on cargo. (Ref 11)
- Park Patron Safety – fencing, parking enforcement court costs. (Ref 11)
- Emergency phone call boxes to Wyoming and Livingston County emergency dispatchers. (Ref 11)
- Public input into emergency planning with public approval of final plan. (Ref 11)
- Prior railroad response to complaints, derailments, or accidents. (Ref 11)
Response:
Safety is a primary concern of the project sponsor and shall be considered when evaluating project alternatives, including evaluating specific design measures that affect the safety of operations.

A review of identified safety concerns will be provided in the DEIS, as well as evaluating design measures, as appropriate, to address any potentially significant adverse impacts associated with such issues. The DEIS will in addition to identifying known railroad related incidents, review any potentially significant adverse impacts related to safety and emergency planning.

Project Objectives

- Requests OPRHP be involved in the development of the objectives in the DEIS. (Ref 17)

Response:
NYSOPRHP has been involved since project inception and is, identified as an Involved Agency in the SEQRA review of the project. As such, NYSOPRHP will have the opportunity to participate as an involved agency in the review undertaken by the DEIS. In addition, NYSOPRHP will be invited to be part of the Citizen’s advisory committee that will be formed for this project.

ALTERNATIVES

Alternatives Considered

- Indicates a new rail bridge should be built and the existing bridge turned over to the state as a historic resource. States that the ideal location of the new bridge is south of the existing. Suggests the new bridge be an arch. The new bridge should be fenced off from the existing. Suggests collecting tolls from pedestrians on the existing bridge to help offset long-term costs. (Ref 1)
- Indicated that OPRHP is not in a position to accept the existing bridge for use as a pedestrian bridge. Requested the DEIS quantify the short and long-term financial costs of converting and maintaining the existing bridge as a pedestrian bridge and identify other entities (not OPRHP) that will accept ownership and financial responsibility. If no other entities exist, the alternative that retains the existing bridge for pedestrian use should be excluded. (Ref 17)
- Indicated the design of a new bridge should include a pedestrian walkway. Stated that this would serve as potential mitigation for impacts of a new bridge. (Ref 17)
- The Historic Preservation Field Services Bureau of the New York Office of OPRHP indicated that the proposed alternatives in the draft scoping document cover all scenarios expected. (Ref 18)
- Indicated reasons behind the selected alternatives, criteria used for screening the alternatives and factors used to eliminate alternatives should be included in future documentation. Screening criteria for impacts to waters and wetlands should be included to aid in the selection of the least environmentally damaging practicable alternative. (Ref 19)
• Indicated that except for the repair, retrofitting or replacement of the existing bridge at the same location for the same use (6 NYCRR § 666.13.A.2) the construction of a new railroad bridge within Letchworth State Park would be prohibited (6 NYCRR § 666.13.K.1). (Ref 20)
• Indicated that reuse of the existing bridge as a public road or pedestrian bridge would require a permit and is not grandfathered (6 NYCRR § 66.13 – Table of use guidelines at E.5.b and 6 NYCRR § 66.13 – Table of use guidelines at A.1). (Ref 20)

Response:
As required by SEQRA, an alternatives analysis will be provided in the DEIS consistent with the final scope. The project sponsor submits that as required and as supported by comments to the draft scoping document, a reasonable range of alternatives has been identified and will be evaluated in the DEIS. Further, as outlined in the draft scope, the DEIS will include a screening analysis which will evaluate which alternatives meet the project’s purpose and need, along with other appropriate factors.

As to the comment that the only alternative that may be constructed is limited to a replacement in kind of the current structure based on certain regulations cited, the project sponsor submits that the statute cited is subject to more than one interpretation. In any event, in addition to regulations cited by the previously referenced commenter, there are other federal and state statutes, regulations and decisional authority that apply to the project, including to the alternatives that may be constructed, and that based on such additional authority, the alternatives available are not believed to be limited to a replacement in kind structure.

ENVIRONMENTAL CONSEQUENCES
Considerations Relating to Pedestrians and Bicyclists
• Recognizes benefit of Park using existing bridge after a new one is built to avoid Park patrons trespassing. (Ref 2)
• Requests to replace existing bridge with a new bridge that has an attached pedestrian walkway. (Ref 7)
• An existing hiking trail on the east side of the river that follows the abandoned Pennsylvania Railroad bed and goes under the existing bridge will be impacted during construction, regardless of the alternative. Requested that the trail be protected during construction. (Ref 12)
• Requested that if security fencing is used along any newly created pedestrian walkways holes be left in the fencing for photographers. (Ref 12)

Response:
Providing pedestrian accommodations is not a need associated with this project; however, the potential development of pedestrian accommodations in association with the existing bridge will be reviewed as part of the DEIS for purposes of evaluating the impact of the project on the existing bridge as part of an analysis of any potentially significant adverse impacts to historic resources or community character. The foregoing analysis will be undertaken based on existing conditions (the current bridge), and impacts associated with removing same or having it remain.
Further, it should also be noted that NYSOPHRP states that it is not in a position to accept ownership of the existing bridge for use as a pedestrian bridge, and as such, the evaluation of impacts from the project associated with the current bridge, including removing it or having it remain, will take into account NYSPRHP’s position in that regard. Potential impacts during construction activities to existing hiking trails will be reviewed as part of the DEIS.

Hazardous Waste Sites
- Questioned if any testing has been done for hazardous materials on Norfolk Southern property. Stated that this should be addressed in the DEIS. (Ref 17)

Response:
Since the presence of contamination is not known or expected, testing to identify hazardous materials on Norfolk Southern property has not been conducted. Further, as the project does not entail potential impacts from the storage, use and/or generation of hazardous wastes or materials, such impacts will not be reviewed in the DEIS. However, a Hazardous Waste and Contaminated Materials screening will be conducted consistent with NYSDOT procedures.

Historic and Archeological Preservation
- Favors a new bridge besides the existing because it provides the opportunity for the existing to be preserved. (Ref 2)
- Is not in favor of Avoidance Alignment due to environmental impacts. Indicates that there were Native American villages in the area of the Avoidance Alignment. (Ref 2)
- Indicates there is a post-glacial lake about 2 miles south of Portage. (Ref 7)
- Says there are 27 known Native American sites between Portage and Houghton. (Ref 7)
- US Department of the Interior, Bureau of Indian Affairs stated that there are currently no federally recognized tribes in Wyoming County. They encouraged consultation with the Seneca Nation of Indians because of their aboriginal connection with that part of New York. (Ref 8)
- Stated that a new bridge must minimize impacts on the historic existing bridge. Stated they do not support the destruction of the existing bridge. Requested the following be addressed in the EIS under this category (Ref 15):
  o Determine maintenance costs for the existing bridge if used only as a pedestrian bridge.
  o Determine the cost of removal of the existing bridge. This money could be set aside as an endowment or maintenance fund for OPRHP.
- Stated that demolition of the existing bridge and/or construction of a new bridge will be a negative impact to historic features. Indicated that the DEIS should note measures to address or mitigate such impacts through interpretation, recordation, design, or preservation. (Ref 17)
- Stated that the DEIS should note that the bridge represents historic transportation, engineering and material history as well as an additional layer of land use history within the park. (Ref 17)
- Stated impacts to historic and cultural resources both inside and outside the park should be considered, specifically the Cascade House Hotel on the east side of the park. (Ref 17)
• Requested future documentation includes any correspondence with the New York State Historic Preservation Office. (Ref 19)
• Stated that the wording of the historic nature of the bridge is incorrect and should read “The Portageville Bridge is a contributing element within the State and National Register-listed Letchworth State Park”. (Ref 21)
• Indicates the bridge has been identified by SHPO as individually eligible for the State and National Registers. (Ref 21)
• Stated the word “potentially” should be removed from the last sentence of this section as the bridge is a historic resource and as such impacts need to be considered. (Ref 21)
• Indicates there is a strong possibility the project will impact archeological resources. (Ref 21)
• Indicated roads and trails, view sheds, and vegetation should be considered when determining impacts. (Ref 21)
• Stated other contributing elements called out in the National Register documentation such as picnic shelters, stone walls, culverts, roads and trails should be considered. (Ref 21)
• Stated cultural resources outside the park should be evaluated for the Avoidance Alignment alternatives. (Ref 21)

Response:
A cultural resource survey as required by applicable law and standards is being completed pursuant to the preparation of the DEIS, and it shall be included as an appendix. The DEIS will include a discussion of potential impacts to historic and archeological resources including measures to minimize or avoid impacts to resources identified, as appropriate.

In addition, a visual assessment survey will be completed which analyzes the potential impacts to the viewshed based on the various alternatives reviewed in the DEIS, including using appropriate analytical tools available, such as photo manipulations and renderings, to evaluate such impacts.

Open Space & Recreation
• Indicates the existence of two trails on the east side of the park, the Finger Lakes Trail and Genesee Valley Greenway; these trails go under the existing bridge and would be impacted by construction and demolition activities. Requested the following be addressed in the EIS under this category (Ref 15):
  o Opposes the net loss of parkland or recreational opportunities from new construction. Supports the net gain of parkland or recreational opportunities as mitigation for alienation.
  o Detail the full extent of compensation provided to OPRHP for impacts to land and disruption to activities, temporarily or permanently.
  o Requests compensation to the Finger Lakes Trail Conference and Genesee Valley Greenway Partners in terms of trail improvements for the impacts to the trails.
  o Indicate what will be done to “enhance the recreational activities” in the park.
  o Provide details of and location of any new proposed pedestrian bridge, encourages retaining the existing bridge for pedestrian use.
• Expressed concern over the potential impact of the project to tourism activities in Letchworth State Park. (Ref 22)

Response:
The DEIS will analyze, as required by SEQRA, potential significant adverse impacts the project may pose to open space and recreational uses. This analysis will include the review of potentially significant adverse impacts (if any) to existing recreation uses, hiking trails, and tourism activities, including those issues raised in the comments noted above, as part of the alternatives analysis. The DEIS will identify appropriate mitigation as warranted; however, any potential compensation to NYOSPRHP and/or other parties will not be reviewed as part of the DEIS as no basis to make such payment has been identified nor is the making of such payment anticipated.

Flora and Fauna
• Stated the DEIS needs to consider impacts to wildlife and vegetation in the park, not just threatened and endangered species and significant ecological communities. Indicated areas within the park have been designated as a New York State Bird Conservation Area (BCA); therefore, bird conservation needs to be considered. Stated that the park has been identified as an Important Bird Area (IBA) by Audubon New York; therefore, impacts to bird populations from noise, timing of construction and frequency and speed of trains should be considered. (Ref 17)

• Indicated that the DEIS should address concerns with biodiversity, animal movements and animal mortalities associated with the proposed operational changes to rail traffic. (Ref 20)

• Stated that Letchworth State Park is designated as an Important Bird Area by the National Audubon Society and a Bird Conservation Area by NYS. Indicated concern over impacts from construction activities and operational activities to avian species. Indicated an inventory of the bird population in the project area should be taken in order to access impacts. Suggested consultation with existing Breeding Bird Surveys (BBS), Christmas Bird Counts (BCB), local birding groups, Audubon and Nature Conservancy Chapters, and regional DEC biologists. (Ref 20)

Response
As required by SEQRA, potentially significant adverse impacts to wildlife and vegetation that is likely to result from the project (if any) will be reviewed in the DEIS, including potentially significant adverse impacts to threatened and endangered species and significant ecological communities. This analysis will include a review of potential impacts to Letchworth Park such as a designated “Bird Conservation Area” by the NYSDEC. Appropriate studies will also be provided to address any potential impacts to wildlife and other natural resources.
Social Impacts

- Stated concerns that the Avoidance Alignment will impact and devalue their property. Indicated that the bridge has been in the park for many years and has not been a problem. Stated that moving the bridge from the Park does not justify ruining surrounding landowners property and at a significantly higher cost to taxpayers. (Ref 14)
- Impacts on Growth and Character of Community or Neighborhood - Stated impact of more, faster and larger trains on the surrounding community should be evaluated especially for alignments outside the park. (Ref 17)
- Owns and operates the Bottle Tree Bed and Breakfast. States that his land and business will be impacted by the Avoidance Alignment. (Ref 3)

Response:
As required by SEQA, the DEIS for the project will analyze potential significant adverse impacts to existing aesthetic resources in proximity to the project as well as the existing character of the nearby community and neighborhood (if any). The alternatives analysis contained in the DEIS will also review potential socioeconomic impacts to adjoining properties resulting from the possible acquisition of properties through either eminent domain or voluntary transactions. As a general matter, however, SEQA does not require an analysis of purely economic and/or financial factors such as potential impacts to the commercial competitiveness of neighboring businesses.

Threatened or Endangered Species

- The US Department of the Interior, Fish and Wildlife Service stated they are taking no action pursuant to the Endangered Species Act of 1973 (ESA) or any other legislation at this time but would like to be kept informed of project developments. (Ref 9)
- Threatened and Endangered Species. (Ref 11)
- Requested that future documentation include information regarding field investigations and/or consultations with the US Fish and Wildlife Services (USFWS) and New York Heritage Program regarding potential impacts to terrestrial and aquatic wildlife as well as impacts to threatened and endangered species. (Ref 19)
- Stated and listed examples of the presence of multiple National Heritage Program (NHP) sites containing rare species and significant natural communities in the project area. Indicated a qualified naturalist should investigate for Rare, Threatened and Endangered Species. Stated that impacts to these should be included in the DEIS. Mitigation and/or avoidance measures should be included in the DEIS. (Ref 20)

Response:
As required by SEQA, potential significant adverse environmental impacts to threatened or endangered species will be reviewed and analyzed in the DEIS, and, as appropriate, any mitigation measures to avoid such impacts will be evaluated. Relevant studies and/or field investigations will be included as part of the appendices to the DEIS.
Visual Impacts
- Impact on aesthetic resources / visual impact - Cited that the existing bridge is a focal point of the Park and the gorge. Requested the following be addressed in the EIS under this category (Ref 15):
  - Any new bridge added to the viewshed will compliment the view of the existing bridge.
  - Preliminary design of the new bridge should be included.
  - Exact location of the new bridge should be shown.
- Stated should consider visual impact to the Park, the Park visitors experience, and on the National Register Listing of the Park. Consider the impacts of one or two bridges, the number, speed and length of trains in the park. (Ref 17)
- Stated the type of construction, materials and color should be included in the DEIS. Requested visualizations of the new bridge concepts will be shared with OPRHP and the public early in the decision-making process. (Ref 17)

Response:
The DEIS for the project will review potentially significant adverse impacts to aesthetic resources including the view shed of Letchworth State Park. A visual assessment survey will be conducted of the project area and an analysis of the potential impacts to surrounding communities using appropriate models and analytical tools will be employed. As appropriate, any design or other measures to avoid or minimize any such impacts will be evaluated. Impacts from the construction of the project, as well as measures to eliminate or minimize any such impacts, as appropriate will also be evaluated in the DEIS.

Water Quality Impacts
- Indicated the river is considered navigable in the area of the project; therefore, coordination with the United States Coast Guard is required. (Ref 19)

Response:
The USCG has been contacted regarding the project. After reviewing the draft scoping document, it indicated that a Coast Guard Bridge Permit will not be required for the project based on the Coast Guard Authorization Act of 1982.

Wetland Impacts
- Posted bond for wetlands remediation for Genesee Basin. (Ref 11)
- Indicated a Department of the Army permit is required for any fill exceeding one-tenth of an acre proposed to be placed below the ordinary high water mark, may be covered by the Nationwide Permit Program. (Ref 19)
- Indicates verification of the delineation of wetlands should take place prior to determination of final impacts for alternatives advanced to final review through the screening process. Include diagrams showing wetland and waters. “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. (Ref 19)
• Indicated impacts to wetlands should include cumulative, secondary and indirect impacts. (Ref 19)
• Stated that methods used to evaluate the waters and wetlands during the screening process should be included in future documentation. (Ref 19)
• Indicated DEIS should include delineation of Wetlands PO-3 and PO-14 to determine if an Article 24 permit is needed. (Ref 20)

Response:
A wetlands delineation is being conducted as part of the field work pursuant to the preparation of the DEIS. Potential impacts to wetlands will be reviewed. Including reviewing appropriate mitigation measures to minimize any such impacts, if appropriate. Further, as part of the review process the need to obtain necessary permits will be evaluated. Potential adverse impacts to water resources and water quality will also be analyzed, as well as the need for any applicable NYSDEC permits.

Wild and Scenic Rivers
• Impacts on Critical Environmental Areas - Indicated a need to provide details and documentation related to the listing of the Genesee River within Letchworth State Park as a Wild, Scenic and Recreational River by the NYSDEC and the Federal Legislation referred to as the Genesee River Protection Act of 1989. Cited a need to determine if a second bridge at this location is permitted by these acts. (Ref 17)
• Indicated coordination with the National Park Service will be required due to the designation of a Wild and Scenic river in the area of the project. (Ref 19)

Response:
The project sponsor’s representatives have been in contact with the NYSDEC and the NPS regarding the proposed project. The lead agency and project sponsor are evaluating applicable federal and state statutes, regulations and decisional law including that cited by NYSDEC to determine what impact, if any, such law has on the alternatives that may be considered, including whether any alternatives would be limited or eliminated by any such law. Based on its review of applicable law, including the law cited above and law cited by NYSDEC, the project sponsor believes that other applicable law, including state and federal statutes, regulations and decisional authority do not limit the alternatives that may be constructed pursuant to the project, and the project sponsor believes that there is more than one interpretation of the statute cited above as it affects the alternatives that may be implemented as part of the project. Nevertheless, the DEIS will examine all of the applicable state and federal statutes and regulations, and how they may potentially impact the project.

As appropriate, the sponsor and lead agency will coordinate with involved agencies under SEQRA, as well as coordinating with interested agencies including the National Park Service to the extent such agencies may have jurisdiction under federal law.
Construction Impacts

- Concerned about the damage construction activities will have on the gravel road used to access their property and the existing bridge. Requested at a minimum that prior to the start of construction an oil and stone surface be applied to minimize dust and damage caused by heavy construction vehicles. (Ref 16)

Response:

The impacts anticipated from construction activities will be addressed in the DEIS. In general, construction contracts require a contractor to repair any damages to conditions that existed at the start of construction at its own expense and/or post performance bonds to ensure that construction work is done in a workmanlike manner. Potential significant adverse impacts to existing roadways and transportation routes resulting from construction activities will be addressed in the DEIS, as required by SEQRA, including analyzing measures to avoid or minimize impacts to sensitive receptors.

Other impacts

- Favors the parallel alignment to the Avoidance Alignment because of cost savings. (Ref 2)
- Recognizes the additional total length of track required on the Avoidance Alignment. (Ref 2)
- Expressed concern over environmental impacts from the Avoidance Alignment. Cited existing cemeteries, wetlands, the Green Way and wildlife. (Ref 13)
- Cited numerous environmental concerns including, noise, historical impacts, neighboring businesses, underground water sources, archeological, wildlife, loss of land use opportunities. (Ref 14)
- Requested future documentation including records of coordination efforts with other agencies such as consultation with the NYSDEC and FEMA for example. (Ref 19)

Response:

DOT will conduct a coordinated review of the project pursuant to SEQRA, whereby involved and interested agencies will have the opportunity to review the DEIS and provide relevant and applicable comments, further involved agencies will have the opportunity to make their own SEQRA findings. The DEIS will also review, as required by SEQRA, potential impacts to the environment including, but not limited to, potential significant adverse impacts to wetlands, water resources, historic and archeological resources, open space, and wildlife and flora pursuant to the requirements of SEQRA. Further, to the extent potential impacts are identified that require mitigation, measures to minimize such impacts will be evaluated.

Other Comments

- Questions if there are going to be other meetings to keep the public informed? (Ref 2)
- Questions if Parks is in agreement with another bridge adjacent to the existing one? (Ref 2)
- Requests a copy of materials related to the bridge problem. (Ref 4)
• States that she feels the bridge should remain in the park. (Does not explicitly say but the comment appears to be referring to the existing bridge) (Ref 4)
• Requests an advanced mailing of materials (Ref 5)
• New York State Department of Health acknowledged having received the Draft Scoping Document and indicated they have no comments or objections to the project. (Ref 6)
• Stated that the Scoping Process should continue and that the property owners need to be kept in the loop. Also stated that there is no question a new bridge is needed. (Ref 10)
• Removal of steel superstructure at no cost to Park or taxpayers. (Ref 11)
• Acknowledges the need to address the operational constraints and maintenance costs imposed by the existing bridge (Ref 15).
• Process - Cited the need to consider Section 106 of the National Historic Preservation Act of 1966, Section 4(f) of the Department of Transportation Act of 1966 and Section 6(f) of the Land and Water Conservation Fund Act. Suggested that federal agencies be informed of the EIS to serve as notice for complying with both SEQR and NEPA. (Ref 17)
• Drawings - Indicated a need to show all of the land required for each alternative including that required for Norfolk Southern maintenance right-of-way and temporary construction access. (Ref 17)
• Stated a need to address subsurface drainage issues near the proposed track alignment on the west side of the park. Specifically how this will affect adjacent parklands. (Ref 17)
• Mitigation Measures - OPRHP suggested the following as potential mitigation measures: (Ref 17)
  o Reuse of the existing substructure if the existing trestle is removed, to support a new pedestrian bridge connecting trails on the east and west side of the gorge.
  o Use of existing substructure from a former Pennsylvania Railroad bridge approximately ½ mile upstream of the existing bridge for a light vehicle/pedestrian bridge site to connect trails on the east and west side of the gorge.
  o Design of an overhead protection system for trail users on the east side of the gorge.
  o Widen the Park Road under the existing bridge near the abutment for increased safety due to the sharp curve.
• Involved Agency Status - Indicated the DEC will be an involved agency. (Ref 20)
• The Department’s Jurisdictions - Indicated DEC will have jurisdiction over the following areas if they are impacted by the project: (Ref 20)
  o Within the boundaries of the park the Genesee River is designated as a Scenic River under the Wild, Scenic and Recreational Rivers System Act. (Environmental Conservation Law (ECL) Art 15, Title 27 and 6 NYCRR Part 666)
  o Wetlands PO-3 and PO-14 are near the existing tracks. (ECL Article 24 and 6 NYCRR Parts 663-665)
  o Probable impacts to threatened or endangered species (ECL § 11-0535)
  o Potential impacts to the bed, banks and water of the Genesee River in the vicinity of the project because Genesee River is classified as “B” by DEC (ECL 15-0501[2]).
• Requested to be included as an interested agency. (Ref 21)
• Requested more opportunities for public input during the screening of alternatives and preparation of the DEIS. (Ref 21)

Response:
NYSDOT will conduct a coordinated review of the project pursuant to SEQRA, whereby involved and interested agencies will have the opportunity to review the DEIS and provide relevant and applicable comments. The comments noted above will be reviewed and responded to as they are relevant to the SEQRA process. The SEQRA review culminates with the issuance of a findings statement that sets forth, as applicable, any measures that are intended to mitigate, to the maximum extent practicable, those identified significant adverse environmental impacts associated with the project. The SEQRA review will not, however, provide analysis regarding the potential cost of the project, or other financial issues that are not within the purview of a SEQRA review under the circumstances presented here. Further, the project sponsor and lead agency have evaluated the potential for certain federal law, including federal environmental and historic review processes to be applicable to the project, and because there is no federal funding or permitting for the project, a determination under the National Environmental Policy Act of 1969 (“NEPA”) is not required, nor applicable. Similarly, the involvement of federal agencies identified that have jurisdiction over aspects of the project does not trigger a review under NEPA. For the same reasons the requirements under Section 106 of the National Historic Preservation Act, Section 4(f) of the Department of Transportation Act of 1966, and Section 6(f) of the Land and Water Conservation Fund Act have not been triggered. As the project progresses, if other funding sources are accessed, or additional regulatory criteria are identified that would trigger the referenced statutes, the lead agency and project sponsor will take appropriate action to comply with applicable statutory requirements, including those identified above.

== References ==

References are listed in no particular order using the following format:
Name, Title (if provided), Affiliation (if provided), method of transmitting the comments.

1. Chuck Flansburg, email
2. Gail Rogers, letter
3. Michael Rogers, scoping form
4. Donna Brown, letter
5. David W. Parish, President – Livingston County Historical Society, letter
6. Richard W. Svenson, P.E., Director Division of Environmental Health Protection, letter
7. Bill Greene, scoping form
8. Chet McGhee, US Department of the Interior, Bureau of Indian Affairs, e-mail
9. US Department of the Interior, Fish and Wildlife Service
10. Kate Kingsley, scoping form
11. Edward Hamilton, scoping form
12. Irene Szabo, Finger Lakes Trail Conference, letter
13. Sharon Donovan, email
14. Dawn Terziani, letter
15. Robin Dropkin, Executive Director, Parks and Trails New York, letter
16. Bert and Patty Therrien, letter
17. Andy Beers, Executive Deputy Commissioner, New York State Office of Parks, Recreation and Historic Preservation, letter
20. Robert L. Ewing, Environmental Analyst 2, Division of Environmental Permits, NYSDEC, letter
22. Robert A. McNary, Regional Director, Finger Lakes Regional Office, Empire State Development, letter