# **RGRTA** 2013 CAMPUS IMPROVEMENT PROJECT

## Environmental Assessment

***Applicant:***

Rochester-Genesee Regional Transportation Authority

May 2013

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# Chapter 1: Introduction and Background

## 1.1 INTRODUCTION

The Rochester-Genesee Regional Transportation Authority (RGRTA or the Project Sponsor) is proposing to use federal funding administered by the Federal Transit Administration (FTA) to develop the 2013 Campus Improvement Project. The proposal (Proposed Action) would improve operations on RGRTA's existing Regional Transit Service (RTS) campus, located on approximately 16.5 acres at 1372 East Main Street in the City of Rochester, Monroe County, New York (East Main Street Campus or RTS Campus).

FTA and RGRTA have prepared this Environmental Assessment (EA) for the 2013 Campus Improvement Project to identify any potential environmental impacts of the Proposed Action in accordance with the National Environmental Policy Act (NEPA) and the New York State Environmental Quality Review Act (SEQRA). This EA was also prepared in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended; Section 4(f) of the U.S. Department of Transportation Act of 1966; Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations; and other applicable federal statutes, rules, and regulations.

As discussed in this EA in Chapter 3, "Project Alternatives," the Proposed Action includes:

1) Renovations to the Operations Building to upgrade maintenance areas;
2) Expansion to the Operations Building to provide indoor bus parking spaces;
3) Construction of a new Maintenance Warehouse Building for relocation of maintenance functions and storage from the Operations Building;
4) New bus parking spaces, including indoor parking spaces in the Operations Building and designated outdoor bus staging spaces for buses waiting for maintenance;
5) Construction of a new Service Building with greater capacity for operations and updated facilities as compared to the existing Service Building;
6) New employee parking area to replace the parking displaced by the new Maintenance Warehouse Building and Service Building, to accommodate the full parking demand of RGRTA employees; and
7) Other site improvements, including such items as replacement of petroleum bulk storage and fueling systems and site lighting systems, pavement, sidewalk, fencing, and gates; infrastructure improvements (i.e., replacement of portions of storm, sanitary, water, electric, and gas utilities), creation of a new perimeter wall and perimeter landscaping, and other improvements to the campus.

To accommodate the 2013 Campus Improvement Project, RGRTA will acquire private property and a portion of a street right-of-way to the west of its existing RTS Campus along Chamberlain Street and Hayward Avenue.

## 1.2 PROJECT LOCATION

The project site consists of the existing RTS Campus and 21 properties along Chamberlain Street and Hayward Avenue that bound the campus's western boundary. Following acquisition of these properties, the modified RTS Campus would be bounded to the north by residential properties along Garson Avenue, to the east by Federal Street, to the south by East Main Street, and to the west by Chamberlain Street (see **Figure 1-1***)*.

## 1.3 EXISTING FACILITIES AND OPERATIONS

RGRTA operates fixed-route bus services and oversees bus transit in Monroe, Genesee, Livingston, Orleans, Wayne, Wyoming, and Seneca Counties in New York State. RGRTA's bus system in Monroe County is branded as RTS. RGRTA's 16.5-acre East Main Street Campus houses the agency's administrative offices and is the operations and maintenance campus for RTS bus service. Bus operators park at the campus or in the neighborhoods surrounding the campus and operate RTS bus routes from that location; RTS buses are also stored, serviced, maintained, and repaired at the East Main Street Campus.

The existing campus consists of three buildings, surface parking areas, and outdoor bus staging areas. The RTS Campus currently accommodates more than 400 employees each day, including administrative staff, bus operators, mechanical staff, buildings and ground staff, and maintenance staff. Employees arrive at and leave from the campus throughout the day, with some RGRTA presence on campus 24 hours a day.

The existing facilities and activities that take place at the RTS Campus include the following (see also **Figure 1-2**):

- **Administration Building (on East Main Street).** This building houses RGRTA's office space for administrative employees and space used for meetings, including RGRTA Board meetings, monthly training meetings for regional departments, and educational workshops.
- **Operations Building (in the center of campus).** This large building has four sections, the Maintenance Garage and Garages A, B, and C. It is used for preventative maintenance, specialty maintenance, storage, operations (e.g., locker rooms, a break room), and parking for buses and non-revenue vehicles (such as plows, tow trucks, and supervisor vehicles).
- **Service Building (to the north of Operations Building).** This building, with three bus lanes, is used for cleaning, fueling, and washing buses, and fare removal. Buses awaiting service queue in the area outside of the Service Building. Refueling areas are also located outside of the Service Building for non-revenue vehicles.
- **Trailer.** A trailer located in the northwest portion of the site is not currently in use; it will be used for managing construction for the Proposed Action and then removed.
- **Bus parking and staging.** Today, there are 257 designated bus parking spaces on the RTS Campus. Designated indoor bus parking is available in the Operations Building (167 spaces). Another 90 outdoor spaces are available north of the Operations Building. In addition to those designated spaces, buses are parked throughout the campus in unprotected, outdoor locations. Buses park along the campus perimeter walls, sometimes two and three deep, as well as in any other available space.
- **Employee/visitor parking.** The campus currently has four parking areas for employees with a total of approximately 414 vehicle parking spaces (of which 411 are for use by employees): a 28-space parking area northwest of the Administration Building; a north lot

4.2.13


*Project Site Boundary*

Figure 1-1
**Project Location**

**RGRTA** 2013 CAMPUS IMPROVEMENT PROJECT


Figure 1-2

**Existing RTS Main Street Campus**

with 243 spaces; an employee/visitor parking area on East Main Street with 46 spaces (of which 3 are reserved for visitors only); and a temporary parking area without striping that can accommodate approximately 97 vehicles, on East Main Street.

A 6- to 8-foot-tall masonry wall surrounds most of the campus perimeter. The RTS Campus entrance, which is used by employees to access the primary employee parking lots and by buses, is directly off East Main Street and passes beneath the Administration Building. The location of this driveway beneath the Administration Building provides a measure of security for the campus. A secondary campus entrance from East Main Street is via Holmdel Place, and provides access to the employee/visitor parking lot and the temporary employee parking lot on East Main Street, neither of which are in secured parts of the campus. In addition, the campus has three other entrance points that are gated and secured and not regularly used. These are on Chamberlain Street on the west, on Federal Street on the east, and on Garson Avenue on the north.

Monroe County has recently installed a new radio tower at the northwest corner of the campus, near the Garson Avenue entrance. RGRTA will also use this tower, allowing removal of an existing tower from the Operations Building roof as part of the roof repair.

## 1.4 2009 CAMPUS IMPROVEMENT PROJECT

In 2009, RGRTA identified the need for a number of major improvements to its existing campus to address operational deficiencies. These needs included additional administrative space and operations space to accommodate office functions, training activities, and larger group meetings; increased indoor vehicle storage space to allow storage of buses and non-revenue vehicles in weather-protected locations; and defined outdoor bus parking and staging areas to provide operators and mechanics with the ability to readily identify and access buses and to accommodate buses waiting to go into maintenance and service. **Figure 1-3** shows RGRTA's campus in 2009, when those needs were identified.

To address these needs, RGRTA proposed the 2009 Campus Improvement Project. The primary components of this plan included additions and renovations to the Administration and Operations Buildings, construction of new warehouse and storage buildings in the northeast and northwest corners of the campus, construction of a new employee parking lot on East Main Street, and reconfiguration of bus parking and staging areas. **Figure 1-4** shows the 2009 Campus Improvement Project. Because of funding limitations, the improvements included in this project would have met some, but not all, of the operational deficiencies at the RTS Campus. FTA reviewed environmental documentation that was completed for the 2009 Campus Improvement Project and issued a Categorical Exclusion determination for the plan in accordance with NEPA on February 12, 2010.

In October 2010, RGRTA was awarded a State of Good Repair Bus and Bus Facilities grant from FTA. In light of this additional funding, in 2010 and 2011, RGRTA conducted a detailed review of its existing facilities and operations to determine how it could address all of its operational deficiencies and needs (including any needs that were not addressed in its 2009 Campus Improvement Project). RGRTA also examined the feasibility of relocating the employee parking off of East Main Street to address community concerns.

While undertaking this review in 2010 and 2011, RGRTA determined that it would proceed with certain elements of the 2009 Campus Improvement Project that FTA approved in the CE. These elements included:


*Existing RGRTA Campus*

Figure 1-3

**2009 Existing Condition**

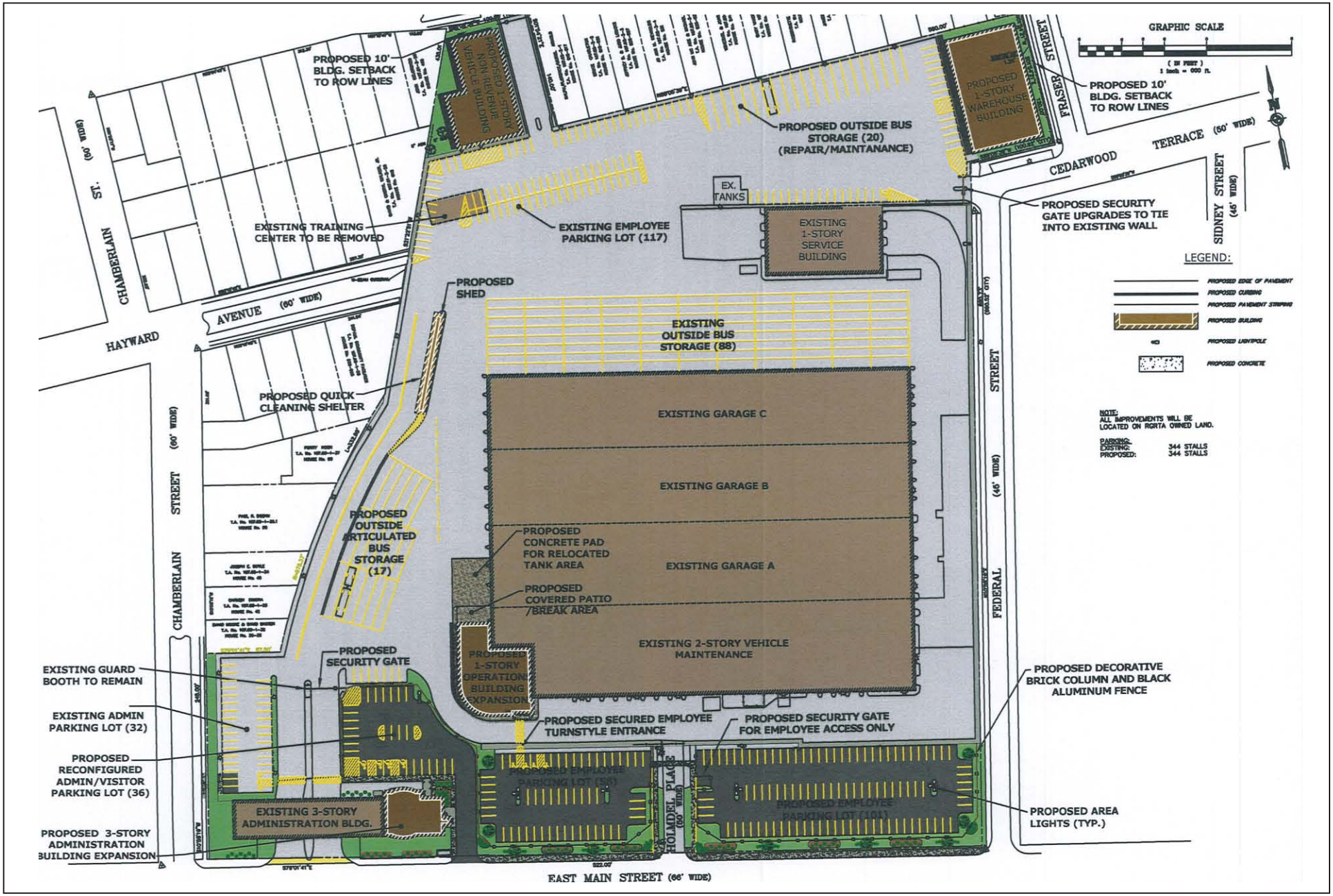



Figure 1-4

**2009 Campus Improvement Plan**

- Administration Building addition and renovations;
- New visitor parking lot;
- Operations Building roof, HVAC, and fire alarm system renovations;
- New above-ground diesel fuel storage system; and
- Temporary employee parking area on East Main Street.

All of these items have been completed, with the exception of the construction of the fueling system, which is expected to be completed in the summer of 2013. The remaining elements of the 2009 Campus Improvement Project that were approved in the CE—including construction of new warehouse and storage buildings, a new employee parking lot on East Main Street, and the related reconfiguration of bus parking and staging areas—are no longer being considered, because RGRTA is now proceeding with the 2013 Campus Improvement Project, which, as discussed in Chapters 2 and 3, will meet RGRTA's remaining needs, including needs that could not be fully met by the 2009 Campus Improvement Project. ✷

## 2.1 INTRODUCTION

RGRTA constructed its East Main Street Campus in 1974. Since that time, RTS equipment configurations and maintenance practices have changed. Today's buses are more complex and have different set-up and maintenance requirements. However, with the exception of recent construction work associated with the 2009 Campus Improvement Project, RGRTA has not undertaken any major improvements to the campus since it was constructed. Thus, the majority of the existing facilities are now almost 40 years old, were constructed to accommodate different types of buses than are now used, and are in need of repair. Moreover, RGRTA is aiming to increase RTS ridership each year, which will require a larger fleet over the long term. With anticipated future growth, RGRTA will have further difficulties accommodating additional fleet at its RTS Campus in its current configuration. Therefore, RGRTA is proposing an overall reconfiguration of the East Main Street Campus to facilitate more efficient and safe operations currently and in the future.

The constraints of the existing layout result in inefficient operations at the RTS Campus. This chapter of the EA describes the operational challenges and constraints RGRTA currently faces at the RTS Campus (Section 2.2) and then describes the purpose and need for the Proposed Action (Section 2.3).

## 2.2 EXISTING OPERATIONAL CHALLENGES AND CONSTRAINTS

The RTS Campus's current configuration results in a number of challenges to RGRTA's operations, primarily related to inadequate bus storage and staging space and bus servicing capacity. RGRTA retained a consultant to examine and quantify the bus and employee parking deficiencies on campus and to identify specific needs that should be addressed. These parking and service-capacity constraints in turn result in inefficient operations at the campus that also adversely affect the nearby residential neighborhood. The existing challenges include the following:

- **Inadequate bus parking and staging areas.** The RTS Campus has a total of 257 designated parking spaces for buses, but has a need for a minimum of 284 spaces today (which must include 28 spaces sized for articulated buses). To maximize the number of spaces, these spaces are narrower than optimal (at 10.5 feet wide rather than 12 feet wide), which results in bus-to-bus accidents, particularly involving mirrors. Today, a total of 167 designated bus spaces are available in the Operations Building and another 90 designated outdoor spaces are available north of the Operations Building. Although originally intended to provide indoor bus parking, the Operations Building's garages have limited capacity for bus parking because of the other activities and equipment they now house.

  Without enough designated parking areas, buses are parked along the campus perimeter walls, sometimes two and three deep, as well as in any other available space. Drivers must search for their assigned buses each day before beginning revenue service and many times, must move

multiple buses to retrieve their bus. During cold weather, the use of outdoor parking areas requires an early start for buses before revenue service, with buses starting up and idling for two to three hours before their service time. In addition, outdoor bus parking requires employee time for daily snow removal from the buses during winter months.

Since there is no organized waiting area for bus servicing, the servicing operation cannot be well planned and the same inefficiencies occur as mechanics search the campus for specific buses that are to be serviced, and in some cases must move multiple buses to retrieve a bus requiring service. The need to move buses multiple times wastes employee time and also increases fuel consumption, costs, and associated emissions, and results in greater potential for accidents, both bus-to-bus and between buses and cars. In addition, the use of the eastern and southern perimeter walls for bus parking inhibits access to the Operations Building.

The shortage of bus parking spaces is exacerbated each year when RGRTA receives new buses for its RTS fleet. For several months after the new buses are delivered to the RTS campus, technology is transferred from the old buses to the new ones, and then the old buses are stripped of removable parts and stored until they can be disposed of. Today, there is not enough room at the RTS Campus to accommodate the additional buses, and RGRTA uses a remote site (often land owned by Monroe County at the Greater Rochester International Airport, which is approximately 8 miles from the RTS Campus). Old buses are stored at the remote site during this transition period and towed to the remote site once they have been stripped of removable parts. The distance between the East Main Street Campus and the airport site results in inefficiencies related to employee time as well as fuel consumption, cost, and emissions.

- **Inadequate servicing capacity.** Currently, the limited throughput of the Service Building, which has three bus lanes, means that vehicle servicing must occur over a long time period, extending into the early morning hours. This results in disruptions to the nearby residential neighborhood. There is also insufficient area outside of the Service Building to allow for efficient cleaning of the buses (trash removal, vacuuming, etc.) prior to entering the building. The lack of space for buses awaiting servicing outside the building also results in potential traffic circulation conflicts. At peak hours of service, only one lane of travel is available for vehicles to pass the parked buses, and the parked buses also interfere with access to the northern employee parking lot, which is the main employee lot on campus (discussed below). Moreover, the Service Building is in poor condition and in need of repair. In particular, the bus wash area is reaching the end of its useful life and its equipment has become difficult to repair because of its age and the lack of available parts.
- **Constrained vehicle circulation.** Because of the lack of adequate designated bus parking spaces, buses are parked throughout the East Main Street Campus and must frequently be moved to allow access to other buses. As a result, buses and employee vehicles must intermix, increasing the risk of traffic accidents. Moreover, pedestrians are forced to cross drive lanes and parking areas in multiple locations to travel between employee parking areas and campus buildings.
- **Inadequate employee/visitor parking.** The RTS Campus currently has four parking areas for employees with a total of approximately 414 vehicle parking spaces, of which 411 are for use by employees and the other 3 are reserved for visitor use. During the winter, the number of available parking spaces is lower because of plowed snow in the parking areas. However, the RTS Campus currently accommodates an average of 15 visitors each day and more than 400 employees each day. Employees arrive at and leave from the campus throughout the day, with some RGRTA presence on campus 24 hours a day. Throughout the

day, therefore, there is a need for employee parking that ranges from about 30 employees during the overnight shift to a maximum of about 400 employees during the busiest periods; additional parking spaces are needed to accommodate shift changes. The existing parking at the East Main Street Campus is meeting the demand, but only through the use of a temporary lot on East Main Street and a combined visitor/employee lot on East Main Street, both of which are not within the secured area of the campus, and because some employees park off-site in the surrounding neighborhood. The existing parking does not accommodate the additional vehicles that arrive during regular RGRTA events that are held on average twice a month at the East Main Street Campus—including RGRTA Board meetings, monthly training meetings for regional departments, and educational workshops. During events, RGRTA employees block off additional parking spaces for visitors using cones.

- **Impacts to surrounding neighborhood from bus operations.** A 6- to 8-foot-tall masonry wall surrounds most of the campus perimeter. This wall, however, is not always adequate to block the noise from RGRTA operations on campus from disturbing the nearby residential neighborhood (see also Chapter 5, "Land Use and Zoning," and Chapter 6, "Noise and Vibration"). Further, the wall is in poor condition and needs major repairs or replacement. In addition, the existing constraints to service capacity and parking capacity can result in noise and exhaust that is disturbing to the nearby neighbors. Servicing operations occur from the evening into the early morning hours (typically until approximately 12:30 AM, but at times as late as 2 AM), resulting in noise disruptions to neighbors. Additionally, during cold weather, the use of outdoor staging areas requires an early start for buses before revenue service—buses are started up beginning around 2:30 AM, with buses idling for two to three hours before their service time.

## 2.3 PURPOSE AND NEED FOR THE PROJECT

The purpose of the Proposed Action is to improve the overall efficiency of routine RTS operations and regular servicing and maintenance activities at the East Main Street Campus. This will be achieved by providing an adequate number of designated bus parking areas, with the maximum number of spaces located indoors, and by improving the capacity and efficiency of maintenance and servicing operations. RGRTA will do this while maintaining adequate secured employee parking. In addition to improving efficiency and decreasing operational costs, these changes will improve vehicular and pedestrian safety, address on-site deficiencies that are adversely affecting daily operations and limiting RGRTA's ability to plan for and accommodate future anticipated growth, and limit disturbances from RGRTA operations on surrounding residents.

Today, the lack of adequate designated bus parking spaces, adequate indoor bus storage area, and constraints to servicing and maintenance capacity have increased operational requirements and costs, created travel areas with potential conflicts between buses and employee vehicles, and ultimately will limit the expansion of the fleet. Changes to maintenance and servicing capacity and parking and circulation patterns are needed to address these issues.

RGRTA has identified the following specific needs that should be addressed by improvements at the East Main Street Campus:

- Expanded servicing capacity with improved bus washing operation.
- Expanded, reorganized maintenance capacity.

- Bus parking areas with an identifying designation to allow drivers to easily locate buses, and laid out so as to minimize or eliminate the need to move other buses. To provide enough space for today's fleet and for reasonably anticipated growth, 302 parking spaces for buses are needed, with 28 of those for articulated buses. Bus parking areas must be at least 12 feet wide.
- Increased indoor bus parking space, to maximize the number of buses that can park indoors.
- At least 412 employee/visitor parking spaces on campus, to meet existing needs and reasonably anticipated growth.

These needs should be met while addressing the important goals of minimizing visual and noise disruptions to the surrounding community and minimizing impacts to the environment. ✷

## 3.1 INTRODUCTION

This chapter describes the proposed 2013 Campus Improvement Project, which is the Proposed Action that is evaluated in this Environmental Assessment (EA). The chapter then discusses the No Action Alternative, which is the baseline condition against which the Proposed Action is evaluated. The 2013 Campus Improvement Project is the Preferred Alternative to meet the purpose and need for the project, and in fact is the only alternative identified that can meet that purpose and need.

In recent years, RGRTA identified the need for improvements on the East Main Street campus and evaluated a number of alternatives to meet its needs. These included the 2009 Campus Improvement Project (described in Chapter 1, section 1.4, of this EA), as well as multiple design and reconfiguration options within the campus's existing footprint (where no property acquisitions would be required) and alternatives where varying amounts of land would be acquired.

Through the course of these evaluations, RGRTA determined that it could not meet its operational needs within the footprint of its existing campus, as demonstrated by the fact that the 2009 Campus Improvement Project (which required no land acquisition) left several critical RGRTA needs unmet. RGRTA also analyzed the feasibility of acquiring different amounts of land to meet its needs. For example, in 2010, RGRTA explored an alternative that would acquire only 12 properties along the east side of Chamberlain Street and south side of Hayward Avenue (a total of 1.4 acres of private property). RGRTA determined that with the employee parking lost by accommodating the needed bus parking and staging areas and service capacity increases, acquiring the 1.4-acre area east of Chamberlain Street and south of Hayward Avenue would not allow the campus to be large enough to accommodate all of the needed functions, including an adequate amount of employee parking. RGRTA therefore determined that meeting its needs would require acquiring the 2.5 acres of private property (21 properties) that are included as part of the Proposed Action.

## 3.2 PROPOSED ACTION

The specific project components of RGRTA's 2013 Campus Improvement Project include the following (see also **Figures 3-1 and 3-2**):

- **Renovations to Operations Building:** Various upgrades would be made within the Operations Building, such as resurfacing, interior painting of maintenance areas, lighting upgrades, body shop/paint booth conversion, replacement of boilers and emergency generators, overhead door upgrades, and repurposing and upgrading office areas to provide new support services (such as training and break rooms). (Funding has not yet been obtained for all aspects of the Operations Building renovation.)
- **Expanded Operations Building:** The Operations Building expansion would consist of construction of a new, approximately 74,000-square-foot Garage D that would extend the


Figure 3-1

**2013 Campus Improvement Project**


Figure 3-2

**2013 Campus Improvement Project, Aerial View**

Operations Building farther north (into the area currently occupied by the existing Service Building), to provide additional indoor bus parking spaces. (Funding has not yet been obtained for the expansion to the Operations Building.) The changes to the Operations Building, together with relocation of equipment and non-revenue vehicles into a new Maintenance Warehouse Building (discussed below) would increase the indoor bus storage space by 116 buses. Moving buses indoors would reduce the fuel consumption, vehicle emissions, noise, and staff costs associated with early cold starts and frequent snow removal, and would thereby also reduce disruptions in the neighborhood.

- **New Maintenance Warehouse Building:** A new, approximately 32,000-square-foot Maintenance Warehouse Building would be constructed at the southeast corner of the RTS Campus along East Main Street. (Some aspects of the new Maintenance Warehouse Building are not yet funded.) The building would provide storage for non-revenue vehicles (snow plow, supervisor cars, vans, tow trucks, etc.) and miscellaneous items (maintenance tools, materials, stocked parts, and supplies) currently stored in the Operations Building. This new warehouse function would allow stored materials to be relocated from the Operations Building, so that 44 additional indoor parking spaces become available. It would also relocate some of the maintenance functions from Garages A and B in the Operations Building and would house an articulated bus body shop and vehicle paint booths. The new Maintenance Warehouse Building would be approximately the same height as the existing Operations Building, 27 feet. The new building's frontage along East Main Street would serve as a buffer between the campus activities and the surrounding community. The new building would displace the temporary parking lot currently located along East Main Street, necessitating replacement of those 97 spaces elsewhere on campus (see the discussion of new employee parking below).
- **New bus parking:** In addition to the 116 new indoor parking spaces to be created within the Operations Building, a new outdoor bus parking area that could accommodate approximately 19 buses waiting for maintenance would be created along the north side of the new Garage D. In total, at completion of the 2013 Campus Improvement Project, the campus would have 302 designated bus parking spaces, compared to 257 today, and all but the 19 spaces for buses awaiting maintenance would be indoors (for a total of 283 spaces indoors versus 167 today). All bus parking spaces would be 12 feet wide, which would provide for safer operations and fewer bus-to-bus accidents than the 10.5-foot-wide spaces available today. Twenty-eight of the parking spaces would be large enough for articulated buses. Overall, increasing the amount of bus parking is critical to improving efficiency in RGRTA's operations at the East Main Street Campus.
- **New Service Building:** A new Service Building would be constructed in the northeastern portion of the campus, in a location currently used for employee parking (to the north of the existing Service Building). The new Service Building (not yet funded) would be farther north than the existing Service Building to allow enough space for expansion to the Operations Building and for reconfiguration of other areas of the campus for parking, bus queuing, and better traffic flow. The new, approximately 15,000-square-foot building would have four bays, one bay more than the existing 11,300-square-foot building, and would have new bus washing equipment and other service functions. The new building would be the same height (36 feet) as the existing Service Building. The new Service Building would allow for faster throughput of buses (i.e., to remove fares and clean and ready buses for service during the course of the day). This would allow servicing to be completed much earlier in the evening, reducing the disruption to the surrounding residential neighborhood

(in comparison to servicing activities today, which typically continue until midnight and results in overnight noise and bus idling). It would also reduce the number of buses staged outside the building waiting to be serviced and thus would improve vehicular circulation on campus. The new Service Building would displace the northern employee parking lot, necessitating replacement of those 243 spaces elsewhere on campus (see the discussion of new employee parking below).

- **New employee parking:** RGRTA's campus would be expanded westward through the acquisition of private property (described below) to provide space for creation of a new employee parking lot. This parking lot would accommodate the 362 employee spaces displaced by the other changes proposed (and particularly by the new Service Building, which would displace the north employee lot, and the new Maintenance Warehouse Building, which would displace the temporary lot on East Main Street); it would also allow for a small expansion to the number of employee parking spaces to accommodate some future growth. With this change, the campus would have a total of 436 employee and visitor parking spaces: 46 spaces in the visitor/employee lot on East Main Street and the other 390 in the new employee parking area (which would encompass the 28 existing spaces northwest of the Administration Building as well as 362 new spaces). Employees would continue to use the existing entrance to the campus from East Main Street, which passes beneath the Administration Building. All employee parking spaces other than those in the new employee/visitor lot would be within the secured campus.
- **Other site improvements** (a number of these elements are not yet funded)**:**
  - **New Perimeter Wall:** A new 10-foot-high pre-cast, decorative concrete wall would be constructed around the perimeter of the expanded campus in place of the existing wall, including around the newly expanded area on the west side of the campus. The current design for the decorative wall envisions the wall's concrete panels cast and tinted to resemble wood panels. The new wall would improve security and create a visual and noise buffer between the campus and the surrounding neighborhood.
  - **Landscaped setbacks:** Around the perimeter of the campus, landscaped areas would be provided to create a visual buffer between the campus and nearby residential uses. This includes maintaining the green spaces currently located on Fraser Street at Cedarwood Terrace and at the rear of the campus at Garson Avenue. **Figure 3-3** provides an illustration of the type of landscaping that RGRTA would provide. In addition, if an agreement can be reached with the City of Rochester, RGRTA is willing to transfer the wooded portion of the campus that is east of the existing perimeter wall near Cedarwood Terrace to the City for creation of a neighborhood park or other neighborhood amenity.
  - **General site improvements:** These include such items as pavement replacement; sidewalk repair; replacement of drainage structures, located primarily along the eastern boundary of the campus; replacement and repair of storm sewers, catch basins, and a trench drain; replacement of portions of other utilities (sanitary, water, electric, and gas); installation of additional security cameras; and installation of site lighting (with LED lights to reduce energy costs) on 30-foot-high poles.
  - **Site improvements related to hazardous materials:** These include the relocation of diesel above-ground storage tanks (AST) and installation of a new diesel AST; removal of old and installation of new gas underground storage tanks (USTs); and replacement of other bulk petroleum tanks and associated soil remediation, where necessary and in accordance with applicable local, State, and federal laws.

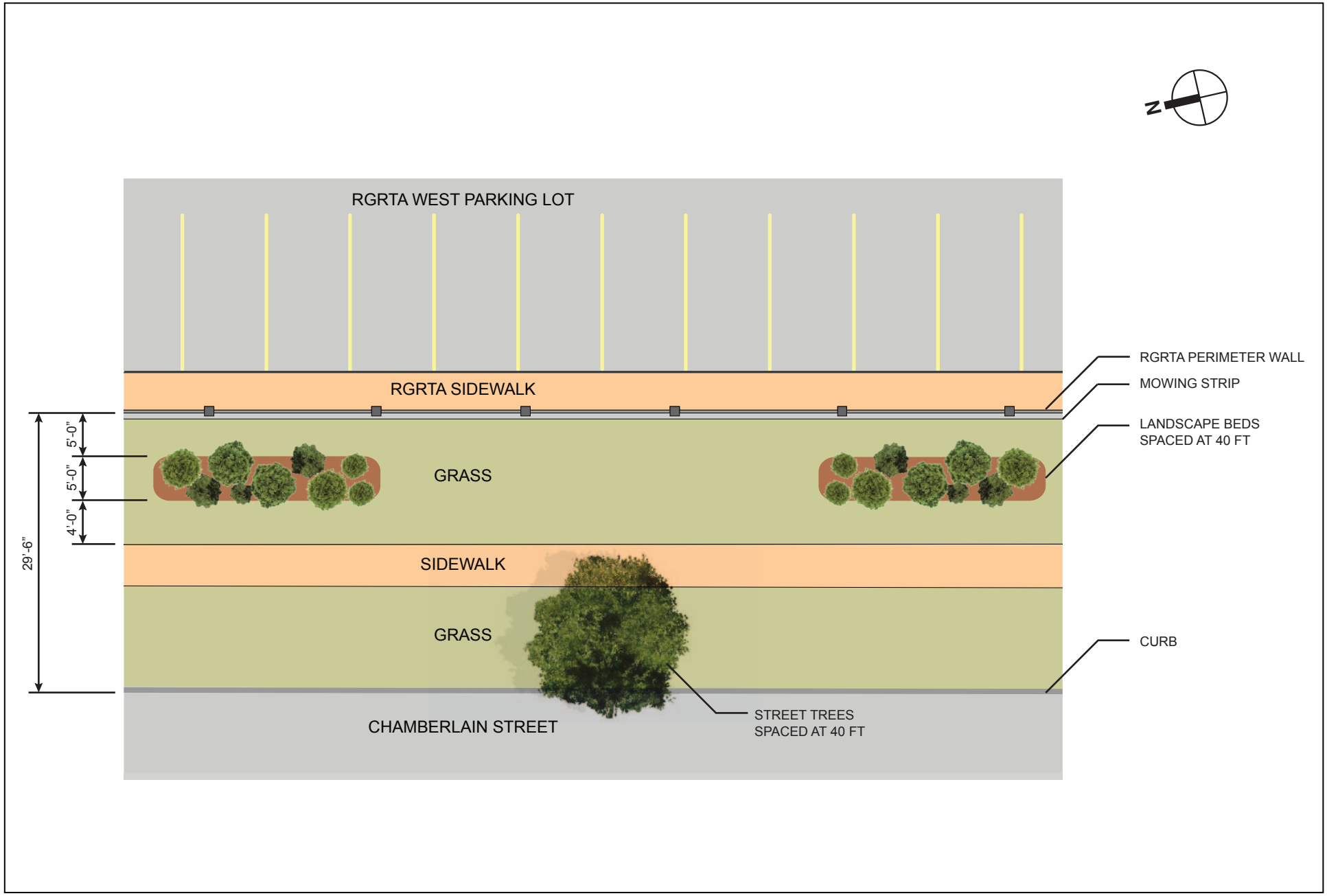



Figure 3-3
**Illustration of Landscaping**

- **Property Acquisition:** As discussed above, through the alternatives development process, RGRTA determined that it could not meet its current and future operational needs within the footprint of the existing RTS Campus. Therefore, to accommodate the 2013 Campus Improvement Project, RGRTA will acquire 21 properties and some roadway right-of-way that abuts the western side of the existing campus, in the Beechwood residential neighborhood, including: (1) the properties on the east side of Chamberlain Street south of Hayward Avenue (between Chamberlain Street and the RTS Campus) as well as one property on the east side of Chamberlain Street north of Hayward Avenue; (2) the properties on both sides of Hayward Avenue between Chamberlain Street and the campus boundary; and (3) the Hayward Avenue right-of-way (which would also be demapped) between Chamberlain Street and the existing RGRTA property boundary. **Figure 3-4** shows the properties proposed for acquisition. More information on the properties to be acquired is provided in Chapter 4 of this EA, "Displacement and Relocation." The new employee parking lot, which would provide adequate secured parking to replace the parking lost by the construction of the Maintenance Warehouse Building, Operations Building expansion, and new Service Building, would be created on this expansion area. Without the employee parking lot, the other features of the 2013 Campus Improvement Project could not fit on the existing campus, future expansion would be limited, and employee vehicle and bus conflicts would continue. The 2013 Campus Improvement Project therefore is not feasible without the proposed property acquisition.

In total, the estimated cost for the Proposed Action is approximately $33 million in 2012 dollars. As noted above at this time, funding has been identified for the property acquisition, new employee parking lot, some of the Operations Building renovations, and the new Maintenance Warehouse Building. Applications for future funding of the remainder of the project have been made. The Proposed Action would be developed as funding becomes available in a progression that would minimize disruptions to existing operations at the RGRTA campus.

The 2013 Campus Improvements Project would meet the purpose and need for the project and the goals and objectives outlined in Chapter 2. All of the changes described above would allow RGRTA to reconfigure bus operations on its campus substantially. In summary, the Proposed Action would greatly improve bus servicing and maintenance capabilities at the campus with the new Service Building and Garage D, as well as the increased space within the existing area of the Operations Building that would be created by moving other functions to the new Maintenance Warehouse Building. It would also greatly improve bus parking and storage at the campus, by providing an adequate number of designated bus parking spaces for the fleet and by substantially increasing the number of parking spaces located indoors. These changes would improve efficiency and decrease operational costs by eliminating the need to shift buses from undesignated parking spaces throughout the day, which would also reduce the risk of bus-to-bus and car-to-bus accidents. These changes would also allow for sidewalks and pedestrian crossings, to provide for safe pedestrian circulation within campus. In addition, the changes would reduce the impact of RGRTA's operations on the nearby residential community by reducing the need for early-morning bus starts during cold weather, the need for overnight bus servicing, and the number of buses parked at the eastern and southern perimeters of the campus. In addition, the new perimeter landscaping and higher perimeter wall would create a new buffer between the campus and the surrounding residential neighborhood. Overall, these improvements would make RGRTA's East Main Street operations more efficient, less intrusive, and better able to accommodate future growth in bus operations.

4.17.13


*Existing RGRTA Campus* *Area Proposed for Acquisition*

Figure 3-4

**Property to be Acquired**

## 3.3 NO ACTION ALTERNATIVE

The No Action Alternative serves as the baseline condition against which the Proposed Action described above can be evaluated. For this EA, the No Action Alternative consists of existing conditions and installation of a new above-ground diesel fuel storage system that will be completed by summer 2013. **Figure 3-5** illustrates the RTS Campus with the No Action Alternative competed.

The No Action Alternative would not meet the purpose and need for the project, because although it would implement some short-term improvements, it would not address the needs RGRTA has identified at its East Main Street Campus. No additional bus parking or staging areas would be created, so bus parking and staging would remain inadequate and most bus parking would continue to occur outdoors. The existing servicing capacity would not be expanded and the deteriorating Service Building would not be upgraded or replaced. Existing operational inefficiencies would remain and grow worse over time as the fleet size increases. In addition, even with the use of the temporary parking lot along East Main Street, employee and visitor parking would continue to be inadequate, particularly with any growth in the number of employees as the fleet size increases. Overall, therefore, the No Action Alternative would also not increase campus efficiencies, reduce bus and employee vehicle conflicts, reduce impacts on surrounding neighbors, or support long-term operational flexibility to respond to changes in demand. With this alternative, future growth in the number of buses operating from the campus would become increasingly difficult to accommodate. ✷


Figure 3-5

**No Action Alternative**

# Chapter 4: Displacement and Relocation

This chapter describes the displacement that is required for the 2013 Campus Improvement Project and the relocation benefits that would be available for affected property owners and tenants.

The Proposed Action entails the acquisition of 21 private properties to the west of the East Main Street Campus, as well as a portion of the Hayward Avenue right-of-way (see **Figure 3-4** in Chapter 3 of this EA). These properties are in residential use, other than one vacant parcel, and contain 20 houses. There are an estimated 30 households on the 20 properties, as detailed in **Table 4-1** below. Using the average household size for the census tract where these houses are located (Census Tract 59) of 2.65 persons, an estimated total of 80 residents would be displaced by the Proposed Action.

**Table 4-1**
**Properties Proposed for Acquisition**

| Address | Tax Identification | City of Rochester Property Description |
|---|---|---|
| 36-38 Chamberlain Street | 107.69-1-32 | Apartments |
| 42 Chamberlain Street | 107.69-1-33 | 1-Family Residential |
| 46 Chamberlain Street | 107.69-1-34 | 2-Family Residential |
| 58 Chamberlain Street | 107.69-1-36.001 | 2-Family Residential |
| 60 Chamberlain Street | 107.69-1-37 | Vacant Land |
| 62 Chamberlain Street | 107.69-1-38 | 1-Family Residential |
| 66-68 Chamberlain Street | 107.69-1-39 | 2-Family Residential |
| 587-589 Hayward Avenue | 107.69-1-19 | 2-Family Residential |
| 591-593 Hayward Avenue | 107.69-1-20 | 3-Family Residential |
| 597 Hayward Avenue | 107.69-1-21 | 2-Family Residential |
| 601 Hayward Avenue | 107.69-1-22 | 1-Family Residential |
| 603-605 Hayward Avenue | 107.69-1-23 | 2-Family Residential |
| 580-582 Hayward Avenue | 107.61-3-36 | 2-Family Residential |
| 586 Hayward Avenue | 107.61-3-35 | 1-Family Residential |
| 592 Hayward Avenue | 107.61-3-34 | 1-Family Residential |
| 596 Hayward Avenue | 107.61-3-33 | 1-Family Residential |
| 602 Hayward Avenue | 107.61-3-32 | 1-Family Residential |
| 608 Hayward Avenue | 107.61-3-31 | 2-Family Residential |
| 614 Hayward Avenue | 107.61-3-30 | 1-Family Residential |
| 618 Hayward Avenue | 107.61-3-29 | 1-Family Residential |
| 104-106 Chamberlain Street | 107.61-3-37 | 2-Family Residential |
| | *Total* | *30 Estimated Dwelling Units* |

These properties will be acquired in accordance with the procedures and requirements of all applicable laws and regulations, including the Uniform Relocation Assistance and Real Property

Acquisition Policies Act of 1970, as amended (Uniform Relocation Act), and New York State's Eminent Domain Procedures Law. Any owners or tenants displaced through acquisition of lands will be entitled to benefits pursuant to the requirements of the Uniform Relocation Act and New York State Eminent Domain Procedure Law. Benefits covered by the Uniform Relocation Act include moving expenses, assistance in finding a new residence, rental payment assistance, and mortgage assistance. In accordance with federal and state law, owners of properties that would be acquired would be compensated at fair market value and would be provided all other benefits and assistance required by law. Residents of affected properties, whether owners or rental tenants, are also entitled to benefits in accordance with the Uniform Relocation Act. These benefits could include relocation payments and assistance in finding replacement housing that meets the needs of displaced residents in terms of size, price, rental, location, and timely availability. ✷

## 5.1 INTRODUCTION

This chapter examines the potential impacts of the Proposed Action on land use and neighborhood character, zoning, and public policy in the nearby area. It examines physical effects on the built environment and identifies potential benefits and impacts on population, employment, and business operations. Specifically, the chapter discusses land use and neighborhood character, zoning and public policy, and population and employment. For the analysis in this chapter, a study area of approximately 400 feet from the project site was used. This is the area most likely to experience changes to existing land use and neighborhood character as a result of the project.

## 5.2 LAND USE AND NEIGHBORHOOD CHARACTER

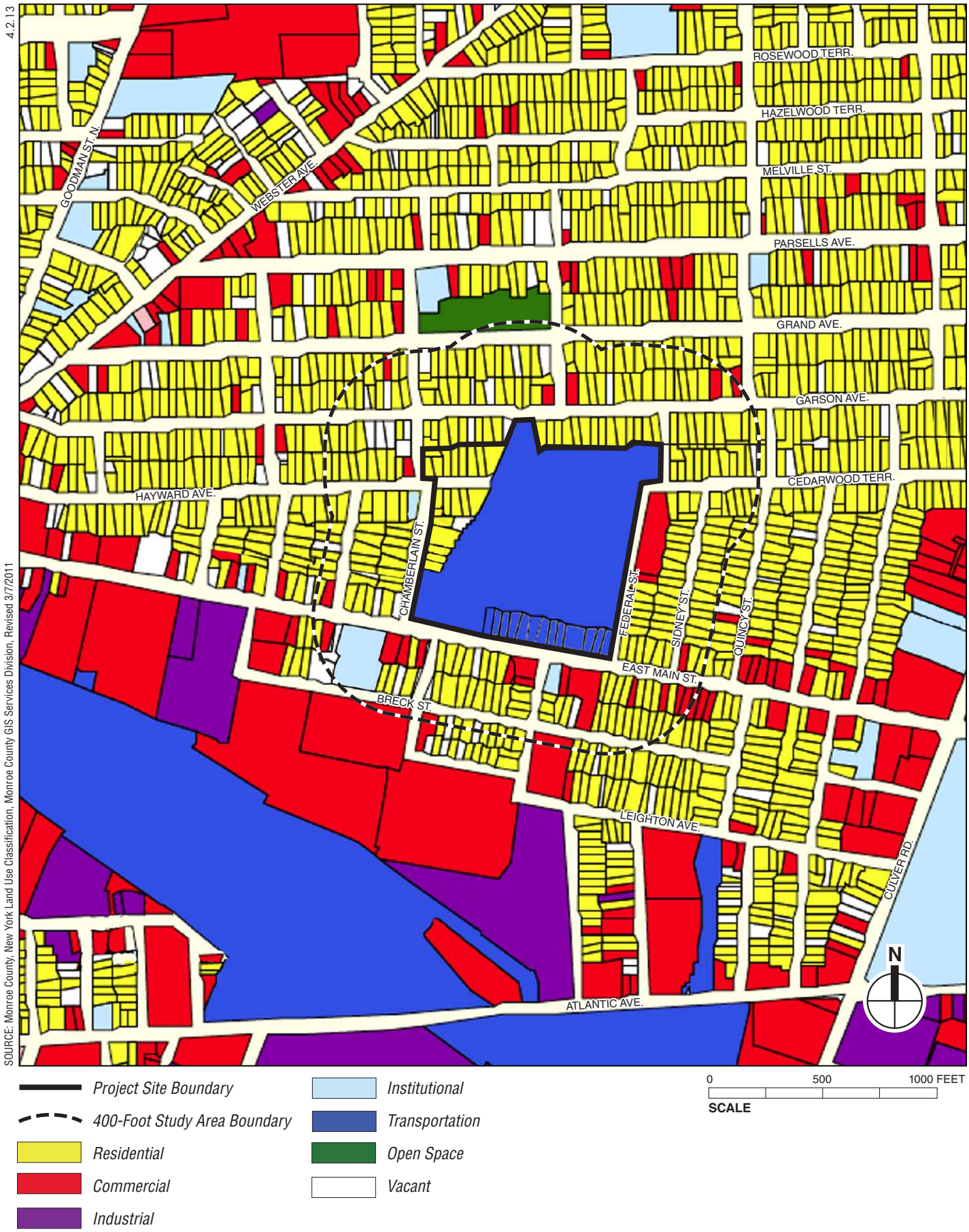
The project site consists of RGRTA's East Main Street Campus and 21 adjacent properties. RGRTA's East Main Street Campus is a public transportation use, housing buildings and parking areas used for offices, vehicle repair and maintenance, and storage. A 6- to 8-foot-high masonry wall surrounds most of the campus.

The 21 properties that would be acquired for the Proposed Action are in residential use, other than one vacant parcel. These properties contain single-family, two-family, and multifamily housing in detached frame houses. These houses have small grassy front, side, and rear yards and paved driveways, and are set along a regular grid of streets with sidewalks and some street trees. Behind the properties on the east side of Chamberlain Street, the East Main Street Campus is visible behind the campus wall. The campus is also clearly visible at the east end of Hayward Avenue, which dead-ends at the wall. Buses and campus buildings can be seen beyond the perimeter wall.

The rest of the study area to the west, north and east of the East Main Street Campus is also residential, with a grid of single-, two-, and multi-unit detached houses of a similar character to those on the project site (see **Figure 5-1**). The study area also includes a portion of a park, Grand Avenue Park, several blocks north of the project site. (The Proposed Action does not have any direct or physical impacts on Grand Park.) There are no other parks or recreation areas in close proximity to the East Main Street Campus.

East Main Street near the campus is a busy arterial thoroughfare for the neighborhood. It is lined with a mixture of commercial buildings set directly against the sidewalk, parking lots, and detached houses set back from the street behind narrow front yards. As shown in **Figure 5-1**, land use south of East Main Street includes a mix of residential and commercial uses close to East Main Street. Two blocks to the south, a more industrial area includes a railroad yard and larger industrial structures.

There are several community organizations within the study area. These include two offices of the Hillside Family of Agencies: a family resource center and youth center at 1337 East Main Street (between Chamberlain and Beechwood Streets) a career development assistance center at




*Project Site Boundary*
*400-Foot Study Area Boundary*
*Residential*
*Commercial*
*Industrial*
*Institutional*
*Transportation*
*Open Space*
*Vacant*

0 500 1000 FEET
SCALE

Figure 5-1
**Existing Land Use**

1 Mustard Street. In addition, a church occupies a formerly residential structure at the corner of Chamberlain Street and Hayward Avenue, directly across from the project site.

The study area includes portions of four census block groups: Block Groups 1 and 2 in Monroe County Census Tract 57, and Block Groups 1 and 2 in Census Tract 59. As discussed in more detail in Chapter 14, "Environmental Justice," the total population for these four block groups in 2010 was 3,090 people. The businesses in the study area, including RGRTA, have a total employment in 2012 of approximately 2,000 workers[1], 600 of which are employed by RGRTA at its East Main Street Campus.

The Proposed Action would continue the existing transportation use of the existing East Main Street Campus. The 21 residential properties that are part of the project site would be acquired and would be converted from residential to transportation use, extending the western boundary of the East Main Street Campus farther west. The expanded campus would overall constitute the same transportation use that exists adjacent to a residential neighborhood today, and would be similarly compatible with the surrounding residential neighborhood.

In addition, the 2013 Campus Improvement Plan includes a number of elements that are intended to reduce the campus's impact to quality of life in the surrounding neighborhood. These include a new 10-foot-high perimeter wall around the campus, higher than the existing wall, which would block views and noise to create a better buffer between the transportation use and the nearby residential neighborhood. In addition, the proposed improvements would allow RGRTA to move more bus servicing operations indoors and particularly to reduce the amount of late-night activity that occurs outdoors, which would reduce disturbances to the surrounding area. Finally, provision of adequate employee parking within the East Main Street Campus, which does not exist today, would reduce the amount of traffic and parking that occurs on adjacent streets in connection with RGRTA's bus operations, which would be a benefit to the surrounding neighborhood.

## 5.3 ZONING AND PUBLIC POLICY

The City of Rochester's zoning ordinance has designated RGRTA's East Main Street Campus with Community Center zoning district, C-2. Pursuant to the City of Rochester Zoning Code (Chapter 120 of the Code of the City of Rochester, Article VII, section 120-42(k)),[2] public and semi-public uses are permitted in this zoning classification—defined as "Uses operated by the public or semipublic body such as schools, public libraries, fire and public safety buildings, museums, parks, public meeting halls, governmental buildings and community centers." RGRTA's East Main Street Campus is permitted as a public use.

As shown in **Figure 5-2**, the study area around the campus is predominantly residential (R-1 and R-2, which allow low-density and medium-density residential development, respectively). The 21 properties that are proposed for acquisition as part of the Proposed Action are part of the R-1 zoning district. Grand Avenue Park in the northern part of the study area is zoned Open Space (O-S). The southern portion of the study area is zoned Industrial (M-1). **Table 5-1** summarizes the zoning districts in the study area.

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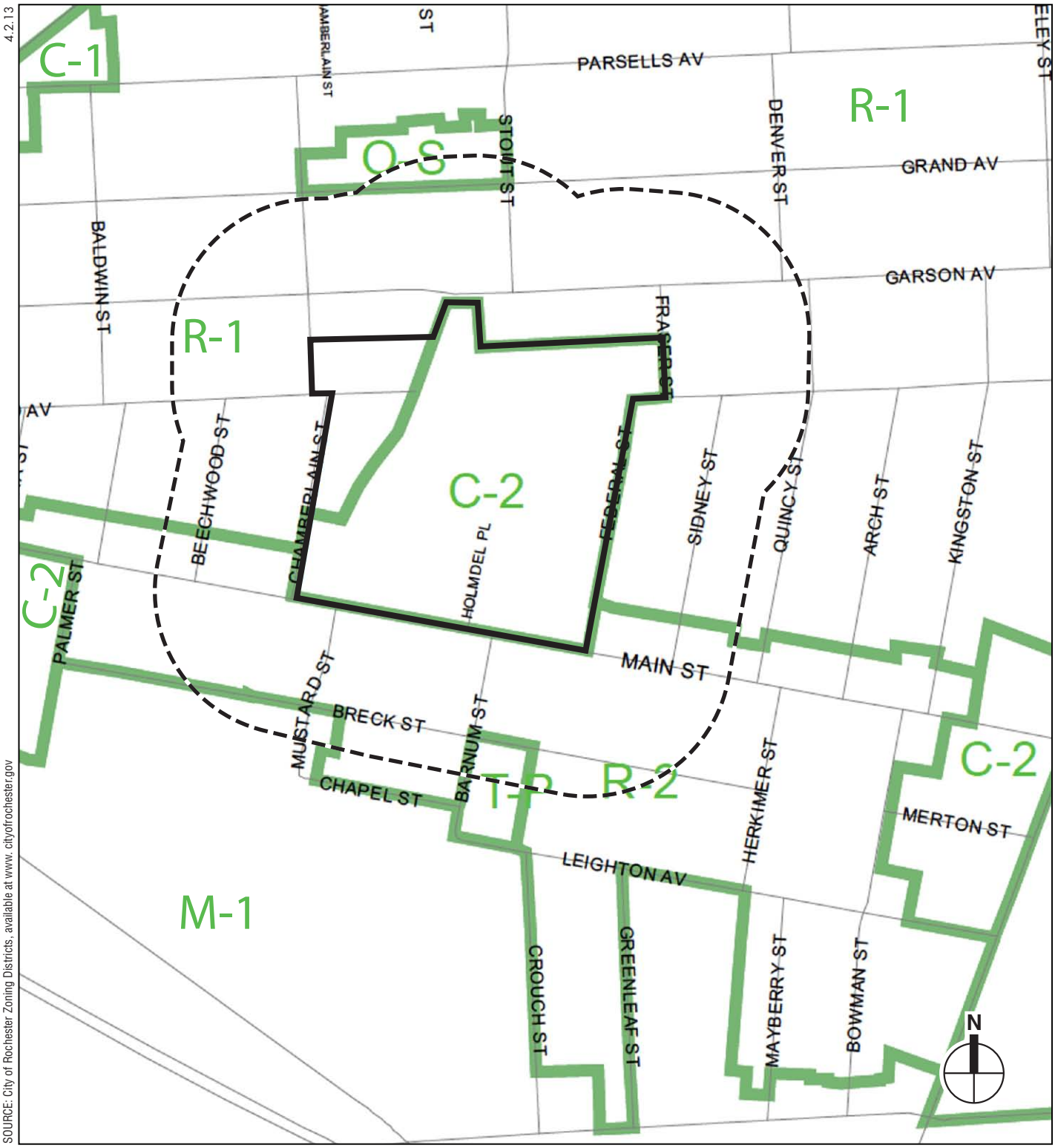
[1] ESRI Business Analyst Online, http://www.esri.com/software/bao/index.html. Accessed June 26, 2012.

[2] http://www.ecode360.com/RO0104#RO0104, Accessed June 21, 2012.




*Project Site Boundary*

*400-Foot Study Area Boundary*

*Zoning District Boundary*

0 200 500 FEET
SCALE

Figure 5-2
**Existing Zoning**

**Table 5-1**
**Zoning Districts in the Study Area**

| Zoning District | Description | Permitted Uses |
|---|---|---|
| C-2 | Community Center District | Single-family attached and multifamily dwellings; live-work spaces; bed-and-breakfast establishments; family, group family, and adult family day-care homes; day care centers; enclosed animal hospitals; places of worship; convents and rectories; public and semipublic uses; funeral homes and mortuaries; enclosed retail and limited adult retail; health clubs; theaters; offices; bars and restaurants; and mixed uses. |
| R-1 | Low-Density Residential District | Attached and detached single-family dwellings; family, group family, and adult family day-care homes; places of worship; convents and rectories; and home occupations. |
| R-2 | Medium-Density Residential District | Attached and detached single-family dwellings; two-family dwellings; family, group family, and adult family day-care homes; places of worship; convents and rectories; and home occupations. |
| M-1 | Industrial District | Research labs; offices; manufacturing, high-tech or light industrial uses; warehouses and wholesale distribution; mixed-use facilities; vehicle repair stations; vehicle and equipment rental, sales, and storage; recycling centers; technical and vocational schools; animal hospitals; adult businesses; self storage; ancillary and community parking; and a range of retail, dwelling, office, and restaurant uses under specific circumstances. |
| O-S | Open Space District | Parks, recreational areas, wildlife areas, cemeteries, botanical gardens, marinas and boating facilities, and outdoor recreation. |
| T-P | Transitional Parking District | Parking that serves as transitional zone between residential areas and non-compatible uses, such as industrial zones |

**Source:** City of Rochester Zoning Code.

Under New York State Public Authorities Law, RGRTA's activities at its East Main Street Campus are not subject to local zoning requirements. Nonetheless, the Proposed Action would be consistent with the existing zoning of the East Main Street Campus. The use of the 21 residential properties for surface parking as part of the East Main Street Campus would not be subject to review and approval by the City of Rochester's City Planning Commission because of RGRTA's Public Authority Law Exemption. However, RGRTA's acquisition of abandoned streets would require City Planning Commission approval.

The City of Rochester's Comprehensive Plan, *Rochester 2010: The Renaissance Plan* (Chapter 130 of the Code of the City of Rochester), includes as an economic vitality goal to "encourage an integrated transportation system that is safe, efficient, and meets the transportation requirements of our businesses, industries, and citizens." The Proposed Action would be consistent with that goal. ✷

## 6.1 INTRODUCTION AND METHODOLOGY

This chapter considers the potential of the Proposed Action to affect historic resources, including architectural resources and buried archaeological resources. The analysis in this EA was conducted in accordance with the procedures set forth in Section 106 of the National Historic Preservation Act, in consultation with the New York State Historic Preservation Officer (SHPO) of the New York State Office of Parks, Recreation and Historic Preservation.

Section 106 of the National Historic Preservation Act (NHPA), as implemented by federal regulations at 36 CFR Part 800, mandates that federal agencies consider the effect of their actions on any properties listed on or determined eligible for listing on the National Register of Historic Places (NR). Properties on the National Register may include historic structures, sites, and districts as well as buried archaeological sites. Federal agencies, in consultation with the SHPO, must determine whether a proposed action would have any effects on the characteristics of a site that qualify it for the State and National Registers of Historic Places (S/NR) eligibility or listing. The review under Section 106 can be conducted in coordination with NEPA.

Section 106 also requires the federal agencies to consult with the Advisory Council on Historic Preservation if potential adverse effects on historic properties would occur. It also calls for consultation with other parties with an interest in the historic resources that may be affected (these parties are referred to as "Consulting Parties"). At this time, the Consulting Parties identified for the Proposed Action are the SHPO, the Federal Transit Administration (FTA), and RGRTA. In addition, because the views of the public are essential to informed federal decision-making in the Section 106 process, the process calls for public involvement with respect to the project's effects on historic properties. This public comment element can be combined with the public participation component required by NEPA, including the public hearing and comment period following issuance of the Environmental Assessment. For this project, public involvement for Section 106 will be coordinated through NEPA.

Historic resources include both archaeological resources and historic structures (architectural resources). The methodology followed to assess potential impacts to historic and archeological resources for the Proposed Action was consistent with the procedures set forth under Section 106, and included the following:

- Establish the Area of Potential Effect (APE) to be evaluated.
- Identify archaeological resources and historic structures within the APEs. These include National Historic Landmarks (NHLs), properties listed on the State and National Registers of Historic Places (S/NR) or determined eligible for such listing, and City of Rochester preservation districts and individual landmarks. They also include other sites or properties in the study area that appear to meet the criteria for listing on the S/NR.
- For potential archaeological resources and architectural resources identified, evaluate the potential effect of the Proposed Action on those resources, in consultation with the SHPO.

- For potential adverse effects, identify measures to avoid or minimize those effects.
- Conduct consultation with the SHPO and Consulting Parties regarding effects on and measures to avoid adverse effects on archaeological and architectural resources.

## 6.2 ARCHAEOLOGICAL RESOURCES

### 6.2.1 AREA OF POTENTIAL EFFECT FOR ARCHAEOLOGICAL RESOURCES

The Area of Potential Effect (APE) for archaeological resources is the area where soil would be disturbed as a result of Project construction, which is the project site itself (see **Figure 6-1**).

### 6.2.2 ARCHAEOLOGICAL RESOURCES IDENTIFIED IN THE APE

A number of archaeological studies have been completed for the Project Site in connection with the 2009 and 2013 Campus Improvement Projects.

In 2009, Powers & Teremy, LLC performed a Phase IA Cultural Resource Investigation for the 2009 Campus Improvement Project. The area analyzed in the Phase 1A report includes the current East Main Street Campus and 12 residential parcels that were being evaluated for potential acquisition at that time. The residential properties analyzed are the 12 properties along the east side of Chamberlain Street between East Main Street and Hayward Avenue (36 through 68 Chamberlain Street), as shown in **Figure 6-1**. The East Main Street Campus and these residential properties, together totaling approximately 18.5 acres, were the APE for the 2009 Phase IA investigations.

The Phase IA study concluded that due to the number of previously recorded archaeological sites within a one-mile radius of the APE, the large number of Map Documented Structures, and the area's role in the growth of turn-of-the-century Rochester, Phase IB archaeological investigations were warranted in the northwestern, northeastern, and southern portions of the APE. The areas where additional investigations were recommended consisted of the former locations of railroad car barns (the northwestern corner) and former residential structures (the northeastern and southern portions). The study concluded that these identified areas could provide insight into the lives of the city's past inhabitants and its transportation history. Phase IB archaeological testing was recommended for these areas to identify the presence/absence of archaeological resources. SHPO concurred with the recommendations of the Phase 1A report in an August 7, 2009 letter.

Phase IB investigations were carried out in the sensitive areas on the East Main Street Campus in December 2009. Based on the results of the Phase IB testing, no further archaeological evaluations were recommended. SHPO concurred with these findings (presented initially in an End of Fieldwork Summary letter dated September 14, 2009) in a letter dated September 24, 2009 and concluded there would be no adverse effects to cultural resources on the East Main Street Campus. The recommended Phase IB testing for the residential properties west of the East Main Street Campus along Chamberlain Street has not yet been undertaken as RGRTA does not control those properties.

In 2012, Powers & Teremy, LLC completed an Addendum to the Phase IA Cultural Resource Investigation that evaluated an additional 1.5-acre area adjacent to the northwest corner of the East Main Street Campus (referred to as the Addendum APE). This additional area encompassed nine residential parcels on the north side of Hayward Avenue that are now being evaluated for acquisition by RGRTA as part of the 2013 Campus Improvements Project (see **Figure 6-1**). The


*Project Site/Archaeological Resources APE*

*100-Foot Buffer/Historic Resources APE*

0 200 FEET
SCALE

Figure 6-1

**RGRTA** 2013 CAMPUS IMPROVEMENT PROJECT

**Archaeological and Historic Resources APE**

2012 Addendum to the Phase IA report concluded that the Addendum APE has the potential to contain historic-period archaeological resources and recommended that a Phase IB archaeological survey be undertaken to determine presence or absence of archaeological resources. The Phase 1A Addendum was submitted to the SHPO on July 18, 2012 and in a letter dated August 6, 2012, the SHPO concurred with the findings for the report and the recommendations for Phase IB testing.

### 6.2.3 POTENTIAL EFFECTS OF THE PROPOSED ACTION

The Proposed Action would involve subsurface disturbance on the archaeological resources APE (the residential properties west of the existing campus) that have been identified as potentially archaeologically sensitive. Therefore, Phase IB archaeological testing will be conducted in these areas to test for the presence or absence of archaeological resources. The archaeological testing will be implemented following completion of this EA at a time when RGRTA has control of the properties, in advance of construction of the Proposed Action on those portions of the APE identified as potentially sensitive for archaeological resources. The Phase IB surveys will be undertaken in compliance with applicable standards and guidelines for archaeological surveys, including those promulgated by the SHPO, New York Archaeological Council, and the U.S. Secretary of the Interior.

At any locations where archaeological resources are encountered, additional archaeological study will be undertaken in consultation with the SHPO. This would include determining the National Register eligibility of any resources or sites encountered. If any sites are determined to be eligible for the National Register, then mitigation measures would be implemented for those sites, such as avoidance or data recovery prior to any project construction at those locations.

These measures will be stipulated in a Programmatic Agreement among the SHPO, FTA, and RGRTA.

## 6.3 ARCHITECTURAL RESOURCES

### 6.3.1 AREA OF POTENTIAL EFFECT FOR ARCHITECTURAL RESOURCES

For architectural resources, the APE is based on proposed work activities and their potential to affect historic properties, including potential direct and indirect effects of the Proposed Action. The architectural resources APE extends approximately 100 feet from the project site (see **Figure 6-1**). The APE includes areas that would be the most proximate physically and visually to the project site, and, therefore, where the Proposed Action may have potential to adversely affect the character or setting of historic properties. The Proposed Action would add new structures or additions to existing structures at similar heights and scale as those presently on the East Main Street Campus and thus the visibility of the Proposed Action is not expected to extend beyond the immediately surrounding streets. Moreover, a 10-foot-high concrete wall would be constructed at the perimeter of the campus, creating a buffer between the campus and the surrounding area. The APE was submitted to SHPO on September 21, 2012.

### 6.3.2 ARCHITECTURAL RESOURCES IDENTIFIED IN THE APE

With respect to architectural resources, there are no State/National Register Eligible/Listed properties within the APE.[1] There are also no City of Rochester preservation districts or individual landmarks in the APE. The properties within the APE are mostly late-19th, early-20th century residential structures in a variety of architectural styles. The structures have been altered in variety of ways—vinyl and asbestos siding, modified or enclosed porches, and replacement windows the most common. Photographs and information on the properties in the APE were submitted to SHPO on September 21, 2012. On September 26, 2012, SHPO confirmed that there are no architectural resources in the APE; see **Appendix A**.

### 6.3.3 POTENTIAL EFFECTS OF THE PROPOSED ACTION

With respect to architectural resources, because there are no State/National Register eligible/listed properties in the APE, the Proposed Action would not affect any historic properties. FTA determined and SHPO concurred in a letter dated September 24, 2009, SHPO concluded that there would be no adverse effect to cultural resources on the existing RGRTA site, see **Appendix A**. On September 26, 2012, SHPO indicated that they had no architectural resources concerns for the Proposed Action; see **Appendix A**. ✷

[1] Within the APE, 8 properties are shown in OPRHP's SPHINX database as having previously been determined not eligible for listing on the S/NR: the duplex at 36-38 Chamberlain Street, single family residence at 602 Hayward Avenue, duplex at 519-521 Garson Avenue, single family residence at 465 Garson Avenue, duplex at 37-39 Federal Street, and single family residences at 1477, 1503, and 1507 East Main Street.

## 7.1 INTRODUCTION

This chapter discusses the potential for the 2013 Campus Improvement Project to result in adverse impacts to traffic conditions on roadways near RGRTA's East Main Street Campus.

## 7.2 OVERALL TRAFFIC CONDITIONS

With the Proposed Action, employees would continue to enter and exit RGRTA's East Main Street Campus using the existing driveway, which passes beneath the Administration Building. Visitors to the campus would continue to enter the new parking lot recently constructed to the east of the Administration Building via a campus driveway at Holmdel Place, which is about 400 feet east of the main driveway. The Proposed Action would remove the 100-space temporary employee parking lot that is currently accessible via Holmdel Place, replacing it with permanent parking elsewhere on the campus that is accessible via the main driveway.

The Proposed Action would not significantly change the numbers or timing of vehicle trips arriving at or departing from the campus and would not change the numbers of buses entering and exiting the campus or their schedules. Vehicles would be shifted from Holmdel Place to the main driveway, which would result in minimal changes to traffic conditions on East Main Street. Therefore, no significant changes to existing traffic conditions would be anticipated as a result of the Proposed Action.

## 7.3 QUANTIFIED TRAFFIC ANALYSIS

In 2009, RGRTA prepared a traffic impact assessment as part of its Categorical Exclusion document for the 2009 Campus Improvement Project. The 2009 analysis was revised in 2010 to reflect a modified project that relocated parking to the rear of the campus, with a new employee parking lot on the west side of the campus on the residential properties proposed to be acquired along Chamberlain Street and to consolidate the vehicle entrances on East Main Street. This is the same entrance configuration that is currently proposed. More detailed information on the traffic analysis is provided in **Appendix B.**

Traffic counts were collected in 2009 by Passero Associates at the signalized intersection on East Main Street in front of the campus entrance. For the 2010 analysis, RGRTA used the traffic counts taken by Passero Associates at the existing signalized main entrance on June 8, 2009 during the AM (7:45-8:45) and PM (5:00-6:00) peak hours. As a conservative estimate, RGRTA added 20 new trips to the base volumes to account for new employees that RGRTA added following the 2009 traffic counts and an additional 20 employees were also added to account for possible new administrative and operations jobs that might result from the Proposed Action. When the existing counts were taken, the 100-space temporary employee parking lot accessible via Holmdel Place was not yet open, and the analysis assumed all employee vehicles would access the East Main Street Campus from the main driveway on East Main Street.

Subsequent to 2009, there has been limited new development in the area of the East Main Street Campus except for the current renovations at the East Main Street Campus. As such, use of the 2009 traffic information is considered reasonable.

The 2010 analysis included build-out of the campus parking facilities, including a modest expansion in employee trips. The analysis was conducted using the Synchro Traffic Modeling software. The capacity and level of service of the main entrance intersection was analyzed to evaluate the existing and build conditions. The results of the intersection capacity analysis for the signalized entrance indicate that LOS in the existing and build conditions would remain acceptable (LOS D or better) in both the AM and PM peak hours. Therefore, the Proposed Action would not result in significant impacts on traffic operations. **Table 7-1** presents the results of the analysis.

**Table 7-1**
**Level of Service Analysis, Existing Conditions and Proposed Action**
**East Main Street and Campus Driveway**

| Approach | Existing Conditions | | Preferred Alternative | |
|---|---|---|---|---|
| | AM Peak Hour 7:45-8:45 AM | PM Peak Hour 5:00-6:00 PM | AM Peak 7:45-8:45 AM | PM Peak Hour 5:00-6:00 PM |
| Eastbound (Main Street) | A | A | B | A |
| Westbound (Main Street) | A | A | A | A |
| Northbound (Mustard Street) | B | B | B | B |
| Southbound (RGRTA Entry/Exit) | B | B | B | B |
| Overall | A | A | B | A |

✷

## 8.1 INTRODUCTION

This chapter considers the potential effects of the Proposed Action on air quality resulting from mobile sources (i.e., vehicles) and stationary sources (i.e., exhausts from buildings).

The New York State Department of Environmental Conservation (NYSDEC) operates an ambient air quality monitoring station in Rochester, at RG&E Substation 30 Yarmouth Road. The most recent pollutant concentrations measured at that station as reported by NYSDEC,[1] along with the corresponding National Ambient Air Quality Standard (NAAQS) for each pollutant and averaging period, are presented in **Table 8-1**.

**Table 8-1**
**Air Quality in Rochester and Applicable Standards**

| Pollutant | Averaging Period (Statistical Form) | Concentration | NAAQS | Physical Units | Fraction of NAAQS |
|---|---|---|---|---|---|
| Sulfur Dioxide ($SO_2$) | 3-hour (2nd highest) | 15.6 | 500 | ppb | 3.1% |
| | 1-hour (3-year average 99th percentile) | 24 | 75 | ppb | 32.0% |
| Inhalable Particulate Matter ($PM_{10}$) | 24-hour (2nd highest) | 26 | 150 | $\mu g/m^3$ | 17.3% |
| Inhalable Fine Particulate Matter ($PM_{2.5}$) | 24-hour (98th percentile) | 24 | 35 | $\mu g/m^3$ | 68.6% |
| | annual | 7.6 | 15 | $\mu g/m^3$ | 50.7% |
| Carbon Dioxide (CO) | 1-hour (2nd highest) | 1.2 | 35 | ppm | 3.4% |
| | 8-hour (2nd highest) | 0.9 | 9 | ppm | 10.0% |
| Ozone ($O_3$) | 8-hour (4th highest) | 0.065 | 0.075 | ppm | 86.7% |
| Nitrogen Dioxide ($NO_2$) | Annual | 8.4* | 53 | ppb | 15.9% |
| | 1-hour | 40.6** | 75 | ppb | 54.1% |

**Notes:** * Less than 75% data available—not statistically valid for NAAQS attainment demonstration.
** Single year of data available; 3 years required for NAAQS attainment demonstration.

**Source:** NYSDEC 2011 Data Report

As demonstrated in **Table 8-1**, air quality in Rochester attains the applicable NAAQS, which are defined and periodically reviewed and updated by the U.S. Environmental Protection Agency (EPA) under the Clean Air Act. In addition to the pollutants presented in **Table 8-1**, lead is also controlled under the Clean Air Act and there is a NAAQS for lead. Although no monitoring is available in the area for lead, lead concentrations in the area are assumed to be very low because

[1] NYSDEC, New York State Ambient Air Quality Report for 2011 (Data Tables), April 2012.

EPA has phased out the use of lead in gasoline—the main source of lead in ambient air in the past—under federal fuel regulations and no industrial sources of lead exist in the area.

The CAA defines non-attainment areas as geographic regions that have been designated as not meeting one or more of the NAAQS. When an area is designated as non-attainment by EPA, the state is required to develop and implement a State Implementation Plan, which delineates how a state plans to achieve air quality that meets the NAAQS under the deadlines established by the Clean Air Act, followed by a plan for maintaining attainment status once the area is in attainment. The Rochester, NY Municipal Statistical Area (the counties of Livingston, Monroe, Ontario, Orleans, and Wayne) has been designated as a nonattainment area for the 8-hour ozone NAAQS since 2004; on October 26, 2011, NYSDEC recommended that EPA designate the area as an attainment area based on the ozone concentrations monitored in 2008-2010.

## 8.2 EFFECTS OF PROPOSED ACTION

The 2013 Campus Improvement Project at its current level of committed federal funding is included in the Revised 2011-2014 Transportation Improvement Program (TIP) adopted by the Genesee Transportation Council (GTC), the Metropolitan Planning organization (MPO) for the Genesee–Finger Lakes Region. In spring 2012, the Inter-agency Consultation Group determined that the campus improvement project is not regionally significant and is exempt from a mesoscale air quality analysis. Because the Proposed Action would result in only a minimal increase in passenger vehicle trips, no changes in bus trips, and is included in the TIP (the conformity statement for the TIP was signed in June 2012), the Proposed Action would conform to federal air quality standards. Should additional federal funds be approved for the project, GCT would amend the TIP in accordance with its typical procedures.

The Proposed Action would not affect bus activity in general, but by supplying sufficient indoor garage space, the Proposed Action would result in elimination of the current need for early morning bus idling required for warming up bus engines on cold winter days. This would reduce concentrations of pollutants in areas where bus idling occurs in the existing condition and that would occur under the No Action Alternative.

As described in Chapter 7, “Traffic,” the additional parking on the East Main Street Campus would have a very minor effect on traffic, and would therefore not significantly affect air quality.

The Proposed Action could affect air quality by adding fuel combustion for new building energy systems, including the following buildings:

- A new 32,000-square-foot Maintenance Building at the southeastern corner of the Existing Main Street Campus along East Main Street;
- A new Service Building in the northeastern portion of the campus, in place of the existing Service Building located in that general area today;
- The Operations Building would be renovated to maximize useable space for indoor bus parking and to upgrade and repurpose other areas in the building. The renovation would include construction of a new, approximately 74,000-square-foot Garage D that would extend the Operations Building farther north, to provide additional enclosed parking spaces for about 100 buses.

The impact of the new boilers required for these buildings was evaluated using a screening method developed by New York City.[2] Although this screening method was developed for New York City's City Environmental Quality Review (CEQR), which is used for projects proposed in New York City, the CEQR process is based on the same air quality standards and modeling methods and is considered to be equivalent to or more conservative than the State Environmental Quality Review Act (SEQRA) and National Environmental Policy Act (NEPA) processes. The screening methodology that can be used for consideration of air emissions from new boilers is therefore appropriate for this analysis. Based on the screening evaluation, the stack emissions from the heating systems in the new Maintenance Building and new Service Building would not cause any significant adverse air quality impacts at locations greater that approximately 60 feet from the stack. Since no residential or other sensitive sites are located within 60 feet of those stacks, no significant adverse air quality impacts would occur from these sources.

The larger Operations Building renovations would add 74,000 square feet of garage space resulting in a total of approximately 263,000 square feet of space to be heated. The two existing boilers, installed in 1976, would be replaced with newer, more efficient condensing boilers sized to supply heat and hot water for the entire building and operating on natural gas only. Assuming a reasonable worst-case system where a single system would supply the demand and emissions would occur from a single stack, and applying the conservative screening approach for natural gas, the minimum distance from the stack to the nearest residential or other sensitive site required to avoid significant adverse air quality impacts would be 110 feet. The current boiler stacks are located on the roof of the building near the southwest corner—this location is nearest to houses on Main Street East, at a distance of approximately 320 feet from the nearest home, and any other location would be farther from sensitive locations. The system and stack would be located so as to be at least at the distances described above, and would therefore not cause any significant adverse impact on air quality. Note that the replacement of the existing 36-year-old system with a modern, efficient natural gas system would likely result in net reduction in pollutant emissions, even when accounting for the increased size of the building.

Overall, the Proposed Action would not cause any significant adverse air quality impacts.

The Proposed Action's impact on climate change cannot be evaluated directly, and therefore is limited to the project's impact on energy consumption and the ensuing greenhouse gas emissions. Various upgrades would be made within Garages A, B, and C, such as lighting upgrades, and replacement of boilers (described above) and emergency generators. In general, maintaining public transportation also contributes to energy efficiency and reduced greenhouse gas emissions. Overall, the energy improvements along with the reduced bus idling, described above, would result in enhanced energy efficiency, reducing fuel consumption and the ensuing greenhouse gas emissions. Therefore, the Proposed Action would be consistent with State policies aimed at reducing energy consumption, and greenhouse gas emissions. ✷

[2] *New York City Environmental Quality Review (CEQR) Technical Manual*, 2012 Edition, http://www.nyc.gov/html/oec/html/ceqr/technical_manual_2012.shtml.

## 9.1 INTRODUCTION

This chapter evaluates the potential for noise and vibration impacts from the Proposed Action on nearby noise-sensitive uses. The analysis was conducted using the Federal Transit Administration's (FTA) *Transit Noise and Vibration Impact Assessment*, FTA-VA-90-1003-06 (May 2006) guidance. Because the East Main Street Campus already exists at the project site and activities within the campus and bus and automobile traffic to and from the campus would not change substantially as a result of the Proposed Action, this evaluation focuses on the potential for changes to noise and vibration levels at locations outside the campus that might result from the new surface parking lot to be created as part of the Proposed Action.

## 9.2 NOISE

FTA's noise guidance identifies three types of noise-sensitive locations to be considered in a noise analysis:

- Category 1: Tracts of land in which quiet is an essential element in the intended purpose. This category includes lands set aside for serenity and quiet, and such land uses as outdoor amphitheaters and concert pavilions, as well as National Historic Landmarks with significant outdoor use. Also included are recording studios and concert halls.
- Category 2: Residences and buildings where people normally sleep. This category includes homes, hospitals, and hotels, where a nighttime sensitivity to noise is assumed to be of utmost importance.
- Category 3: Institutional land uses with primarily daytime and evening use. This category includes schools, libraries, theaters, and churches where it is important to avoid interference with such activities as speech, meditation, and concentration on reading material. Places for meditation or study associated with cemeteries, monuments, museums, campgrounds and recreational facilities can also be considered to be in this category. Certain historical sites and parks are also included.

Sensitive sites near the project site consist of residences on East Main Street, Chamberlain Street, Hayward Avenue, Garson Avenue, and Federal Street, which are considered Category 2 land uses according to FTA's noise guidance, and a small church on Chamberlain Street at the corner of Hayward Avenue, which is a Category 3 land use. No Category 1 land uses are located in proximity to the project site.

Today, the noise associated with RGRTA's operations on its East Main Street Campus can be disruptive to the surrounding neighborhood. Bus servicing at the Service Building (near the northern campus boundary) occurs during late-night hours, sometimes into the morning, with buses queuing and staging at outdoor locations throughout the campus. In addition, buses are parked at outdoor locations around the campus, and particularly at the perimeters (closest to the

surrounding residential neighborhoods), and must be warmed up in the early mornings (i.e., starting as early as 2:30 AM) for long periods during cold weather.

Following FTA's methodology for general noise assessments, which are preliminary noise assessments conducted to determine if there is a potential for an adverse noise impact, existing noise levels in the residential neighborhood were estimated based on population density. Based on the population data from the 2010 U.S. Census, the population density around the project site is estimated at approximately 7,000 people per square mile. The ambient noise levels for this population density provided in the FTA guidance are 55 dBA $L_{dn}$ for Category 2 land uses (residences) and 55 dBA $L_{eq}$ for Category 3 land uses (the church). A different noise descriptor is used for the residences than for the church ($L_{dn}$ vs. $L_{eq}$), reflecting the fact that both daytime and nighttime noise levels are of concern for residential uses.

The closest noise-sensitive uses to the Proposed Action's new parking lot would be the residences and church directly across Chamberlain Street from the parking lot. The distance from the closest residence or the church on Chamberlain Street to the center of parking lot would be approximately 150 feet.

Following the general noise assessment methodology, the "project noise exposure," which is the noise resulting from the Proposed Action, was calculated for the nearest residential uses and church to the proposed parking area. The project noise exposure level at those locations would be 44 dBA $L_{dn}$ for the residences and 32 dBA $L_{eq}$ for the church. These levels were then compared to the impact thresholds provided in the FTA guidance based on the estimated existing noise level of 55 dBA. As shown in **Table 9-1** below, the project-generated noise levels would be well below the impact threshold levels, indicating that the Proposed Action would not result in significant adverse noise impacts at nearby noise-sensitive uses. More information on the noise calculations is provided in **Appendix C** to this EA.

**Table 9-1**
**Noise Levels at the Closest Noise-Sensitive Locations**

| Location | Noise Descriptor (dBA) | Existing Noise Level (dBA) | Project-Generated Noise that Would Result in Impacts (dBA) | | Project Generated Noise (dBA) | Impact? |
|---|---|---|---|---|---|---|
| | | | Moderate Impact | Severe Impact | | |
| Closest Residence (Chamberlain St) | $L_{dn}$ | 55 | 55 | 61 | 44 | No |
| Church (Chamberlain St) | $L_{eq}$ | 55 | 61 | 66 | 32 | No |

**Notes:** Existing noise levels estimated per FTA methodology, *Transit Noise and Vibration Impact Assessment*, Table 5-7. Impact levels are based on Figure 3-1 in the FTA manual.

As discussed in Chapter 7, "Traffic," the Proposed Action has the potential to increase vehicle traffic entering the East Main Street Campus by a small number of additional cars in the peak hours. Given the existing traffic volumes into and out of the campus, which includes employee vehicles as well as hundreds of buses each day, this small increment would not affect existing noise levels at the campus entrance.

As discussed in Chapter 3, "Project Alternatives," the Proposed Action includes several improvements that would reduce noise disruption to the surrounding neighborhood. First, the expansion of the Operations Building would provide new indoor storage for about 100 buses. Moving buses indoors would reduce noise associated with the early morning bus cold starts and would reduce disruptions in the neighborhood. Second, the new Service Building would increase

servicing capacity and thereby allow for faster throughput of buses (i.e., to remove fares and clean and ready buses for service during the course of the day), which would allow servicing to be completed much earlier in the evening, reducing the disruption to the surrounding residential neighborhood (in comparison to servicing activities today, which typically continue until midnight and result in overnight noise and bus idling). In addition, the Proposed Action would include a new 10-foot-high pre-cast, decorative concrete wall around the perimeter of the expanded campus in place of the existing wall, including around the newly expanded area on the west side of the campus. The new wall would improve security and create a visual and noise buffer between the campus and the surrounding neighborhood.

## 9.3 VIBRATION

FTA's *Transit Noise and Vibration Impact Assessment* (May 2006) guidance provides a basic screening evaluation to determine which types of transit projects have the potential to result in vibration or ground-borne noise impacts. According to the guidance, transit projects that involve rubber-tire vehicles (i.e., buses rather than trains) are unlikely to result in vibration impacts unless 1) there may be expansion joints, speed bumps, or other design features in the road surface near vibration-sensitive buildings; 2) buses, trucks, or heavy vehicles will be operating close to a sensitive building; or 3) the project includes operation of vehicles inside or directly beneath buildings that are vibration-sensitive. Other than these types of projects, bus transit projects do not have the potential for vibration-related impacts and do not require further analysis. Since the Proposed Action would not cause any of the activities highlighted by the FTA methodology for vibration issues, the Proposed Action would not result in vibration or ground-borne noise impacts at nearby residences. ✷

## 10.1 INTRODUCTION

This chapter addresses infrastructure that would be utilized by the Proposed Action as well as the effects of the Proposed Action on energy, water, sewers, and stormwater management.

## 10.2 ELECTRICITY SERVICE

The Proposed Action would use existing electrical connections to the project site with the exception of the Service and Maintenance Buildings, where new electrical service will be installed. The Proposed Action would result in new and expanded buildings and additional parking areas, which would generate greater electrical demand for lighting and security systems. However, the existing power grid is sufficient to support the expanded use on the project site. Since new demand from the Proposed Action would not be substantial, the Proposed Action would not result in significant adverse impacts on the supply of electricity to the area.

## 10.3 WATER AND SEWER SERVICE

The Proposed Action would not change the demand for water and sewer services at the East Main Street Campus. The existing systems would remain adequate to meet RGRTA's needs in the future with the Proposed Action and no adverse impact would occur.

## 10.4 STORMWATER MANAGEMENT

The project site is currently almost entirely impervious with the exception of small areas of grass on campus and the lawn areas on the residential properties to be acquired. As with existing conditions, stormwater discharged from the site would enter a combined sewer that is treated at the City of Rochester's sewage treatment plant. Based on engineering studies conducted in 2012, it was determined that a number of drainage inlets at the project site were filled with debris and pavement areas surrounding these inlets presented signs of deterioration. In addition, it was found that the connecting storm pipes may have failed, resulting in debris settlement within the drainage inlets. As discussed in Chapter 3, "Project Alternatives," as part of the Proposed Action, drainage structures, primarily located along the eastern boundary, would be replaced as would the storm sewer piping, catch basins and trench drain in this area.

The Proposed Action would disturb more than 1 acre of land during construction and therefore would be required to include Best Management Practices to manage the quality of stormwater discharge and to comply with applicable requirements of the New York State Department of Environmental Conservation General Permit for Stormwater Discharges from Construction Activity. These measures would ensure that the Proposed Action would not result in significant adverse impacts on stormwater management. ✷

# Chapter 11: Hazardous Materials

This chapter addresses the potential for the presence of hazardous materials resulting from previous or existing uses on the 21 properties to be acquired, and potential risks from any such materials that could arise during or following construction of the Proposed Action.

Popli Design Group prepared a Preliminary Environmental Screening Report in June 2012 for the 21 properties proposed for acquisition as well as two vacant areas within the existing East Main Street Campus—at the north entrance from Garson Avenue and at the east entrance from Federal Street (see **Appendix D**). A full Environmental Site Assessment, in accordance with ASTM Standard E1527-05, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Practice, will be prepared prior to acquisition of the residential properties by RGRTA.

The screening report included a review of historic Sanborn maps, limited site inspections conducted from public access areas, and review of State and federal regulatory databases relating to use, generation, storage, treatment and/or disposal of hazardous materials. At the 21 residential properties, no features of environmental concern (storage tank piping, stained soils, etc.) were identified during the limited site inspection. However, a few homes appear to have asbestos siding. A review of historic Sanborn maps noted one potential environmental concern—an underground tank in the backyard of 58 Chamberlain Street as shown on the 1912 Sanborn map. A subsurface investigation is recommended in this area.

The East Main Street Campus has been used for transportation-related activities for at least 100 years. A review of Sanborn maps from 1912, 1938, 1950, and 1971 showed that New York State Railways utilized the East Main Street Campus for "car barns" in 1912. This land use type is also depicted through the 1971 Sanborn maps at the northern entrance to the East Main Street Campus. Sanborn maps throughout the 20th century document the transportation use on the site prior to development of the East Main Street Campus in 1974, including shops and yards, bus painting, gasoline tanks, and other similar activities.

The campus includes storage tanks that hold fuel, oil and other fluids for RGRTA operations. The Proposed Action will include removal of 10 underground storage tanks (USTs), installation of 6 aboveground storage tanks (ASTs) and 1 UST. One additional storage tank will be installed either above ground or below ground. These new tanks will be in compliance with New York State Department of Environmental Conservation (NYSDEC) Bulk Petroleum requirements. RGRTA operates its campus in compliance with NYSDEC regulations and requirements. A review of the State and federal regulatory databases show that there were several releases of regulated compounds (mainly petroleum compounds) at the existing East Main Street Campus. The source areas for the releases have been USTs or underground hydraulic lifts in or near the main maintenance building. Several feet of petroleum product were present in the water table. One NYSDEC Spill case remains open (active) and petroleum compounds are present in soil and groundwater. It is noted that there are several groundwater monitoring wells located on the existing East Main Street Campus.

Construction activities for the Proposed Action could increase pathways for human exposure during demolition of existing structures and during excavation (e.g., subsurface contaminants related to petroleum tanks). However, based on the findings of the Environmental Screening Report and the proposed construction activities, with the mitigation measures outlined below, no adverse impacts related to hazardous materials are expected to occur during the construction of the Proposed Action:

- To minimize the potential for impacts to the community and construction workers, all work involving soil disturbance will also be performed under an Environmental Construction Health and Safety Plan (CHASP) that will specify dust control, air monitoring and other appropriate actions including testing and/or monitoring if underground storage tanks, contaminated soil or groundwater, or unforeseen environmental conditions are encountered.
- All petroleum storage tanks encountered will be closed-in-place or removed, with spill reporting and registration, as necessary, in accordance with applicable regulatory requirements, permits and approvals.
- Prior to construction, all underground drainage and sewage disposal systems on the properties to be acquired such as cesspools, dry wells, septic tanks and leach fields (and any associated soil contamination) will be removed and disposed of in accordance with all applicable regulations.
- Prior to demolition, a comprehensive asbestos survey will be conducted in the 20 residential structures in accordance with New York State Department of Labor (NYSDOL) Industrial Code 56 and USEPA requirements, including sampling of all suspect asbestos-containing materials (ACM). Based on the findings of the survey, all identified ACMs will be removed and disposed of in accordance with federal, State, and local requirements.
- Demolition activities with the potential to disturb lead-based paint will be performed in accordance with the applicable Occupational Safety and Health Administration regulation (OSHA 29 CFR 1926.62 - Lead Exposure in Construction).
- All excavated soil (including fill material) will be handled and disposed of in accordance with all federal, State, and local regulatory requirements. If the waste meets the USEPA/NYSDEC hazardous waste criteria, a USEPA Identification Number will be obtained.
- If dewatering is required during construction, testing will be performed to ensure compliance with applicable sewer discharge permit/approval requirements including those under the State Pollutant Discharge Elimination System and local sewer district requirements. If necessary, pre-treatment will be conducted prior to discharge to the sewer.

Following construction, there would be no potential for significant adverse impacts related to hazardous materials. With these measures, no significant adverse impacts related to hazardous materials are expected as a result of the Proposed Action. ✷

## 12.1 INTRODUCTION

This chapter describes natural resources located on the project site and the Proposed Action's effects on those resources. Natural resources include terrestrial plants and wildlife, threatened and endangered species, surface water resources, and floodplains.

## 12.2 TERRESTRIAL RESOURCES

The existing East Main Street Campus is almost entirely developed with impervious surfaces with the exception of small areas of grass. On the residential properties proposed for acquisition, small lawns and trees are present. Any vegetation and wildlife that occupy and utilize the sites are those that are tolerant of habitat disturbance. These species are typical of what is available in the immediate surrounding area and thus, are not unique to these sites.

## 12.3 THREATENED AND ENDANGERED SPECIES

Based on correspondence dated September 9, 2012 with the New York State Department of Environmental Conservation (NYSDEC) Natural Heritage Program, there are no threatened, endangered, or rare species or significant communities on the project site or within the immediate vicinity of the project site (see **Appendix E**). Further, based on a review of the U.S. Fish and Wildlife Service (USFWS) species listing in New York (February 23, 2012), there is only one threatened species identified within Monroe County—the bog turtle (*Glyptemys muhlenbergii*), which is found in Riga and Sweden Townships, and not the City of Rochester.

## 12.4 SURFACE WATER RESOURCES AND FLOODPLAINS

There are no NYSDEC or USFWS National Wetland Inventory (NWI) mapped freshwater wetlands on the project site or within at least one mile of the project site. According to the Federal Emergency Management Agency's floodplain maps for the City of Rochester, the project site and surrounding area are not located within the 100- or 500-year floodplains.

## 12.5 CONCLUSION

Based upon the existing site characteristics identified above, no significant adverse impacts to wetlands, floodplains, or terrestrial resources, including threatened, endangered, or rare species are anticipated from implementation of the Proposed Action. ✷

## 13.1 INTRODUCTION

This chapter evaluates the temporary impacts that could occur during construction of the Proposed Action. As discussed below, these may include temporary disruptions to land use and neighborhood character, archaeological resources, traffic and parking, air quality and noise, hazardous materials, and stormwater. This type of impact would also occur with the No Action Alternative, which would also involve construction of new buildings at the project site.

## 13.2 DESCRIPTION OF PROPOSED CONSTRUCTION ACTIVITIES

Construction activities for the Proposed Action would include demolition and clearing; grading where necessary; excavation; removal of contaminated soils, if any; removal of underground storage tanks; pouring foundations; building and structure erection; and associated utility work.

Construction on-site would generally occur during normal work hours (e.g., 7AM to 4PM) to minimize effects on residents and workers. Truck movements would typically be spread throughout the day on weekdays. Wherever possible, the scheduling of deliveries and other construction activities would take place during off-peak travel hours to avoid causing congestion and to minimize interruptions to daytime traffic movements. It is anticipated that construction phasing would provide for adequate parking for RGRTA employee's and construction workers and adequate space for ongoing bus operations and staging within the campus to the maximum extent feasible.

Construction of the Proposed Action would have a total duration of approximately 36 months, but would be constructed in phases as funding becomes available. It is therefore possible that certain elements of the Proposed Action could be constructed separately, which would reduce the overall impact of each stage of the construction but extend the duration of construction.

## 13.3 ENVIRONMENTAL EFFECTS

### 13.3.1 LAND USE AND NEIGHBORHOOD CHARACTER

All construction projects have the potential to result in temporary impacts on surrounding communities. Changes in traffic and pedestrian patterns, increases in air quality emissions and noise, and the general visual quality of construction sites all have the potential to affect adjacent land uses and community character. However, the level of impact varies greatly depending on the scope and duration of construction activities. Construction activities associated with the Proposed Action would be disruptive to nearby residences, and particularly those closest to the sites of active construction. This disruption would be temporary, however, and therefore is not considered a significant adverse impact.

### 13.3.2 ARCHAEOLOGICAL RESOURCES

Prior to construction, Phase 1B archaeological testing would be undertaken in the areas identified has having potential sensitivity (i.e., the residential properties to be acquired) to

determine the presence or absence of archaeological resources. The archaeological testing would be implemented following the completion of NEPA, but in advance of construction of the Proposed Action on those portions of the project site identified as potentially containing such resources. The Phase IB surveys would be undertaken in compliance with applicable standards and guidelines for archaeological surveys, including those promulgated by the New York State Historic Preservation Office (SHPO), New York Archaeological Council, and the Secretary of the Interior. In a letter dated August 6, 2012, SHPO concurred with the recommended Phase IB archaeological testing. At any locations where archaeological resources are encountered, additional archaeological study would be undertaken in consultation with the SHPO and FTA in accordance with the Programmatic Agreement Among the FTA, RGRTA, and SHPO Regarding the 2013 Campus Improvement Project.

### 13.3.3 TRAFFIC AND PARKING

Construction of the Proposed Action would involve increases to traffic volumes to the East Main Street Campus because of construction worker trips and truck deliveries. Construction crews typically would arrive at and leave the project site during the shoulders of the peak period (6AM to 7AM and 4PM to 5PM) that buffer the typical construction work hours (7AM to 4PM).

### 13.3.4 AIR QUALITY

The principal air quality impact associated with construction activities is the possible generation of fugitive dust, which can vary widely in terms of volume and size of particulate matter generated. Fugitive dust is associated with earth moving, such as site grading, filling, and excavation for foundations. A large proportion of the fugitive dust generated by construction activities would be of relatively large particle size, and would be expected to settle to the ground within a short distance. To minimize these problems, erosion and dust control procedures would be followed during construction and would include:

- Minimizing the area of disturbed soil by careful planning of grading operations so that only the areas needed for any particular construction activity are disturbed;
- Minimizing the time span that soil is exposed;
- Spraying water on dusty surfaces; and
- Using drainage diversion methods (silt fences) to minimize soil erosion during site grading.

Mobile source emissions may result from the operation of construction equipment, and from trucks delivering materials and removing debris at the construction site. Construction equipment would be equipped with air pollution control devices, where available and when not cost prohibitive and unnecessary idling of trucks and equipment would be minimized. These requirements would be included as part of the specifications of the construction contract.

No significant adverse impacts on air quality are expected to occur as a result of the Proposed Action during construction.

### 13.3.5 NOISE AND VIBRATION

Construction of the Proposed Action would generate noise and vibration from construction equipment, construction vehicles, and delivery vehicles traveling to and from the project site. Noise levels caused by construction activities would vary widely, depending on the phase of construction—demolition, excavations, foundation, construction of the structures, etc.—and the specific task being undertaken.

Construction activities would generally take place during normal weekday, daytime hours (i.e., 7 AM to 4 PM) although Saturday work may be necessary during certain weekends to stage the Proposed Action, compensate for adverse weather conditions during the prior work, or to meet the scheduling needs of individual contractors. Construction activities would not typically occur between the hours of 10 PM and 7 AM, which is the time period for which construction noise is regulated by the City of Rochester's noise code (Chapter 75 of the Charter and Code of the City of Rochester, New York). Construction specifications would require the contractor to adhere to applicable local, State, and federal noise emission standards, and to use only equipment with appropriate noise controls. Any concerns regarding noise would be handled through RGRTA's Customer Service Center.

While there will be some temporary noise impacts created by the construction activities, all efforts will be made to reduce the intrusive nature of these temporary activities. Therefore, construction of the Proposed Action would not result in significant adverse noise impacts.

Construction vibration is typically of concern when historic or fragile buildings are located less than 90 feet from the construction activities. There are no historic structures or otherwise fragile buildings within 90 feet of the project site. Therefore, the Proposed Action would not result in significant temporary adverse impacts from construction vibration.

### 13.3.6 HAZARDOUS MATERIALS

As discussed in Chapter 11, "Hazardous Materials," prior to construction of the Proposed Action, further environmental investigation would be conducted that may identify the need for further remedial activities. Regulated materials, such as asbestos, are likely present on some of the residences to be acquired and would require as appropriate, abatement and disposal in accordance with applicable law prior to building demolition or renovation. All demolition, excavation, and construction activities, including the removal and disposal of storage tanks, asbestos, contaminated soils and groundwater, and handling of lead-based paint, would be undertaken by licensed handlers in compliance with local, State, and federal regulations. All construction activities on the project site would be undertaken in accordance with a construction-specific Health and Safety Plan (CHASP) that would specify measures to protect workers and the general public during construction of the Proposed Action. With these mitigation measures in place, construction of the Proposed Action would not result in significant adverse impacts from exposure to or release of regulated materials.

### 13.3.7 STORMWATER

RGRTA would implement Best Management Practices including erosion and sediment control measures consistent with the "New York Standards and Specifications for Erosion and Sediment Control," during construction to control runoff and pollutants from entering the stormwater management system. Implementation of sediment and erosion control measures would avoid any substantial amount of particulate matter from being transported to the storm sewer system. Therefore, construction of the Proposed Action would not result in significant temporary adverse impacts on water quality.

During the site preparation, grading, and excavation, bare soil would be exposed, which has the potential to cause impacts from erosion and uncontrolled runoff. Under the Phase II stormwater permitting program, site disturbance of more than 1 acre requires that RGRTA obtain a State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities, the development of a Stormwater Pollution Prevention Plan (SWPPP), and submission of a

Notice of Intent (NOI) to New York State Department of Environmental Conservation. The SWPPP would be prepared and the NOI would be submitted prior to the start of construction.

Erosion and sediment control measures would be installed prior to beginning land disturbances and would not be removed until the disturbed land areas are stabilized. Such practices include seeding or mulching for surface stabilization, silt fences, haybale dikes, and water quality swales. Maintenance would be performed as necessary to ensure continued stabilization. All erosion and sediment control measures and best management practices (including specifications for temporary and permanent seeding) used during construction would comply with the specifications contained in the New York State Stormwater Management Design Manual of August 2010. ✷

## 14.1 INTRODUCTION

This environmental justice analysis has been prepared in accordance with the Federal Transit Administration's (FTA) Circular FTA C 4703.1, *Environmental Justice Policy Guidance for Federal Transit Administration Recipients*, August 15, 2012 (Environmental Justice Circular). Consistent with that guidance, this analysis addresses whether minority populations and/or low-income populations will experience potential environmental or health impacts from the Proposed Action and whether any such impacts would fall disproportionately on those populations. It also discusses the public outreach efforts undertaken by RGRTA to inform and involve minority and low-income populations who will be affected by the Proposed Action.

## 14.2 LAWS AND GUIDANCE

Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (February 11, 1994), requires federal agencies to identify and address disproportionately high and adverse effects of their actions on minority and low-income populations. Executive Order 12898 also requires federal agencies to work to ensure greater public participation in the decision-making process. The federal Council on Environmental Quality (CEQ), which has oversight of the federal government's compliance with Executive Order 12898 and the National Environmental Policy Act (NEPA), has developed guidance to assist federal agencies with their NEPA procedures so that environmental justice concerns are effectively identified and addressed *(Environmental Justice Guidance under the National Environmental Policy Act* (December 1997). Federal agencies are permitted to supplement this guidance with more specific procedures tailored to their particular programs or activities, as the U.S. Department of Transportation (USDOT) has done.

USDOT revised its Environmental Justice Strategy on March 2, 2012 and issued a Final Environmental Justice Order 5610.2(a), *Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, on May 2, 2012, which updates USDOT's original Environmental Justice Order published on April 15, 1997. These orders and guidance documents establish policies and procedures for the agencies to use in complying with Executive Order 12898 and emphasize the importance of incorporating environmental justice concerns into transportation planning and implementation of Title VI of the Civil Rights Act of 1964 (Title VI) and/or NEPA. In accordance with the updated USDOT Order, FTA issued its 2012 Environmental Justice Circular.

In addition, to better address concerns related to public transit ridership and Limited English Proficient populations, in April 2007 FTA issued *Implementing the Department of Transportation's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons: A Handbook for Public Transportation Providers*.

FTA's Environmental Justice Circular identifies three guiding principles followed by FTA and USDOT related to environmental justice:

1. To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority and low-income populations.
2. To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
3. To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

The Environmental Justice Circular provides guidance on incorporating these principles into transportation decisionmaking, including a recommended methodology for conducting an analysis of environmental justice to determine whether disproportionately high and adverse effects would occur to environmental justice populations.

This environmental justice analysis was prepared to comply with the guidance and methodologies set forth in the USDOT's Final Environmental Justice Order, FTA's Environmental Justice Circular, and CEQ's environmental justice guidance.

Consistent with those documents, this analysis involved four basic steps:

1. Identify the area where the Proposed Action may cause impacts (i.e., the study area);
2. Compile race and ethnicity and income data for the census block groups in the study area and identify minority and low-income populations;
3. Identify the Proposed Action's potential adverse impacts on minority and low-income populations; and
4. Evaluate the Proposed Action's potential adverse effects on minority and low-income populations relative to its effects on non-minority and non-low-income populations to determine whether the Proposed Action would result in any disproportionately high and adverse effects on minority or low-income populations.

### 14.2.1 DELINEATION OF STUDY AREA

The study area for environmental justice encompasses the area most likely to be affected by the Proposed Action and considers the area where potential impacts resulting from construction and operation of the Proposed Action could occur. The study area for environmental justice for the Proposed Action therefore includes the area generally within 400 feet of the project site, the same general study area as was used for land use and neighborhood character (Chapter 5 of this EA). To allow use of Census data, the study area is defined to include all census block groups that are at least 50 percent within the 400-foot radius. As shown in **Figure 14-1**, the environmental justice study area includes four census block groups: Block Groups 1 and 2 in Census Tract 57, and Block Groups 1 and 2 in Census Tract 59.

### 14.2.2 IDENTIFICATION OF ENVIRONMENTAL JUSTICE POPULATIONS

Within the environmental justice study area, this analysis identifies whether minority and/or low-income populations (also referred to as environmental justice populations) are present that therefore may be affected by the Proposed Action. The following definitions were used:

4.2.13


*Project Site Boundary*

*400-Foot Study Area Boundary*

*Census Block Group Boundary*

0 500 1000 FEET

SCALE

Figure 14-1

**RGRTA** 2013 CAMPUS IMPROVEMENT PROJECT

**Environmental Justice Study Area**

- **Minority populations:** As defined in FTA's Environmental Justice Circular, minority includes persons who are American Indian and Alaska Native, Asian, Black or African American, Hispanic or Latino, and Native Hawaiian and other Pacific Islander. This environmental justice analysis also considers minority to include persons who identified themselves as being either "some other race" or "two or more races" in the Census 2010. The definition of a minority population in the Environmental Justice Circular is "any readily identifiable group or groups of minority persons who live in geographic proximity."

  Following CEQ guidance, minority populations were identified where either: (1) the proportion of minority residents in the affected area exceeds 50 percent; or (2) the percentage of minority residents of the affected area is meaningfully greater than the minority percentage in the general population or other appropriate unit of geographic analysis. For this project, the City of Rochester was used as the project's primary statistical reference area. Since the minority population of Rochester is 62.4 percent, as a conservative approach, the CEQ's 50 percent threshold was used to identify minority populations in the study area.
- **Low-income populations:** FTA's Environmental Justice Circular defines low-income as a person whose median household income is at or below the U.S. Department of Health and Human Services (HHS) poverty guidelines, but notes that FTA grant recipients are encouraged to use a locally developed threshold or a percentage of median income for the area, provided that the threshold is at least as inclusive as the HHS poverty guidelines. According to the Environmental Justice Circular, a low-income population is any readily identifiable group of low-income persons who live in geographic proximity.

  Because individual household incomes are not available to determine how many households in the study area may fall below the HHS poverty guidelines, this analysis uses instead the information on individuals in households below the poverty level as defined by the U.S. Census. The percent of individuals below poverty level in each census block group, available in 2006–2010 ACS data, was used to identify low-income residents. To determine whether a low-income population is present, the analysis considers any block group with 23.59 percent or more of its residents living below the poverty level as a low-income population. This threshold is the threshold established by the New York State Department of Environmental Conservation (NYSDEC) in its environmental justice policy as the level that indicates a low-income population.[1]

Data on race and ethnicity and poverty status were gathered from the U.S. Census Bureau's 2010 Census and the 2006–2010 American Community Survey (ACS) for the census block groups within the study area, and then aggregated for the study area as a whole. For comparison purposes, data for Monroe County and the City of Rochester were also compiled.

## 14.3 AFFECTED ENVIRONMENT

**Table 14-1** shows the study area's population and economic characteristics in terms of race, ethnicity, and poverty status. The study area had a population in 2010 of 3,090 people. Approximately 63.5 percent of the study area's population identified themselves as Black or

[1] New York State Department of Environmental Conservation, Commissioner Policy 29, Environmental Justice and Permitting, March 19, 2003. http://www.dec.ny.gov/regulations/36951.html.

African American, making up the largest race cohort. Overall, approximately 85.6 percent of the residents of this study area are minority. This is higher than both the City of Rochester (62.4 percent) and Monroe County as a whole (27.2 percent). All four of the individual block groups in the study area have more than 50 percent minority residents and therefore meet the definition of minority populations.

All of the block groups in the study area have low-income percentages that are greater than the NYSDEC threshold for identifying low-income populations. The percentages of people living in households with incomes below the poverty level range from approximately 28 percent to approximately 65 percent. Overall, the study area can be considered a low-income population, with approximately 41 percent of the population living below the poverty level.

In summary, for the purposes of this environmental justice analysis, the study area can be considered a minority population and a low-income population.

**Table 14-1**
**Study Area Minority and Low-Income Characteristics**

| Census Tract / Block Group | Total Population | Race and Ethnicity | | | | | | Individuals Below Poverty Level |
|---|---|---|---|---|---|---|---|---|
| | | White (non-Hispanic) | Black (non-Hispanic) | Asian (non-Hispanic) | Other (non-Hispanic) | Hispanic or Latino | Total Minority | |
| Tract 57 BG 1 | 772 | 14.1% | 69.7% | 0.7% | 3.6% | 11.9% | **85.9%** | **46.3%** |
| Tract 57 BG 2 | 566 | 9.2% | 59.2% | 0.0% | 6.4% | 25.3% | **90.8%** | **64.9%** |
| Tract 59 BG 1 | 760 | 11.6% | 63.7% | 0.4% | 5.1% | 19.2% | **88.4%** | **28.1%** |
| Tract 59 BG 2 | 992 | 19.8% | 61.0% | 0.4% | 6.4% | 12.5% | **80.2%** | **31.4%** |
| Study Area | 3,090 | 14.4% | 63.5% | 0.4% | 5.4% | 16.3% | **85.6%** | **41.3%** |
| City of Rochester | 210,565 | 37.6% | 39.6% | 3.0% | 3.4% | 16.4% | **62.4%** | **30.4%** |
| Monroe County | 744,344 | 72.8% | 14.4% | 3.2% | 2.3% | 7.3% | 27.2% | 13.7% |

**Notes**: Percentages in **bold** indicate minority or low-income areas.
The racial and ethnic categories provided are further defined as: White (White alone, not Hispanic or Latino); Black (Black or African American alone, not Hispanic or Latino); Asian (Asian alone, not Hispanic or Latino); Other (consisting of American Indian and Alaska Native alone, not Hispanic or Latino; Native Hawaiian and Other Pacific Islander alone, not Hispanic or Latino; some other race alone, not Hispanic or Latino; two or more races, not Hispanic or Latino); and Hispanic (Hispanic or Latino; persons of Hispanic origin may be of any race).
Total minority percentage consists of all population other than non-Hispanic Whites.
Totals may not add up to 100 percent due to rounding.

**Sources:** U.S. Bureau of the Census, *Census 2010* and 2006–2010 American Community Survey 5-Year Estimates.

## 14.4 IDENTIFICATION OF DISPROPORTIONATE ADVERSE EFFECTS

Once the population characteristics of the study area have been determined, FTA's Environmental Justice Circular involves identifying any adverse effects and benefits that may occur to minority and/or low-income populations as a result of the proposal and then determining whether adverse effects would be disproportionately high and adverse on the environmental justice population. According to the Environmental Justice Circular, if after consideration of the adverse effects and potential benefits of a proposed project, it is determined that the proposed project would have disproportionately high and adverse effects on an environmental justice population, the project sponsor must determine whether further mitigation

measures or alternatives are practicable, and any practicable measures must be implemented before moving forward with the proposal.

As defined in FTA's Environmental Justice Circular, based on the USDOT Order, a disproportionately high and adverse effect on an environmental justice population is an adverse effect that is predominantly borne by a minority population and/or low-income population, or will be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population. Offsetting benefits and mitigation measures are taken into consideration when determining whether a project has disproportionately high and adverse effects on minority and low-income populations.

RGRTA's East Main Street Campus is located in an area that as a whole can be considered an environmental justice community, and therefore any adverse effects as well as any benefits from the Proposed Action would occur to an environmental justice community. Any adverse or beneficial effects of the Proposed Action would therefore occur disproportionately to an environmental justice community, because they would not occur to any other communities. The adverse effects identified in the previous chapters of this EA are the displacement of residents from 21 residential properties, and the temporary disruption associated with construction activities for the Proposed Action.

### 14.4.1 ACQUISITION OF PRIVATE PROPERTY

The Proposed Action entails the acquisition of 21 private properties, 20 of which have residential buildings on them. Since specific racial and income information is not available for the residents of the affected properties, it is assumed that these residents are environmental justice populations. Consistent with FTA's Environmental Justice Circular, RGRTA has evaluated alternatives that seek to avoid this disproportionate adverse effect on environmental justice populations. As discussed in Chapter 3, "Project Alternatives," RGRTA sought to identify alternative configurations for a campus improvement project that would not require acquisition of private property, but no alternative was identified that could meet the purpose and need for the project. Alternatives considered included the 2009 Campus Improvement Project as well as multiple design and reconfiguration options within the campus's existing footprint and alternatives where varying amounts of land would be acquired. Through the course of these evaluations, RGRTA determined that it could not meet its operational needs within the footprint of its existing campus, as demonstrated by the fact that the 2009 Campus Improvement Project (which required no land acquisition) left several critical RGRTA needs unmet. The Proposed Action is the only alternative identified that meets the need for the project, which is to improve the overall efficiency of daily operations and regular servicing and maintenance activities at the East Main Street Campus.

As described in Chapter 4, "Displacement and Relocation," any owners or tenants displaced through acquisition of lands will be entitled to benefits pursuant to the requirements of the Uniform Relocation Act and New York State Eminent Domain Procedure Law, which include moving expenses, assistance in finding a new residence, rental payment assistance, and mortgage assistance. In addition, as described in the following section, RGRTA has met with the owners and tenants of affected properties to inform them about the proposal and to hear their concerns.

### 14.4.2 DISRUPTION TO SURROUNDING NEIGHBORHOOD

Construction activities associated with the 2013 Campus Improvement Project would cause disruption to the surrounding neighborhood, which is an environmental justice community. These disruptions would be temporary, and overall the Proposed Action would provide a number of benefits to the surrounding neighborhood, consistent with the project goal of reducing the impact of RGRTA's operations on the nearby residential community.

Once the Proposed Action is complete, it would allow RGRTA to conduct regular serving, maintenance, and other operations on the campus more efficiently, which would also reduce impacts to nearby residences. Disruption to the community would be lessened by reducing the need for early-morning bus starts during cold weather, the need for overnight bus servicing, and the number of buses parked at the eastern and southern perimeters of the campus. In addition, the Proposed Action will create a new, pre-cast, decorative concrete perimeter wall to replace the existing wall. This wall would be higher, so as to create a better buffer between the campus and the surrounding residential neighborhood. The current design for the decorative wall envisions the wall's concrete panels cast and tinted to resemble wood panels. Outside this wall, new perimeter landscaping will be provided around the campus edge, including along the new campus boundary at Chamberlain Street, to create a green buffer area. **Figure 3-3** in Chapter 3, "Project Alternatives," provides an illustration of the type of landscaping that RGRTA would provide. RGRTA will continue to work with the Beechwood Neighborhood Coalition and other neighborhood groups regarding the design of the perimeter wall and landscaped areas. In addition, if an agreement can be reached with the City of Rochester, RGRTA is willing to transfer the wooded portion of the campus that is east of the existing perimeter wall near Cedarwood Terrace to the City for creation of a neighborhood park or other neighborhood amenity.

## 14.5 PUBLIC PARTICIPATION

As noted in FTA's Environmental Justice Circular, a key component of environmental justice is engaging environmental justice populations as part of the transportation planning process. This allows project sponsors to understand the needs and priorities of environmental justice populations and to balance the benefits of a proposed project against its adverse effects.

Public participation initiatives conducted during development of the 2013 Campus Improvement Project are described in Chapter 15 of this EA, "Public Participation." As discussed there, RGRTA has held extensive meetings with representatives of the community surrounding its campus during development of the 2013 Campus Improvement Plan. These groups included the following, among others:

- Beechwood Neighborhood Coalition: representing the Beechwood neighborhood, extending along the north side of East Main Street from North Goodman Street to Culver Road and as far north as Bay Street. This encompasses RGRTA's East Main Street campus and the entire environmental justice study area north of East Main Street (including the properties that will be acquired for the Proposed Action).
- North East Area Development, Inc.: a not-for-profit neighborhood organization that works with City officials and agencies to revitalize and stabilize the neighborhood in the northeast quadrant of Rochester.

These meetings began in 2009, and have occurred regularly as the design of the project was revised and evolved. A number of project elements have been developed specifically to respond

to comments and request from community representatives. In particular, members of the Beechwood Neighborhood Coalition and the North East Area Development raised concerns with a parking lot on East Main Street and asked RGRTA to consider whether the parking lot could be located elsewhere so that the campus along East Main Street could be developed in a way that would better define the public realm. In addition, members of all the community groups requested that more green space be maintained along the borders of the campus.

Overall, as noted in Chapter 15, community representatives of the Beechwood Neighborhood Coalition and North East Area Development have indicated their support of the Proposed Action.

RGRTA has conducted outreach to the residents and owners of the 21 properties proposed for acquisition. Specifically, RGRTA has sent letters and/or provided other notice of the potential property acquisitions and relocations to each property owner and tenant, and hosted meetings for property owners and tenants.

RGRTA invited all property owners to a meeting on March 12, 2013 to provide information regarding the Proposed Action and proposed property acquisition. Of those owners invited, property owners representing eight properties attended the meeting. At that meeting, property owners were generally supportive of the project, but had questions regarding procedures to be followed and compensation benefits to be provided.

In addition, RGRTA also invited tenants of rental properties that would be affected to a separate meeting, held on April 17, 2013. Twenty-three people attended the meeting. RGRTA provided information on the project, the environmental review process, and the relocation process. Tenants asked questions about relocation procedures, including how comparable housing would be identified and how moving expenses would be reimbursed. Other questions were related to specific reimbursements to be provided—for example, how Section 8 rents are reimbursed and how tenants' security deposits are covered. Some people asked about reimbursements for moves to other areas or other states. People also requested information on the next public meeting, so they could continue to be informed of project developments.

Outreach with affected property owners and tenants will continue as the Proposed Action advances. ✷

## 15.1 INTRODUCTION

This chapter presents a summary of the process and methods that have been, and will continue to be, used to encourage public and agency participation both before and during the environmental review of the Project, including forums for agency participation. As part of this process, an outreach program was developed that seeks meaningful public involvement regardless of race, color, national origin, or income.

## 15.2 AGENCY COORDINATION

During preparation of this EA, RGRTA consulted with federal and New York State resource agencies, including the U.S. Fish and Wildlife Service; New York State Department of Environmental Conservation (NYSDEC) Natural Heritage Program; and New York State Office of Parks, Recreation and Historic Preservation (OPRHP).

## 15.3 PUBLIC OUTREACH

RGRTA has reached out to the community that surrounds its East Main Street Campus related to proposals for campus improvement beginning in 2008 when RGRTA was developing its 2009 Campus Improvement and continuing through the preparation of this EA for the Proposed Action. As discussed in this chapter, community outreach and comment has been important in informing the plans for improvement at the campus and has been taken into consideration in developing the 2013 Campus Improvement Project.

As part of the environmental review process for the 2009 Campus Improvement Project, RGRTA hosted a series of public meetings and targeted stakeholder meetings with community leaders, including representatives of the Beechwood Neighborhood Coalition and North East Area Development, and representatives of Congresswoman Slaughter and Councilwoman Spaull. These public outreach initiatives have continued with evolution of the previous proposal into the current plan, the 2013 Campus Improvement Project. The meetings and outreach initiatives are summarized in **Table 15-1.**

Representatives of neighborhood associations as well as the general public have been involved in commenting on design of RGRTA's proposed improvements to the campus. During development of the 2009 Campus Improvement Project, community representatives requested changes to the perimeter wall and changes to proposed landscaping and green space. Community group representatives (i.e., Beechwood Neighborhood Coalition, North East Area Development, Inc., Brecht Street Association, Bridging Neighborhood, and Browncroft Neighborhood Association) requested that more green space be maintained along the borders of the campus, rather than eliminating these green areas to provide for more surface parking.

**Table 15-1**
**Summary of Public Outreach Efforts**

| Date | Outreach | Topic |
|---|---|---|
| May 19, 2009 | RGRTA hosted a meeting with neighborhood association leaders including:<br>• John Page (Executive Director, North East Area Development, Inc.)<br>• Bob Genthner (President, Browncroft Neighborhood Association) | RGRTA presented an overview of the 2009 Campus Improvement Project. Neighborhood association leaders were in favor of the design and addition of the administration building but requested that the first row of parking along East Main Street be eliminated. |
| June 8, 2009 | RGRTA hosted a meeting with neighborhood association leaders including:<br>• Kyle Crandall (President, Beechwood Neighborhood Coalition)<br>• John Page (Executive Director, North East Area Development, Inc.)<br>• Sunshine Jacobs (Brecht Street Association)<br>• Barbara Fox (Bridging Neighborhood)<br>• Bob Genthner (President, Browncroft Neighborhood Association) | RGRTA presented an overview of the 2009 Campus Improvement Project. Neighborhood association leaders were in favor of the design and addition of the administration building but requested that the first row of parking along East Main Street be eliminated. |
| July 6, 2009 | RGRTA conducted a facility tour of the campus with neighborhood association leaders including:<br>• Kyle Crandall (President, Beechwood Neighborhood Coalition)<br>• Barbara Fox (Bridging Neighborhood) | RGRTA gave a tour of its existing facility to allow neighborhood association leaders to have a visual understanding of space and security constraints on campus. |
| July 28, 2009 | RGRTA hosted a public information meeting with the following participants:<br>• Kyle Crandall (President, Beechwood Neighborhood Coalition)<br>• John Page (Executive Director, North East Area Development, Inc.)<br>• Sunshine Jacobs (Brecht Street Association)<br>• Barbara Fox (Bridging Neighborhood) | RGRTA presented design modifications based on the two overview meetings and campus tour. These modifications included at set back of the parking lot to allow for more green space; additional landscaping; and a prominently positioned sign for the Beechwood Neighborhood Coalition. The community participants were in favor of the redesign of the Administration Building but maintain concerns regarding the proposed parking along East Main Street as well as open green space. |
| July 29, 2009 | E-mail correspondence from Kyle Crandall (President, Beechwood Neighborhood Coalition) to RGRTA | Kyle Crandall requested that the first row of parking along East Main Street be eliminated. |
| December 15, 2009 | RGRTA hosted a meeting with Bob Genthner (President, Browncroft Neighborhood Association) | Bob Genthner discussed neighborhood concerns related to the campus improvement plan largely related to maintaining open green space along East Main Street. |

**Table 15-1 (Cont'd)**
**Summary of Public Outreach Activities**

| Date | Outreach | Topic |
|---|---|---|
| December 15, 2009 | E-mail correspondence from RGRTA to:<br>• Kyle Crandall (President, Beechwood Neighborhood Coalition)<br>• John Page (Executive Director, North East Area Development, Inc.)<br>• Sunshine Jacobs (Brecht Street Association)<br>• Barbara Fox (Bridging Neighborhood)<br>• Bob Genthner (President, Browncroft Neighborhood Association)<br>• Rochester City Councilwoman Spaull | RGRTA invited the neighborhood association leaders to the December 21, 2009 update meeting. |
| December 21, 2009 | RGRTA hosted an update meeting with neighborhood association leaders | RGRTA presented the 2009 Campus Improvement Project goals as well as design consideration to address community concerns raised at prior meetings including:<br>• Proposed decorative black aluminum fencing with brick piers instead of a masonry wall similar to the existing perimeter wall.<br>• Moved fencing from property line to 11 feet onto RGRTA property<br>• Moved parking back 16 feet from the sidewalk<br>• Included extensive landscaping<br>• Included masonry neighborhood sign<br>• Setback Warehouse and Non-Revenue Buildings 10 feet from right-of-way line<br>Comments received at the meeting focused on RGRTA redesigning the project to provide a "city look" with parking behind buildings as compared to a "suburban mall" with parking along East Main Street. Acquisition of residences and property to the west of the site was recommended to provide additional parking. It was said that neighbors would support this recommendation. Other suggestions included changes to ingress/ egress as well as internal circulation patterns to provide for needed parking as well as working with the City of Rochester to allow employees to park on nearby streets. |
| February 1, 2010 | RGRTA meeting with Kyle Crandall (President, Beechwood Neighborhood Coalition), John Page (Executive Director, North East Area Development, Inc.), and George Moses | Presented revised project plan that would acquire property along Chamberlain Street to relocate parking there, with a warehouse building on East Main Street. |

**Table 15-1 (Cont'd)**
**Summary of Public Outreach Activities**

| Date | Outreach | Topic |
|---|---|---|
| March 4, 2010 | Letter from RGRTA to Kyle Crandall (President, Beechwood Neighborhood Coalition) and John Page (Executive Director, North East Area Development, Inc.) | Informing the neighborhood association of RGRTA's intention to revise project plans in accordance with requests from the community and to continue to coordinate with the community regarding future design changes. |
| March 11, 2010 | Letter from Kyle Crandall (President, Beechwood Neighborhood Coalition) and John Page (Executive Director, North East Area Development, Inc.) to FTA | Requesting support for RGRTA to receive a Bus and Bus Facilities Livability Initiative grant to reconfigure the site to move parking along Chamberlain Street. |
| March 11, 2010 | Letter from Kyle Crandall (President, Beechwood Neighborhood Coalition) and John Page (Executive Director, North East Area Development, Inc.) to Congresswoman Louise Slaughter | Requesting support for RGRTA to reconfigure the site to move parking along Chamberlain Street and to approve an appropriations request for fiscal year 2011 for the parking reconfiguration. |
| March 23, 2010 | Letter from Rochester City Council (President-Lovely A. Warren and Vice President-Elaine M. Spaull) to Congresswoman Louise Slaughter | Requesting support for RGRTA to reconfigure the site to move parking along Chamberlain Street and to approve an appropriations request for fiscal year 2011 for the parking reconfiguration. |
| June 28, 2010 | E-mail correspondence from RGRTA General Counsel (Hal Carter) to Kyle Crandall (President, Beechwood Neighborhood Coalition) and John Page (Executive Director, North East Area Development, Inc.) | Status update on the East Main Street Campus plans and request for a meeting. |
| August 5, 2010 | RGRTA hosted an informational meeting with Beechwood Neighborhood Association | RGRTA presented an alternative for parking along Chamberlain Street. |
| March 3, 2011 | RGRTA hosted an informational meeting with Beechwood Neighborhood Association | RGRTA presented a more detailed alternative for parking along Chamberlain Street. |
| June 14, 2011 | RGRTA hosted a meeting with Beechwood Neighborhood Coalition leaders | RGRTA presented the Phase II Scope Definition. |
| September 1, 2011 | RGRTA hosted a meeting with Beechwood Neighborhood Coalition | RGRTA presented a revised Campus Master Plan. |
| March 12, 2013 | RGRTA hosted a meeting for owners of the 21 properties proposed for acquisition. Eight of the 21 owners attended. | RGRTA presented the 2013 Campus Improvement Project and explained the federal acquisition and relocation procedures.<br>Comments made by property owners generally reflected support for the project and the associated benefit to the neighborhood; and concerns over reimbursement for property and expenses. |
| April 17, 2013 | RGRTA hosted a meeting for tenants of the properties proposed for acquisition. | RGRTA presented an overview of the 2013 Campus Improvement Project as well as explained the federal acquisition and relocation procedures. |

Later in 2009, community groups (i.e., Beechwood Neighborhood Coalition and North East Area Development) raised concerns with a parking lot on East Main Street and asked RGRTA to consider whether the parking lot could be located elsewhere so that the campus along East Main Street could be developed in a way that would better define the public realm. Neighborhood groups also suggested this design change to the Rochester City Council representatives and to Congresswoman Slaughter. In addition, members of all the community groups requested that more green space be maintained along the borders of the campus.

RGRTA met with neighborhood group leaders on February 1, 2010 (see **Table 15-1**) to present a revised project plan that created a new employee parking area in an expanded campus area on the east side of Chamberlain Street south of Hayward Avenue and that placed a new warehouse building along East Main Street where the parking lot had previously been planned. At that meeting, the neighborhood group leaders indicated they preferred the revised design that RGRTA is now considering (i.e., the Proposed Action) over the 2009 Campus Improvement Plan.

Following that meeting, representatives of the neighborhood groups wrote several letters to FTA and elected officials in support of the revised project plan and RGRTA's corresponding funding request. In letters to Congresswoman Louis Slaughter and FTA Administrator Rogoff, the Beechwood Neighborhood Coalition stated that the group "believes that moving the parking from Main Street and constructing perimeter walls and other improvements along Main Street will better integrate the East Main Street Campus into our urban neighborhood and facilitate residential and commercial development." The letters further state that the group "believes that the changes we have requested will improve the East Main Street Campus and our neighborhoods.

Public outreach efforts were also undertaken directly with the property owners whose property may be acquired as part of the Proposed Action. In addition, in accordance with New York State's Eminent Domain Procedures Law, additional public outreach will be conducted to allow for "public participation in the planning of public projects necessitating the exercise of eminent domain." Specifically, RGRTA invited all property owners to a meeting on March 12, 2013 to provide information regarding the Proposed Action and proposed property acquisition. Of those owners invited, property owners representing eight properties attended the meeting. At that meeting, property owners were generally supportive of the project, but had questions regarding procedures to be followed and compensation benefits to be provided.

In addition, RGRTA also invited tenants of rental properties that would be affected to a separate meeting, held on April 17, 2013. Twenty-three people attended the meeting. RGRTA provided information on the project, the environmental review process, and the relocation process. Tenants asked questions about relocation procedures, including how comparable housing would be identified and how moving expenses would be reimbursed. Other questions were related to specific reimbursements to be provided—for example, how Section 8 rents are reimbursed and how tenants' security deposits are covered. Some people asked about reimbursements for moves to other areas or other states. People also requested information on the next public meeting, so they could continue to be informed of project developments.

Outreach with affected property owners and tenants will continue as the Proposed Action advances.

## 15.4 AVAILABILITY OF THIS EA

This EA was prepared pursuant to the National Environmental Policy Act (NEPA) to evaluate and document the potential impacts of the Proposed Action on the environment. In accordance with the requirements of the applicable NEPA regulations, the public will have the opportunity to comment on this EA during a 30-day public review period. A Notice of Availability of the EA has been published in local newspapers and has been circulated to community representatives indicating where copies of the document are available and the period for public comment. FTA, in consultation with RGRTA, will consider any public comments that are received and will respond to those comments in FTA's statement of findings for the Proposed Action. RGRTA plans to host a public meeting to present the EA on the 2013 Campus Improvement Project.

The EA is available on the Project Sponsor's website at http://www.rgrta.com/.

Paper copies of the EA are available for review at the following locations:

Federal Transit Administration, Region 2
One Bowling Green, Room 429
New York, NY 10004

Rochester-Genesee Regional Transportation Authority
1372 East Main Street
Rochester, NY 14609

City of Rochester, Bureau of Architecture and Engineering
City Hall
30 Church Street, Room 300B
Rochester, New York 14614

Sully Branch Library
Thomas P. Ryan Community Center
530 Webster Avenue
Rochester, NY 14609

Winton Branch Library
611 Winton Road North
Rochester, NY 14609

## 15.5 CONTACT INFORMATION

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Rochester-Genesee Regional Transportation Authority
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Rochester, NY 14609
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## 16.1 INTRODUCTION

Section 4(f) of the U.S. Department of Transportation (USDOT) Act of 1966 (49 USC § 303) prohibits the Secretary of Transportation from approving any program or project that requires the "use" of 1) any publicly owned land in a public park, recreation area, or wildlife and waterfowl refuge of national state, or local significance, or 2) any land from a historic site of national, state, or local significance (collectively "Section 4(f) resources"), unless there is no feasible and prudent alternative to the use of such land and the project includes all possible planning to minimize harm to the resource.

The USDOT and the Federal Transit Administration (FTA) consider three possible ways in which a project could "use" a resource:

- When land is permanently incorporated into a transportation facility;
- When there is a temporary occupancy of land that is adverse in terms of the statute's preservation purpose; or
- When there is a constructive use of land.

Constructive use occurs when a project does not directly incorporate land from a Section 4(f) resource, but the project's impacts are so severe that the protected activities, features, or attributes that qualify a resource for protection under Section 4(f) are substantially impaired. Substantial impairment occurs only when the protected activities, features, or attributes of the resource are substantially diminished.

## 16.2 APPLICABILITY OF SECTION 4(f) TO THE PROPOSED ACTION

The project site for the Proposed Action consists of an active transit service facility and 21 residential properties. It does not contain historic resources, parklands, wildlife or waterfowl refuges, or significant natural features. Further, the Proposed Action does not involve the use of Section 4(f) resources.

As stated in 23 CFR § 77.11 and 23 CFR § 77.13, Section 4(f) applies to all archaeological sites on or eligible for inclusion on the National Register, including those discovered during construction, except when:

- FTA concludes that the archeological resource is important chiefly because of what can be learned by data recovery and has minimal value for preservation in place. This exception applies both to situations where data recovery is undertaken and where FTA decides, with agreement of the official(s) with jurisdiction, not to recover the resource; and
- The official(s) with jurisdiction over the Section 4(f) resource have been consulted and have not objected to the FTA finding.

A Phase IA Cultural Resource Investigation has identified the potential for archaeological sensitivity within the 21 residential properties that would be acquired for the Proposed Project. A

Programmatic Agreement has been prepared and will be executed among the FTA, the New York State Historic Preservation Office, and the Rochester-Genesee Regional Transportation Authority (RGRTA) that commits to further archaeological study of these properties once they are controlled by RGRTA. However, the studies completed to date indicate that potential resources have minimal value for preservation in place. If further study identifies National Register-eligible sites that warrant preservation in place, this Section 4(f) evaluation would be supplemented to address these properties.

Therefore, no further evaluation of the Proposed Action under Section 4(f) of the USDOT Act of 1966 (49 USC § 303) is required. ✷

# Draft
# Programmatic Agreement

# PROGRAMMATIC AGREEMENT
# AMONG
# THE FEDERAL TRANSIT ADMINISTRATION,
# ROCHESTER-GENESEE REGIONAL TRANSPORTATION AUTHORITY,
# AND
# THE NEW YORK STATE HISTORIC PRESERVATION OFFICER
# REGARDING THE
# 2013 CAMPUS IMPROVEMENT PROJECT

**WHEREAS**, the Rochester-Genesee Regional Transportation Authority ("RGRTA") proposes to undertake a project to improve and expand its transportation campus (the "Project" or "2013 Campus Improvement Project") located at 1372 East Main Street in the City of Rochester, Monroe County, New York (the "Project Site").

**WHEREAS**, the Federal Transit Administration ("FTA") is the Project's lead federal agency pursuant to the National Environmental Policy Act ("NEPA," codified at 42 USC 4321 *et seq*.) and is the federal agency responsible for compliance with Section 106 of the National Historic Preservation Act (codified at 16 USC § 470f, and herein "Section 106").

**WHEREAS**, FTA has coordinated its compliance with Section 106 and NEPA, pursuant to 36 CFR § 800.8, through its preparation of an Environmental Assessment ("EA") for the Project.

**WHEREAS**, pursuant to Section 106, FTA and RGRTA, in consultation with the New York State Historic Preservation Officer ("SHPO") have considered the Project's effects on properties that qualify for protection under Section 106, consisting of those properties listed or eligible for listing on the State/National Registers of Historic Places ("Historic Properties"). Historic Properties can be categorized as archaeological ("Archaeological Resources") or built ("Historic Buildings").

**WHEREAS**, FTA and RGRTA, in consultation with the SHPO, have not identified any Historic Buildings in the Project's Area of Potential Effects ("APE").

**WHEREAS**, in 2009, FTA authorized the use of federal funds for RGRTA to make improvements to its transportation campus (the "2009 Campus Improvement Project").

**WHEREAS**, to support FTA's obligations under Section 106 for the 2009 Campus Improvement Project, in June 2009, RGRTA through its consultant prepared a *Phase IA Archeological Study of the Project Site*, which recommended Phase IB testing on limited areas of RGRTA's campus. Based on a letter dated August 7, 2009, the SHPO concurred with the recommendations of the Phase IA assessment.

**WHEREAS**, in August 2009, RGRTA through its consultant conducted Phase IB testing of RGRTA's campus and no Historic Properties were identified. Based upon this testing, by letter dated September 24, 2009, SHPO determined that the 2009 Campus Improvement Project would have No Effect on Historic Properties on RGRTA's transportation campus.

**WHEREAS**, the 2013 Campus Improvement Project will require RGRTA to acquire 21 parcels of property located immediately west of RGRTA's transportation campus along Chamberlain Street and Hayward Avenue, to construct a new parking lot.

**WHEREAS**, the Phase IA Archeological Study prepared by RGRTA through its consultant included the properties on Chamberlain Street to be acquired for the Project. RGRTA through its consultant prepared

an *Addendum Phase IA Archeology Report*, dated May 22, 2012 that analyzed the potential for the presence of Archaeological Resources on the properties on Hayward Avenue to be acquired for the Project.

**WHEREAS**, based upon the Phase IA Archeological Study and Addendum, FTA and RGRTA, in consultation with the SHPO, have determined that the properties to be acquired for the Project have the potential to contain archaeologically sensitive areas that could be affected by the Project. Archaeologically sensitive areas are those areas that have the potential to contain Archaeological Resources.

**WHEREAS**, RGRTA through its consultant has included Phase IB archeological testing recommendations for the properties to be acquired for the Project in the *Addendum Phase IA Archeology Report*.

**WHEREAS**, in a letter dated August 6, 2012, the SHPO concurred with the Phase IB archaeological testing recommendations.

**WHEREAS,** RGRTA cannot undertake Phase IB testing at this time because the archaeologically sensitive areas are located on parcels to which RGRTA does not currently have and cannot obtain access, including on land that RGRTA does not own;

**WHEREAS**, given the lack of access at this time, this Programmatic Agreement sets forth measures that will be implemented for potential resources within the Project's APE.

**WHEREAS**, FTA has invited the Advisory Council on Historic Preservation (ACHP) to participate in the Section 106 process; and in a letter dated _____, the ACHP [declined] to participate in the Section 106 review process for the Project.

**WHEREAS**, execution and implementation of this Programmatic Agreement evidences that FTA has satisfied its Section 106 responsibilities for all individual undertakings of the Project.

**NOW, THEREFORE**, FTA, RGRTA, and the SHPO agree that the Project shall be implemented in accordance with the following stipulations to ensure that potential effects on Archaeological Resources are taken into account.

## STIPULATIONS

**FTA, RGRTA, AND THE SHPO agree that the following steps will be undertaken for the Project:**

### I. FTA FINDINGS

FTA has included the stipulations set forth in this Agreement and included in Chapter 6 of the EA as part of its environmental finding and as a condition of FTA's approval of any grant issued for construction of the Project, to ensure that these measures are implemented as part of the compliance with the Section 106 process and the subsequent planning, design, and construction of the Project.

## II. ARCHAEOLOGICAL RESOURCES

### A. Additional Evaluation for Archaeologically Sensitive Areas

RGRTA identified archaeologically sensitive areas in the portion of the Project's APE that includes the properties to be acquired for the Project. The following stipulations apply to these archaeologically sensitive areas:

1. Archaeological Field Testing

   RGRTA shall undertake field testing investigations as set forth in the Phase 1B archaeological testing recommendations approved by the SHPO in August 2012 to identify the presence or absence of potential archaeological resources. The testing shall be undertaken as set forth below:

   a. The testing shall be completed in advance of any activities that require subsurface disturbance, including excavation and construction.

   b. The testing shall consist of shovel testing at 7.5-meter (25-foot) intervals with the exception of disturbed areas that will be tested at 15-meter (50-foot) intervals.

2. Determination of National Register Eligibility

   a. For all field tested sites, RGRTA shall provide a report to FTA and the SHPO in which the National Register of Historic Places criteria provided in 36 CFR Part 60 ("National Register criteria") have been applied to reach one of the following conclusions:

      i. The site does not meet the National Register criteria, in which case no further action is required.

      ii. The site does meet the National Register criteria, in which case the site will be treated in accordance with II.A.3 below.

   b. The SHPO's review and comment on such reports shall be governed by the process set forth in III below.

3. Mitigation, Data Recovery, Curation, and Public Interpretation

   a. For all sites identified as meeting the National Register criteria, RGRTA, in consultation with FTA and the SHPO, shall consider measures, such as design modification, for avoidance of Archaeological Resources.

   b. For those sites identified as meeting the National Register criteria where FTA and RGRTA determine, in consultation with the SHPO, that avoidance is not practicable, RGRTA, in consultation with FTA and the SHPO, shall develop and implement a Data Recovery Plan. The Data Recovery Plan will be designed to recover data sufficient to address significant research issues and test assumptions, and thus substantially preserve the archaeological value of Section 106 protected sites. The SHPO's review and comment on such plan shall be governed by the process set forth in III below. RGRTA shall be responsible for the implementation of such a plan, as appropriate.

c. In advance of any mitigation or data recovery efforts undertaken pursuant to II.A.3.a and b above, RGRTA, in consultation with FTA and the SHPO, will develop in accordance with 36 CFR Part 79, an Analysis and Curation of Material and Records Plan for any archaeological excavations. The SHPO's review and comment on such plans shall be governed by the process set forth in III below. RGRTA shall be responsible for the implementation of such a plan, as appropriate.

**B. Professional Standards**

RGRTA shall ensure that all archaeological research, testing, analysis, and plans conducted pursuant to this Programmatic Agreement are carried out by or under the direct supervision of a person or persons meeting at a minimum the Secretary of Interior's Professional Qualifications Standards. RGRTA shall ensure that all final archaeological reports are consistent with the New York Archaeological Council's *Standards for Cultural Resource Investigations and the Curation of Archaeological Collections in New York State* and the Department of the Interior's *Format Standards for Final Reports of Data Recovery Program*.

## III. DOCUMENT REVIEW

A. The SHPO shall provide comments on documents provided for their review as set forth below:

1. The SHPO shall provide written comments or make a determination in writing to FTA and RGRTA on documents referenced in this Programmatic Agreement within 30 calendar days of its receipt of such documents.

2. The SHPO's failure to submit written comments or make a determination in writing to FTA and RGRTA within 30 calendar days of receipt of any such documents shall constitute concurrence with the submitted documents.

3. If the SHPO objects in writing within 30 calendar days of its receipt of any documents, then FTA, RGRTA, and the SHPO shall consult expeditiously in an effort to resolve the objection.

4. If FTA, RGRTA, and the SHPO cannot resolve the SHPO's objection and if further consultation with the SHPO is deemed unproductive by any party, then the parties shall adhere to the dispute resolution procedures detailed under V below.

B. FTA, RGRTA, and the SHPO acknowledge that the timeframes set forth in III.A above are the maximum time periods allowable under normal circumstances. Where construction activities have been suspended or delayed pending resolution of the matter ("Exigent Circumstances"), all parties agree to make every effort to expedite their respective document review and dispute resolution obligations.

## IV. REPORTING AND OVERSIGHT

A. Final Reports. RGRTA shall ensure that all final archaeological resources reports resulting from this Programmatic Agreement shall be provided to FTA and the SHPO.

B. Annual Reports. FTA or the SHPO may require RGRTA to prepare an annual report on the implementation of this Programmatic Agreement and the effect of the Project on Historic Properties within one year of the date this Programmatic Agreement is executed and each year thereafter until such date as the Project is completed or terminated by RGRTA.

## V. DISPUTE RESOLUTION

A. In the event that SHPO objects in writing to any document prepared pursuant to this Programmatic Agreement within 30 calendar days of its receipt of such document, then FTA, RGRTA, and SHPO shall consult expeditiously in an effort to resolve the objection.

B. Following consultation described in paragraph V.A, FTA shall determine, within 15 calendar days, whether such objection has been satisfactorily resolved. If FTA determines that the objection has not been satisfactorily resolved, within 15 calendar days of its determination in this regard, FTA shall forward all documentation relevant to the dispute, including FTA's proposed resolution of the dispute, to the ACHP.

C. FTA shall take any ACHP recommendations or comments into account in reaching a final decision regarding the dispute.

D. Except in Exigent Circumstances, in the event ACHP fails to respond to FTA's request for recommendations or comments within 30 calendar days of receiving all pertinent documents, FTA shall resolve the dispute within 45 calendar days from the time it forwarded all documentation relevant to the dispute to ACHP.

E. In the case of disputes arising under Exigent Circumstances, all parties shall endeavor to resolve any dispute within seven calendar days. In particular, FTA shall request that ACHP respond with any recommendations or comments within five business days of its receipt thereof. In the event ACHP fails to respond to FTA's request, FTA may resolve the dispute.

## VI. NOTICES

A. For purposes of notices and consulting pursuant to this Programmatic Agreement, the following addresses and contact information should be used:

**RGRTA**

Rochester-Genesee Regional Transportation Authority
1372 East Main Street
Rochester, NY 14609

**FTA**

Federal Transit Administration
One Bowling Green, Room 429
New York, NY 10004-1415

**SHPO**

New York State Office of Parks, Recreation and Historic Preservation
Division for Historic Preservation
Peebles Island
P.O. Box 189
Waterford, NY 12188-0189

**ACHP**

Advisory Council on Historic Preservation
1100 Pennsylvania Avenue, NW Suite 803
Washington, D.C. 20004

## VII. TERMINATION AND AMENDMENT

**A.** The parties' obligations under this Programmatic Agreement shall terminate upon completion of construction of the Project or at such time as RGRTA notifies the other parties in writing that construction has been terminated.

**B.** This Programmatic Agreement may only be further amended upon written agreement of FTA, RGRTA, and the SHPO.

APPROVAL AND SIGNATURE PAGE FOR
PROGRAMMATIC AGREEMENT
AMONG
THE FEDERAL TRANSIT ADMINISTRATION,
ROCHESTER-GENESEE REGIONAL TRANSPORTATION AUTHORITY,
AND
THE NEW YORK STATE HISTORIC PRESERVATION OFFICER
REGARDING THE
2013 CAMPUS IMPROVEMENT PROJECT

**EXECUTION AND IMPLEMENTATION OF THIS PROGRAMMATIC AGREEMENT EVIDENCES THAT FTA HAS SATISFIED ITS SECTION 106 RESPONSIBILITIES FOR ALL INDIVIDUAL UNDERTAKINGS OF THE PROJECT.**

FEDERAL TRANSIT ADMINISTRATION

By:_____ Date:_____

ROCHESTER-GENESEE REGIONAL TRANSPORTATION AUTHORITY

By:_____ Date:_____

NEW YORK STATE HISTORIC PRESERVATION OFFICER

By:_____ Date:_____