

**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL TRANSIT ADMINISTRATION**

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

Project: City of Buffalo Main Street Multi-Modal Access and Revitalization Project
Applicants: City of Buffalo; Niagara Frontier Transportation Authority; Buffalo Place; New York Department of Transportation
Project Location: City of Buffalo, Erie County, New York

INTRODUCTION

The City of Buffalo, the Niagara Frontier Transportation Authority (NFTA), New York State Department of Transportation (NYSDOT), and Buffalo Place (collectively the Project Sponsors) propose to construct the Main Street Multi-Modal Access and Revitalization Project (Project) in the City of Buffalo. The project is also known locally as the Cars on Main Street Project. Based on the *City of Buffalo Main Street Multi-Modal Access and Revitalization Project Environmental Assessment* (EA) dated April 2009, prepared in compliance with the National Environmental Policy Act (42 U.S.C. Section 4321 et seq.) and FTA's implementing regulations (23 CFR 771), the FTA finds that the Project will have no significant impact on the environment in accordance with the National Environmental Policy Act 42 USC § 4321 and FTA's implementing regulations.

PROJECT DESCRIPTION

The Project will reopen the 1.2-mile Main Street pedestrian mall in downtown Buffalo to vehicular traffic from Tupper Street to Scott Street. Two way vehicular traffic will share NFTA's existing Light Rail Rapid Transit (LRRT) trackbed. The Project also involves the reopening of cross streets that will facilitate the introduction of vehicular traffic within the Main Street right-of-way. Seven transit stations will be modified to allow vehicular access while maintaining existing at-grade access by LRRT vehicles. This Project is part of an overall strategy to help revitalize downtown Buffalo.

The specific elements of the Project consist of the following:

- Restore two-way traffic by allowing vehicular traffic to share the LRRT trackbed with the light rail trains from Tupper Street to Scott Street, including provision of an additional train crossover at Scott Street;

- Remove the existing NFTA Theater Station in order to facilitate the safe introduction of vehicular traffic onto the light rail trackbed;
- Enhance the six remaining aboveground light rail stations by the addition of radiant heat to the station platforms, glazed walls for winter weather protection, audio and visual real time Metro information displays, improved signage and lighting, and camera monitoring of Main Street operations and security;
- Modify to the six remaining station platform at to allow for installation of the Bridge Ramp;
- Provide approximately 209 on-street parking spaces and loading spaces abutting the sidewalk along both sides of Main Street;
- Provide dedicated left turn lanes at the southbound Tupper Street intersection;
- Reopen Eagle Street and Mohawk Street to Main Street to allow for through traffic, including new traffic signals at these intersections;
- Relocate the existing centenary poles from the LRRT trackbed to the sidewalk and combine with the existing streetlights;
- Provide a shared, signed, 14-foot-wide travel lane from Tupper Street to the portal and a dedicated five-foot-wide bike lane along Main Street from the portal to Chippewa Street to provide linkage from the bike lanes in the north to the existing bike network at the Erie Canal Harbor;
- Reduce sidewalk width from 37.75 feet to approximately 25.75 feet to provide for on-street parking along Main Street from Tupper Street to Scott Street.;
- Provide visibly distinct pedestrian crosswalks at all intersections; and
- Improve paving, landscaping, and street furnishings from Tupper Street to Scott Street.

The Project will be completed in a three-phased construction approach: Tupper Street to Chippewa Street and Exchange Street to Scott Street (Phase 1); Chippewa Street to Exchange Street (Phase 2); and the Scott Street Crossover (Phase 3).

PROJECT BACKGROUND

In 1984, in conjunction with the construction of the LRRT system, an approximately 1.2-mile section of Main Street (i.e., Tupper Street to South Park Avenue) was closed to vehicular traffic to create a pedestrian-transit mall. Over the past 25 years, the pedestrian mall has not proven to be an economic success, and, in fact, may have contributed to the economic decline experienced in downtown Buffalo by isolating key properties and complicating traffic circulation.

Many communities in the United States constructed downtown pedestrian malls in the 1960s and 1970s. According to the National Main Street Center (NMSC, 1998), most communities

found that these new pedestrian malls did nothing to revitalize their downtown commercial districts, but may have accelerated the downtown's decline by shrinking the district's market base from the overall community to just the downtown commercial district itself and shifting the retail focus from *comparison* and *destination* goods/services to *convenience* goods/services. Most of these communities that have reintroduced vehicular traffic report significant improvements in occupancy rates, retail sales, property values, and private sector reinvestment in the downtown area.

The Project Sponsors have been studying ways to enhance economic development in downtown Buffalo. The "Queen City Hub Strategic Plan for Downtown Buffalo" (2003), which has been incorporated into the City of Buffalo's Comprehensive Plan, specifically endorses the return of vehicular traffic to Main Street. That plan determined that the first floor uses along Main Street will benefit from the return of vehicular traffic.

PROJECT PURPOSE AND NEED

The purpose of the Project is threefold: (1) increase multi-modal access options and transit ridership in downtown Buffalo; (2) stimulate economic development; and (3) improve the quality of life for users of downtown Buffalo.

INCREASE MULTI-MODAL ACCESS OPTIONS AND TRANSIT RIDERSHIP

A multi-agency study of the City of Buffalo business climate has determined that Main Street currently suffers from limited access options (Buffalo Place et. al., 2001). These limited access options are contributing to the dramatic loss of retail uses along Main Street and the overall reduction in downtown employment. This loss of employment is also affecting light rail ridership, which has been declining as fewer people are working in the downtown area, which is a primary area served by LRRT.

Allowing vehicular traffic will make it more convenient for more people to access Main Street for work, shopping, and entertainment. Having more visitors and employees in downtown Buffalo is expected to result in greater use of the existing transit system to access downtown.

STIMULATE ECONOMIC DEVELOPMENT

The City of Buffalo has about 24 years of experience with the pedestrian-transit mall. The pedestrian mall has not achieved its revitalization objectives. Since the inception of the Pedestrian Mall, Main Street has shown a more rapid decline than the remainder of the Central Business District (CBD). For example:

- Between 1987 and 2006, private property values in the Project Area (half block radius from Main Street) have declined in assessed value by 54 percent, in 2006 dollars, from \$593 million to \$271 million (Buffalo Place, 2006b).

- From 1987 to 2000, retail occupancy on Main Street dropped by 47 percent and retail employment by 92 percent (Buffalo Place et. al., 2001).
- From 1987 to 2000, total vacancy on Main Street increased by 28 percent (Buffalo Place et. al., 2001).
- Visitors to downtown attractions and the Convention Center repeatedly cite the difficulty of negotiating downtown with Main Street closed to traffic and Pearl Street one-way southbound (The Queen City Hub Plan, 2003).
- Redevelopment has occurred along Chippewa Street and is extending to Franklin Street and Delaware Avenue, but not to Main Street (Buffalo Place et. al., 2001).
- Surveys of existing downtown, former downtown, and prospective business owners identify poor access and perceived safety concerns as the most negative aspects of downtown Buffalo (Buffalo Place et. al., 2001).
- The design of the pedestrian mall creates obstacles for its economic success. Extending nearly 1.2 miles, the Buffalo Pedestrian Mall is one of the longest pedestrian malls in the United States and much longer than the typical pedestrian is willing to walk.

Contribute to Development Momentum

There are several public and private development projects that are either under construction or planned for downtown Buffalo, such as the Erie Canal Harbor project and the “Foot of Main” Project involving a new Bass Pro Shop and the Erie Canal/Great Lakes Transportation Museum. Public investment in revitalizing Main Street will contribute to private sector confidence in the downtown market and make it easier to attract new development. Improved transportation access along Main Street will help strengthen the connections between downtown and both the waterfront to the south and the growing Buffalo Niagara Medical Campus to the north. Improved access to downtown and stronger connections to nearby activity centers will also help make downtown a more attractive location for residential uses.

Increase Business Visibility

Main Street businesses suffer from a lack of visibility. The lack of vehicles prevents motorists from seeing Main Street businesses and even pedestrian views of storefronts are hindered by existing infrastructure. The decrease in business visibility is believed to be a contributing factor to storefront vacancies and to the inability of building owners to attract new retail tenants even in new and renovated storefronts.

Provide Vehicular Access and Short-Term Parking to Adjacent Land Uses

Direct access to Main Street is currently limited to LRRT riders and pedestrians. The lack of vehicular access hinders access to downtown businesses by the disabled. The lack of short-term curbside parking along Main Street requires patrons and visitors to use less convenient and more expensive parking at parking garages within the CBD and curb parking on

adjoining streets There is a current and projected parking deficit in the downtown core, and the need for parking is the first concern of potential tenants considering a downtown location. Most businesses, especially retail stores, require convenient short-term parking for patrons and visitors, and detract from the “user-friendly” image needed to secure business growth and retention (Buffalo Place et. al., 2001). This lack of parking is viewed by national retailers and lenders supporting local retailers as obstacles to retail success (Buffalo Place et. al., 2001).

IMPROVE THE QUALITY OF LIFE

Simplify Access to Downtown

Past surveys by the Buffalo Convention and Visitors Bureau indicate that many tourists and visitors to Buffalo find the one-way and closed street pattern downtown very confusing to negotiate. It is critical to its economic success that access to downtown is simple and understandable (City of Buffalo, 2003).

Enhance Aesthetics

Main Street requires streetscape improvements (e.g., landscaping, street furniture, fountains) to restore charm and vitality. An improved streetscape appearance will attract more pedestrians. These streetscape enhancements could also emphasize some of the historically significant structures found along Main Street.

Address Personal Safety Concerns

Personal safety was the number one downtown issue at the first Downtown Summit in 1994, and the subject of the second Summit in 1996 (Buffalo Place et. al., 2001). The scale of Main Street’s 38-foot-wide sidewalks contributes to the perception of many entering downtown that it is empty and unsafe, even though documented pedestrian volume is higher on Main Street than elsewhere in downtown. There is a need to make Main Street more animated and lively to make it an attractive destination for visitors as well as downtown employees and residents. More activity on Main Street will make people feel more comfortable and safe walking along Main Street.

AGENCY COORDINATION AND PUBLIC OPPORTUNITY TO COMMENT

A comprehensive public involvement program was an integral component of the development of the Project. The Project was first analyzed under the State Environmental Review (SEQR) Act. The Project began as a concept only and the workshops/public involvement process initiated during the SEQR process was intended to solicit opinions regarding potential design strategies for the reintroduction of vehicular traffic. The workshops included more than 100 members of the public and the end result was the identification and development of the Project to bring cars back to Main Street. The SEQR

process was completed in February 2003, while Federal funding for the project was identified in February 2004 and the FTA was not identified as the lead Federal agency until April 2004. In November 2004 FTA, NFTA and the City of Buffalo began preparing the EA under NEPA.

A Notice of Availability for the *City of Buffalo Main Street Multi-Modal Access and Revitalization Project Environmental Assessment* was published in the Buffalo News and online at www.buffalonews.com on April 6, 2009. Copies of the EA were made available for public review and comment at the City of Buffalo Office of Strategic Planning (920 City Hall, Buffalo, NY 14202); Buffalo Place, Inc. (671 Main Street, Buffalo, NY 14203); and the NFTA (181 Ellicott Street, Buffalo, NY 14203). In addition, copies of the EA were sent to relevant agencies and officials and made available at <http://www.nfta.com/mainst.asp>.

The Project Sponsors convened a public meeting on April 27, 2009 from 5:30 pm to 7:30 pm at the Erie County Public Library, 1 Lafayette Square, Buffalo, New York. At the meeting, a total of 14 speakers provided comments on the Project. The NFTA also met with the Advisory Committee on the Disabled where four speakers provided comments on the Project.

Comments on the EA were accepted via mail, e-mail, and phone at the NFTA offices through May 16, 2009. In addition to the oral testimony at the public and advisory committee meetings, 34 written submissions were received on the EA. Of the 34 written submissions nine were generally supportive of the Project. The main issues raised in the remainder of the comments focused on the removal of the Theater Station and its effect on the passenger's access to the Theater district, pedestrian safety, and the change to the downtown infrastructure to accommodate on street parking. See Attachment A for a summary of the comments received on the EA, responses to those comments, the full text of the comments, meeting minutes from the NFTA advisory committee meeting, and a transcript from the public meeting.

DETERMINATION AND FINDINGS

The following is a summary of the environmental impacts of the Project as discussed in the EA. The EA is incorporated by reference into this FONSI

LAND USE, PUBLIC POLICY, AND SOCIAL CONDITIONS

The Project will result in no significant impacts to land use, public policy, or social considerations. The Project will benefit land use and social conditions and is consistent with local plans for downtown Buffalo. The Project will benefit existing land use and social conditions through: increased visibility and access to businesses; creation of busier and more active streets that improve the perception of personal safety while preserving sidewalk space for public events; and maintaining access for emergency vehicles.

Construction of the Project will aid in achieving the goals and objectives of the City Comprehensive Plan, the Queen City Hub Plan, and the 2030 Long Range Transportation

Plan. The Project is included in the Queen City Hub Plan and the 2030 Long Range Transportation Plan as an action that would specifically support the objectives of these plans. Therefore, the project is consistent with local public policy.

SOCIOECONOMIC CONDITIONS

The Project will have beneficial impacts on socioeconomic conditions. The Project will increase visibility and accessibility along the 1.2-mile segment of Main Street making the street more active and attractive for business and increasing the potential to attract new office, restaurant, and retail uses. The Project is also anticipated to lead to rising property values along Main Street, which would decrease the vacancy rate and increase tax revenue for the City of Buffalo. Sales tax revenues to the City will increase consistent with increases in overall retail sales.

VISUAL AND AESTHETIC CONSIDERATIONS

The Project will result in no significant impacts with regard to visual and aesthetic conditions. The Project proposes to restore historic streetscape through the reintroduction of traffic, new sidewalks, landscaping, street furniture, and enhancements to the existing transit stations. The relocated catenary poles will be integrated with the streetlights and will enhance linear continuity and create a streetscape more typical of an urban environment. The support wires perpendicular to Main Street will have a minor adverse visual effect, but not unlike many urban streets with various electrical and communication lines that cross streets. These features will add visual interest to the streetscape and create a more aesthetically appealing condition.

CULTURAL RESOURCES

In compliance with Section 106 of the National Historic Preservation Act and under the guidance set forth in 36 CFR Part 800 the FTA has determined and the New York State Historic Preservation Officer has agreed by a letter dated October 27, 2006, that the Project will have "no adverse effect" on cultural resources listed on, or eligible for, the State and National Register of Historic Places. This determination is based on review of the Area of Potential Effect (APE) and historic sites and districts in downtown Buffalo.

The extensive disturbance associated with the construction of downtown buildings, as well as the construction of the LRRT system in the 1980's, has largely destroyed any potential for locating intact prehistoric resources, and the probability of discovering intact prehistoric resources is very low. The Project will not disturb soils beyond what was disrupted for the construction of the LRRT. Therefore, the Project will not impact archaeological resources.

The Project will not change the character or original intended use of an historic resource and will not change the physical features within a property's setting that contribute to its historic significant. No visual, atmospheric or audible elements that diminish the integrity of any historic resources and its major historic features will be introduced as a result of the Project. The Project will not cause the neglect of a property, which will cause its deterioration. The

restoration of two-way vehicular traffic to Main Street is expected to have a positive effect upon Buffalo's historic resources, especially historically significant buildings along Main Street, as a result of revitalized economic conditions. Therefore, the Project will have no adverse effect on architectural resources.

SECTION 4(f)

FTA's approval of the Main Street Multi-Modal Access and Revitalization Project must comply with Section 4(f) of the Department of Transportation Act of 1966, codified at 49 U.S.C. 303. The Project will not use any land from a publicly owned park, recreation area, wildlife/waterfowl refuge, or historic site; therefore, no Section 4(f) resources would be impacted.

TRANSPORTATION

Traffic

The Project will increase vehicular traffic along the 1.2 mile segment of Main Street. As there is no vehicular traffic on Main Street now other than service and emergency vehicles, there is not an analysis for existing traffic conditions, in terms or level of service, on Main Street. The traffic analysis presented in Section 7(D) of the EA determined that all of the Main Street intersections will operate at LOS D or better during both peak periods which is considered an acceptable level. There is some delay for both auto and LRRT vehicles on the Main Street approaches to the Church, Huron, and Chippewa Street intersections. Most of the corridor delay along Main Street results from the LRRT vehicles stopped at stations while automobiles queue up behind the LRRT vehicle.

Parking

The project will create 209 on-street parking spaces that will be primarily intended for use by diners, shoppers, visitors, and those attending events. This level of additional parking will help support retail, entertainment, and restaurant uses along Main Street; however, is not intended to, nor will it address the overall parking deficit for downtown Buffalo.

Transit

A model called VISSIM was used to determine travel times on the LRRT system. Based on the model, the Project will result in a system-wide increase in future travel times on the LRRT by approximately one minute with cars sharing the roadway. This additional minute delay is not anticipated to result in a significant travel burden on LRRT users as the current

system includes a five-minute overlap in connecting transit options (e.g., rail to bus transfer) to account for when the system is not holding to its schedule.

The Theater District Station was eliminated for safety, design feasibility, and operating cost reasons. The Project will route traffic around the portal to prevent cars from entering the underground portion of the LRRT system. The existing Theater Station would interfere with the traffic route around the portal. In order to retain the Theatre Station and safely route vehicular traffic around the portal, the Theater Station would need to be relocated south away from the portal and Shea's Theater. In this new location, the Theater Station would only be approximately 320 feet from the existing Fountain Plaza Station. It is not efficient for the LRRT system to have stations within two train lengths of each other and it is not cost effective to maintain two stations in such close proximity. Therefore, the Project will eliminate the Theater Station.

Following removal of the Theater Station, LRRT users, including persons with disabilities, will continue to have access to the Theater Historic District from the Fountain Plaza Station via signalized pedestrian crosswalks with disabled access features (e.g., curb-cuts). Transit users who previously utilized the Theater Station will have to walk a maximum of an additional 546 feet to reach the Fountain Plaza station.

Pedestrians

The Project will retain sufficient sidewalk width to adequately accommodate the peak time pedestrian traffic with minimum pedestrian delays. The Project will reduce the sidewalk width between Tupper Street and Scott Street from 37.75 feet to approximately 25.75 feet to provide for approximately 209 on-street parking spaces and loading spaces. The Project will, however, retain sufficient sidewalk width to adequately accommodate the peak time pedestrian traffic with minimum pedestrian delays and will retain the historic (20-foot) Main Street sidewalk width. The new sidewalk width (25.75t) is greater than the sidewalk width (20ft) that existed prior to the construction of the pedestrian transit mall.

AIR QUALITY

The Project will result in no significant impacts with regard to air quality. The Project is included in the Greater Buffalo Niagara Regional Transportation Council's 2030 Long Range Transportation Plan was adopted in 2007, including Project emissions in its overall air quality emissions analysis. On October 27, 2006, the FHWA and the FTA, in consultation with the EPA, concluded that the Plan, including the Project, conformed to the New York SIP for Air Quality. Therefore, the Project will not increase ambient air pollution concentrations above any NAAQS, contribute to existing violations of any NAAQS, or interfere with or delay attainment of the NAAQS.

NOISE AND VIBRATION

The Project will result in no significant impacts with regard to noise and vibration. The FTA General Noise Assessment found within the FTA's Transit Noise and Vibration Impact Assessment Guidance (May 2006) indicate that the average daily traffic volumes along Main Street will add little to no additional noise (1 dBA) above that already generated by the existing LRRT trains (55 dBA). These noise levels meet the FTA Noise Impact Criteria and are considered normally acceptable in a downtown commercial area. The FHWA Traffic Noise Model indicates that the proposed traffic noise levels (including the existing LRRT noise levels) are below the FHWA noise abatement criteria for Main Street. These noise levels are considered normally acceptable in a downtown commercial area. Construction noise is discussed later on in this FONSI.

A general vibration assessment was prepared using criteria found in the FTA's 2006 Transit Noise and Vibration Impact Assessment Guidance (noted above), and the assessment concluded that the Project involves the reintroduction of rubber-tire vehicles to Main Street and there are no vibration sensitive buildings along Main Street; therefore, vibration impacts will not occur.

NATURAL RESOURCES

Geology and Soils

The Project will not result in any impacts with regard to geology and soils. The soils along Main Street have been disturbed to depths in excess of 20 feet for various underground utilities and the LRRT system foundations. The Project will not require any soil disturbance that will affect the deep natural soils that lie under the fill (greater than 20 feet below the surface); have any significant effect on soils or soil formations; involve subsurface intrusion at or below bedrock levels (40 or more feet deep); or be located in the vicinity of any geologic hazards. To mitigate temporary construction impacts, a sediment and erosion control plan will be used.

Terrestrial Resources

Terrestrial resources was a term used in the EA to describe vegetation and wetlands. The Project will result in short-term losses of vegetation as some existing trees will be removed or disturbed to reconstruct the sidewalk or re-establish vehicular travel lanes. The existing trees are not of sufficient number, diversity, or proximity to constitute a naturally functioning vegetative community. More trees will be replanted than will be removed, although the new trees will generally be, at least initially, smaller. The project entails the removal of 86 trees during construction, and the planting of 202 trees. There are no wetlands along the 1.2-mile portion of Main Street affected by the Project.

Endangered Species

No federally listed threatened or endangered species are known to occur in Erie County. NYSDEC provided comments on the EA in May 2009, subsequent to issuance of the April 2009 document. Initial consultation with NYSDEC regarding the Peregrine Falcon was completed (2002) indicated that the only species known to occur in the vicinity of the Project were peregrine falcons in the Statler Towers, which are outside of the Project Area. In their comment letter dated May 22, 2009, NYSDEC indicated that the agency did “not have any comments on the proposed project, except that the Department concurs that it is unlikely that the Main St. project will have an adverse impact on the Peregrine Falcons nesting in the Statler Towers.”

Water Resources

The Project will have no significant adverse impact on water resources as defined by water availability, quality, and use; and existence of flood plains. Operation of construction equipment and vehicles associated with the Project could slightly increase short-term, localized, stormwater pollutant loading; however, the increase will be negligible when compared to overall pollutant volumes in the area and will have no adverse effect on water quality. There are no floodplains or wetlands within the Project Area; therefore, there will be no construction-related disturbance to these resources.

All water shutdowns will be kept to a minimum and all properties to be affected shall be notified at least 24 hours in advance. Where water shutdown will cause an undue burden to a business or a property owner, the work will be timed to minimize the impact (off-peak hours) or a temporary service connection will be provided.

CONSTRUCTION IMPACTS

The Project will result in no significant construction impacts. The Project will result in disturbances typical of any construction project in downtown Buffalo. While there may be some inconvenience associated with increased access limitations related to construction, traffic, air emissions, and noise, no conflicts are expected with the surrounding land uses during construction of the project. Most of the land uses immediate to the construction area are offices and commercial uses, which are less sensitive to noise and other disruptions than residences, schools, or other such uses.

Construction impacts are temporary, and will cease with the completion of construction. To minimize overall impacts during construction in addition to the mitigation measures described above, the Project will be planned, designed, scheduled, and staged to minimize disruption to local businesses and residents, special events, and the environment.

SAFETY AND SECURITY

The project will require an adjustment to the current lighting on the Main Street roadway/trackbed, additional monitoring due to removal of the Theater station; the

management of traffic in and around the LRRT portal in order to prevent vehicular traffic from accessing the portal and a mechanism for prohibiting vehicles from stopping below the HSBC tower. Mitigation measures are described below.

INDIRECT AND CUMULATIVE EFFECTS

The Project will not result in adverse indirect or cumulative impacts. The Project, in combination with other development projects, will result in cumulative beneficial effects to Land Use, Public Policy, and Social Considerations; Socioeconomics; Visual and Aesthetic Considerations; Historic Resources; and Traffic and Transportation. The Project and other development projects have the potential to increase employment and economic activity surrounding the Main Street area, supporting the goal of downtown revitalization. Cumulatively, the development projects will benefit the Project by increasing multi-modal access (i.e., the Inner Harbor Parking Structures and Conversion of Pearl Street and the 700 Block of Main Street to Two-Way Traffic) and increasing recreation and commercial opportunities along the waterfront (i.e., Erie Canal Harbor Project, Foot of Main Project, and Seneca Buffalo Creek Casino).

ENVIRONMENTAL JUSTICE

The Project will result in no disproportionately high and adverse effects on minority or low income populations. As a project that will use federal funds, the Main Street Multi-Modal Access and Revitalization Project must comply with Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low -Income Populations." This Executive Order requires federal agencies to identify and address disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations, and to include outreach to the public in its decision-making process. To identify relative concentrations of minority and low-income individuals, data on race/ethnicity, median household income, and poverty were examined for census block groups abutting Main Street. This data was compared with data on race/ethnicity, median household income, and poverty for the municipality and state. The analysis determined that the Project area consists of predominantly minority population and a low-income populations that are proportionately larger than the City of Buffalo's overall low-income population. However, the Project will not result in any significant adverse impacts during construction or operation, and could create significant beneficial impacts for the EJ population.

MEASURES TO MINIMIZE HARM

The Project sponsors will implement the following mitigation measures described in the EA and this FONSI. The FTA requires that the Project be built in a manner consistent with the EA and that all committed mitigation be implemented in accordance with the EA and this FONSI.

The following measures will be taken to avoid or mitigate adverse effects:

1. New sidewalks, landscaping, street furniture, enhanced transit stations, and integrated catenary poles will mitigate the construction impacts on the visual and aesthetic appeal of Main Street. According to the current design, The Project sponsors will remove 86 trees during construction of the Project and plant 202 trees.
2. The Project Sponsors will provide for continued pedestrian access to storefronts in the affected areas during construction through temporary walkways.
3. The construction activities will be phased over three years such that an individual block will be affected for no more than one construction season to mitigate for the potential disruption to local businesses. In the event that work is needed to complete the block phasing beyond one construction season, the block will be restored such that there would be no impacts to the business owners until such time that the work is completed the following season.
4. In order to minimize the impact of construction on LRRT operations, a one-sided trackbed approach will be used, which will allow one track to remain open during construction. The hours of construction will be limited to normal daytime hours, with the exception of work in the trackbed that can only occur while the trackbed is out of service (1:00am to 4:00am).
5. Air Quality: Appropriate control measures during construction to control fugitive dust will be employed, including watering exposed areas and using dust covers on trucks.
6. Noise: Construction activities will increase noise levels above the typically acceptable levels for a downtown residential area, so the majority of construction activities will be limited to certain hours (7 am to 6 pm) and phased to minimize disruption. As noted above, the hours of construction will be limited to normal daytime hours, with the exception of work in the trackbed that can only occur while the trackbed is out of service (1:00am to 4:00am). See page 11-7 in the EA for a narrative description of the construction noise impacts the majority of the equipment will be kept at the maximum possible distance from the buildings and construction will be restricted to normal daytime hours. The FTA noise criteria for commercial areas will not be exceeded. Noise muffling equipment will be used whenever possible to reduce construction noise levels.
7. A Sediment and Erosion Control Plan, including the use of silt fencing and dust abatement procedures, will be used to minimize the potential for surficial sediments and fill to migrate from the Project area.

8. **Safety and Security:** As detailed in the preliminary design final design report the project mitigation measures will include the spacing between lighting poles on Main street to be at 75 feet to provide for safe levels of lighting along the roadway/trackbed and provide for increased safety on the wide sidewalks. Elimination of the Theater Station and shifting of the Fountain Plaza station will require the existing Theater District cameras to be mounted on poles to monitor the portal area. Additional cameras will be used, as needed, to monitor each of the intersections throughout the trackbed. Traffic signals and an automated gate arm that interface with the train control system will be used to insure that vehicles cannot merge into the shared lane when the train is approaching from the tunnel portion. Positive barriers at the portal and under the HSBC tower will be used to prevent vehicular traffic from entering the portal or stopping under the HSBC tower.
9. **Water Resources:** The Project will have no adverse impact on water resources as defined by water availability, quality, and use; and existence of flood plains. Operation of construction equipment and vehicles associated with the Project could slightly increase short-term, localized, stormwater pollutant loading (see chapter 11). The increase will be negligible when compared to overall pollutant volumes in the area and will have no adverse effect on water quality. There are no floodplains or wetlands within the project area; therefore, there will be no construction-related disturbance to these resources. All water shutdowns will be kept to a minimum; however, typical water connections/ interconnections are made within two to four hours and no shutdown shall exceed 8 hours. All properties to be affected by a shutdown shall be notified at least 24 hours in advance. Where water shutdown will cause an undue burden to a business or a property owner, the work will be timed to minimize the impact (off-peak hours) or a temporary service connection will be provided. Work performed in the vicinity of existing restaurants, police stations, municipal buildings, and places of worship shall be performed in the least disruptive time (off-peak hours) and shall be coordinated with the affected establishment and the respective agency prior to work being performed.

As noted above the Project may result in a localized (i.e., from main street) increase in stormwater pollutant loadings as a result of vehicular emissions. The increase in vehicular use (and its associated emissions) in the project area will be negligible when compared with total vehicular use in the Buffalo metropolitan area. Additionally, the drainage pattern along main street corridor will not change and all surface water runoff from the project area will still discharge into the City of Buffalo combined sewer and stormwater system. Construction activities that discharge to a combined sewer do not require coverage under gp-02-01. Therefore, water quality and water quantity measure requirements under the state pollutant discharge eliminating system (SPDES) permit for stormwater discharges from construction activities (gp-02-01) are not applicable. Soil erosion and sediment control plans will be prepared for the Project construction activities as outlined in NYSDEC's New York standards and specifications for erosion and sediment control, ensuring that

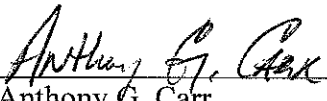
there will be little net increase in pollution loads to the receiving waters (Buffalo River and Lake Erie).

10. Catenary Poles: As the Project will allow vehicular traffic to share the LRRT trackbed, the existing catenary poles will be relocated to the sidewalk and combined with the existing streetlights to improve vehicular safety.

The FTA finds that with the implementation of these mitigation measures outlined in the EA and in this FONSI, the Project sponsors will have taken all reasonable and prudent means to avoid or minimize adverse impacts of the Project.

FTA NEPA FINDING

FTA has reviewed the *City of Buffalo Main Street Multi-Modal Access and Revitalization Project Environmental Assessment* and finds that the City of Buffalo Main Street Multi-Modal Access and Revitalization Project will have no significant impact on the environment.



Anthony G. Carr
Deputy Regional Administrator, Region II
Federal Transit Administration

10/5/09
Date