

Appendix F2: Historic Architectural Resources Background Study/Effects Assessment Report

**Historic Architectural Resources Background
Study/Effects Assessment Report
Western Rail Yard Infrastructure Project
New York, NY**



Prepared for:
United States Department of Transportation
Federal Railroad Administration
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Washington, DC 20590



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October 15, 2020

Historic Architectural Resources Background Study/Effects Assessment Report

Western Rail Yard Infrastructure Project

New York, NY

NYSHPO Number: 20PR03990

Principal Investigator: Jennifer Morris, AICP

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EXECUTIVE SUMMARY

AKRF, Inc. completed a Historic Architectural Resources Background Study and Effects Assessment in the Area of Potential Effects (APE) for the Western Rail Yard Infrastructure Project (the Project) in the City of New York, New York.

WRY Tenant LLC and the National Railroad Passenger Corporation (Amtrak) are partnering in a joint venture (Project Sponsor) to seek Federal financial assistance through the Railroad Rehabilitation and Improvement Financing (RRIF) Program—which is administered by the U.S. Department of Transportation (USDOT) Build America Bureau (Bureau)—to fund the construction of a Platform and a Tunnel Encasement on the 13-acre Western Rail Yard site, located on the western half of the Metropolitan Transportation Authority (MTA) Long Island Rail Road (LIRR) John D. Caemmerer Yard in New York County, New York. The USDOT's Federal Railroad Administration (FRA) is the lead federal agency performing the environmental review for the Project, and has determined the Project constitutes an undertaking under Section 106 of National Historic Preservation Act (NHPA) of 1966, as amended, and the Advisory Council on Historic Preservation's (ACHP) Section 106 implementing regulations at 36 Code of Federal Regulations (CFR) Part 800 (Section 106). FRA is preparing an EIS for the Project in compliance with the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR parts 1500-1508), 23 U.S.C. § 139, and 23 CFR part 771 and 774. FRA is integrating the Section 106 process with the NEPA compliance process for the Project in accordance with the Section 106 regulations at 36 (CFR Part 800.8 and the ACHP's guidance document entitled *NHPA: A Handbook for Integrating NEPA and Section 106* (March 2013). This report documents AKRF's efforts, on behalf of FRA, to identify historic architectural properties in the APE and to assess the Project's potential effects on identified historic properties pursuant to Section 106.

The Historic Architectural Resources Background Study and Effects Assessment identified five historic properties eligible for listing in the National Register of Historic Places (NRHP-eligible) in the APE: the New York Improvements and Tunnel Extension of the Pennsylvania Railroad (North River Tunnel), the High Line, Hudson River Bulkhead, former W & J Sloane Warehouse and Garage, and the West Chelsea Historic District. No NRHP listed historic properties were identified in the APE. One of the NRHP-eligible historic properties is locally designated by the City of New York: the West Chelsea Historic District.

AKRF has concluded that the Project would not result in adverse effects to historic properties.

TABLE OF CONTENTS

1.0	INTRODUCTION	1-1
1.1	REGULATORY CONTEXT	1-1
1.2	PROJECT DESCRIPTION	1-2
	PLATFORM.....	1-3
	TUNNEL ENCASEMENT	1-4
1.3	AREA OF POTENTIAL EFFECTS	1-5
2.0	PROJECT GOALS AND METHODOLOGY	2-1
2.1	RESEARCH.....	2-1
2.2	HISTORIC ARCHITECTURE FIELD RECONNAISSANCE.....	2-1
2.3	CONSULTING PARTY AND PUBLIC INVOLVEMENT	2-1
3.0	BACKGROUND RESEARCH.....	3-1
3.1	HISTORIC CONTEXT.....	3-1
3.2	SUMMARY OF PRIOR HISTORIC PROPERTY INVESTIGATIONS.....	3-2
	PREVIOUS SURVEYS	3-2
	KNOWN HISTORIC PROPERTIES.....	3-4
4.0	HISTORIC ARCHITECTURAL RESOURCES BACKGROUND STUDY	4-1
4.1	SURVEY OF HISTORIC PROPERTIES.....	4-1
4.2	DESCRIPTION OF EXISTING HISTORIC PROPERTIES	4-1
	New York Improvements and Tunnel Extension of the Pennsylvania Railroad (#1)	4-1
	High Line (#2).....	4-2
	Hudson River Bulkhead (#3).....	4-3
	W & J Sloane Warehouse and Garage (#4).....	4-3
	West Chelsea Historic District (#5).....	4-4
5.0	ASSESSMENT OF EFFECTS.....	5-1
5.1	CONSTRUCTION- AND OPERATIONAL-RELATED EFFECTS	5-1
5.2	INDIRECT EFFECTS	5-2
5.3	SUMMARY OF EFFECTS ASSESSMENT	5-3
6.0	CONCLUSIONS AND RECOMMENDATIONS.....	6-1
7.0	SOURCES.....	7-1

TABLES:

Table 4-1: Historic Properties in the Area of Potential Effects (APE)..... **4-1**

Table 5-1: Historic Properties in the Area of Potential Effects (APE) and Effects Assessment

LIST OF FIGURES

Figure 1	Area of Potential Effects
Figure 2	Area of Potential Effects and Location of Historic Properties
Figures 3a/3b	Historic Properties: High Line Photographs
Figure 4	Historic Properties: Hudson River Bulkhead Photographs
Figures 5a/5b	Historic Properties: Former W & J Sloane Warehouse and Garage Photographs
Figure 6	Historic Properties: West Chelsea Historic District Photographs
Figure 7	Platform
Figure 8	Tunnel Encasement

LIST OF APPENDICES

Appendix A	Qualifications of the Principal Investigator
Appendix B	Project Documents Appendix B-1: Agency Correspondence Appendix B-2: Proposed Area of Potential Effects
Appendix C	National Register Criteria & Criteria of Adverse Effect
Appendix D	Record of Public Consultation
Appendix E	Project Drawings
Appendix F	Previous Inventory Forms & National Register Eligibility Determinations

1.0 INTRODUCTION

AKRF, Inc. completed a Historic Architectural Resources Background Study and Effects Assessment within the Area of Potential Effects (APE) for the Western Rail Yard Infrastructure Project (the “Project”, synonymous in this document with the “Proposed Action” and the “undertaking”) in the City of New York, New York.

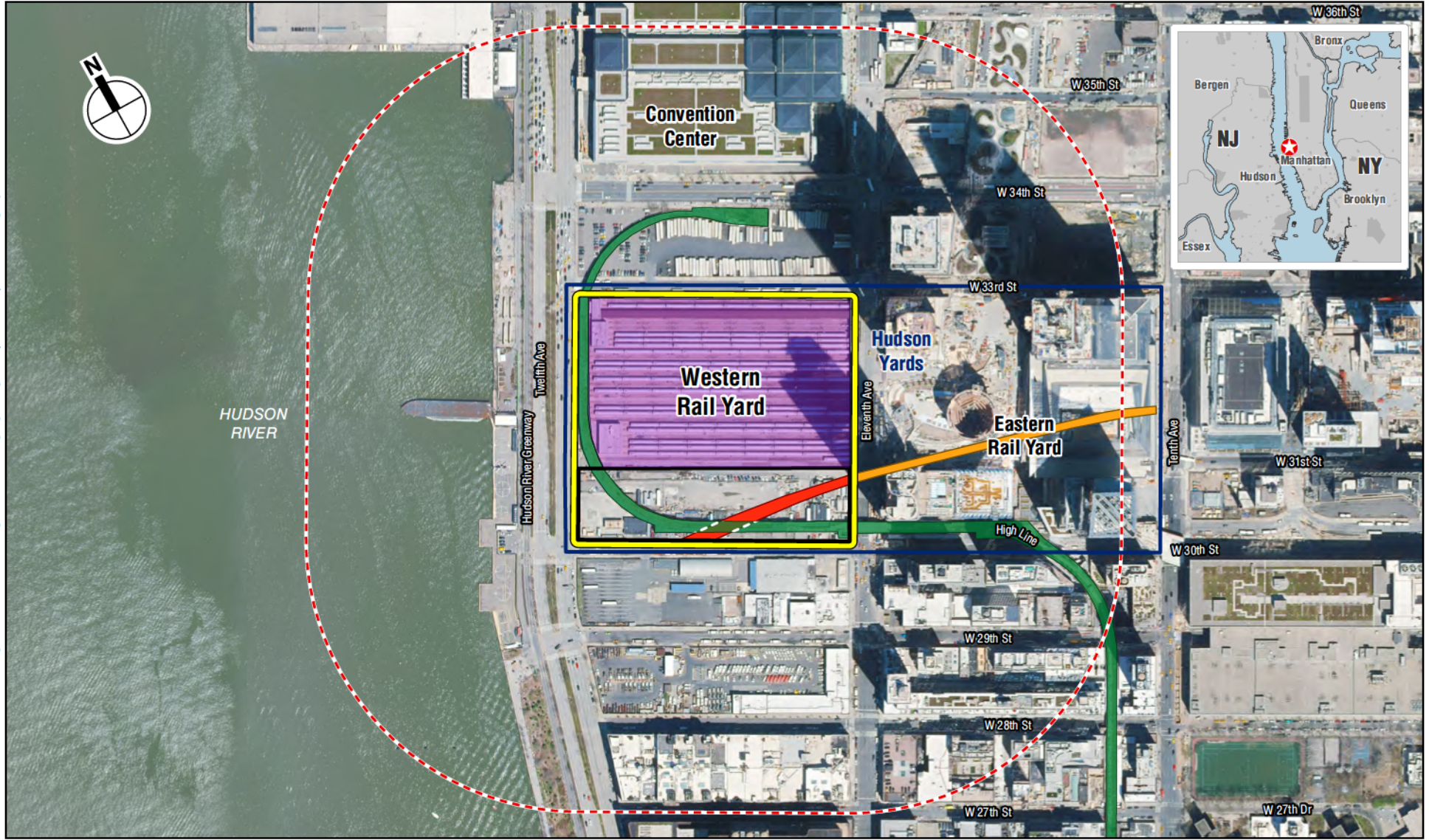
Jennifer Morris served as the Principal Investigator for historic properties, and meets the professional qualifications standards of 36 CFR 61 set forth by the National Park Service (see **Appendix A**). Amy Crader conducted the photography for this report. Eunice Inquimboy and Danny Goodman prepared report graphics. Stephen Holley and Nathan Riddle served as report editors.

1.1 REGULATORY CONTEXT

WRY Tenant LLC and the National Railroad Passenger Corporation (Amtrak) are partnering in a joint venture (Project Sponsor) to seek Federal financial assistance through the Railroad Rehabilitation and Improvement Financing (RRIF) Program, which is administered by the U.S. Department of Transportation (USDOT) Build America Bureau (Bureau). The Project Sponsor has expressed an interest in seeking financial assistance provided by the Bureau to fund the construction of a Platform and a Tunnel Encasement on the 13-acre Western Rail Yard site (the Project Site) located on the western half of the Metropolitan Transportation Authority (MTA) Long Island Rail Road (LIRR) John D. Caemmerer Yard (aka “Hudson Yards”) (Block 676, Lot 3) in New York County (Manhattan), New York (**Figure 1**). The purpose of the Proposed Action is to (1) cover and protect the active railroad tracks and LIRR support facilities in the Western Rail Yard so that the joint venture can provide additional new capacity for real estate development and house critical life safety and mechanical, electrical and plumbing support services for the yard, including new lighting, sprinklers and an extensive Platform ventilation system; and (2) preserve a right-of-way through the Western Rail Yard to support the future construction of a trans-Hudson passenger rail crossing into New York Penn Station. The USDOT’s Federal Railroad Administration (FRA) is the lead federal agency performing the environmental review for the Project, and has determined the Project constitutes an undertaking under Section 106 of National Historic Preservation Act (NHPA) of 1966, as amended, and the Advisory Council on Historic Preservation’s (ACHP) Section 106 implementing regulations at 36 Code of Federal Regulations (CFR) Part 800 (Section 106).

Section 106 (36 CFR 800) mandates federal agencies to take into account the effects of their undertakings on historic properties, including historic architectural resources and archaeological resources, and afford the ACHP a reasonable opportunity to comment on such undertakings. Section 106 requires consultation with the appropriate State Historic Preservation Officers (SHPOs), in this case the New York State Office of Parks, Recreation and Historic Preservation (OPRHP/New York State Historic Preservation Office [NYSHPO]); Federally recognized Indian tribes that might attach religious and cultural significance to historic properties affected by the Project; and additional consulting parties with a demonstrated interest in the Project based on a legal or economic relation to affected properties, or an interest in the Project’s effects on historic properties. The lead federal agency, in consultation with the SHPO and consulting parties, must determine whether a proposed action would have any adverse effects on historic properties within the APE and seek ways to avoid, minimize or mitigate any adverse effects.

FRA is preparing an EIS for the Project in compliance with the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR parts 1500-1508), 23 U.S.C. § 139, and 23 CFR part 771 and 774. FRA is integrating the Section 106 process with the NEPA compliance process for the Project in accordance with the Section 106 regulations at 36 (CFR Part 800.8 and the ACHP’s guidance document entitled *NHPA: A Handbook for Integrating NEPA and Section 106* (March 2013). There may be historic properties identified during the Section 106 process that are also subject to review under Section 4(f) of the U.S. Department of Transportation Act of 1966.



- Project Site (Western Rail Yard)
- Area of Potential Effects
- Hudson Yards
- Approximate Terra Firma Area
- Proposed Platform
- Existing Concrete Encasement
- Proposed Tunnel Encasement
- High Line

WESTERN RAIL YARD INFRASTRUCTURE PROJECT

Area of Potential Effects
Figure 1

When a project is being reviewed pursuant to Section 106, the procedures of Section 14.09 of the New York State Historic Preservation Act (SHPA) do not apply, and any review and comment by NYSHPO must be within the framework of Section 106 regulations (New York State Historic Preservation Act § 14.09[2]). The cultural resources study for the Project will fulfill cultural resource compliance obligations under NEPA and Section 106. FRA will consult with NYSHPO and other consulting parties to identify historic properties that have the potential to be affected by the No Action Alternative and Proposed Action and determine the nature of the potential effects on those properties.

This report documents AKRF's efforts, on behalf of FRA, to identify historic properties in the APE and to assess the Project's potential effects on identified historic properties pursuant to Section 106. Specifically, this Historic Architectural Resources Background Study/Effects Assessment Report: 1) identifies the Project's APE, which is the geographic area within which the Project may affect a historic property; 2) identifies historic properties within the APE; and 3) assesses the potential effects of the Project on identified historic properties, which consist of properties that are listed in the National Register of Historic Places (NRHP) or are eligible for listing in the NRHP (NRHP-eligible).

With regard to archaeological resources, NYSHPO and the New York City Landmarks Preservation Commission (LPC) have previously reviewed the two components of the Project, and the Western Rail Yard site has been determined not to be an archaeologically sensitive area. The Platform (and the Overbuild mixed-use development) were reviewed in accordance with Section 14.09 during the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR) process for the Western Rail Yard Project in the 2009 *Western Rail Yard Project Final Environmental Impact Statement* (2009 SEQRA/CEQR FEIS). For archaeological resources, the 2009 SEQRA/CEQR FEIS relied on the assessment of potential archaeological sensitivity prepared for the 2004 *No. 7 Subway Extension-Hudson Yards Rezoning and Development Program FGEIS* (2004 FGEIS), which concluded that the Western Rail Yard was not sensitive for archaeological resources. The Tunnel Encasement is the third and westernmost segment of the entire right-of-way preservation concrete casing that previously underwent environmental reviews led by FRA, which included reviews in accordance with Section 106 of the National Historic Preservation Act of 1966 (as amended) and its implementing regulations at 36 Code of Federal Regulations (CFR) Part 800. In a letter to FRA dated August 3, 2020, NYSHPO noted that it has no archaeological concerns with the proposed undertaking (see **Appendix B-1**). The historical maps of the study area referenced in the cultural analyses conducted for the 2009 SEQRA/CEQR FEIS, the 2004 FGEIS, and the 2013 *Environmental Assessment for Construction of a Concrete Casing in the Hudson Yards, New York, New York* (2013 Concrete Casing EA), show that the shoreline prior to approximately 1850 was further east than the location of the present Project Site. Furthermore, the Project area has previously been subject to extensive ground disturbance from construction of the Western Rail Yard.

1.2 PROJECT DESCRIPTION

The Proposed Action includes a structural Platform (Platform), and a railroad right-of-way preservation Tunnel Encasement (Tunnel Encasement). The purpose of the Proposed Action is to (1) cover and protect the active railroad tracks and LIRR support facilities in the Western Rail Yard so that the joint venture can provide additional new capacity for real estate development and house critical life safety and mechanical, electrical and plumbing support services for the yard, including new lighting, sprinklers and an extensive Platform ventilation system; and (2) preserve a right-of-way through the Western Rail Yard to support the future construction of a trans-Hudson passenger rail crossing into New York Penn Station.

The Platform is needed to support the provision of developable land area that would generate revenue for the MTA and its subsidiary agencies and modernize state-of-the-art life safety systems for the entire

Western Rail Yard.¹ MTA has sought to maximize the revenue generation potential of its real estate assets, and when Hudson Yards was redeveloped in 1986, the tracks and other facilities were laid out to accommodate the columns that would be required for future development. Currently, there is no capacity for development over the Western Rail Yard without construction of the Platform. The 2005 Hudson Yards rezoning included the extension of the No. 7 IRT Flushing Line subway to 34th Street and Eleventh Avenue, providing new and closer access to the subway system in this area, which made private development considerably more attractive and viable in this part of Manhattan. The 2005 Hudson Yards rezoning also provided for the development of a mix of uses and densities, including a provision for open space.

Construction of the Tunnel Encasement is necessary to maintain the ability to preserve passenger rail service in and out of New York Penn Station.² New rail infrastructure is part of the multi-state and multi-agency effort by Amtrak and others to maintain a functional, resilient, and improved trans-Hudson passenger rail crossing into New York Penn Station, maintain existing Amtrak intercity and NJ TRANSIT commuter rail service on the Northeast Corridor, and to support future increases in the capacity of the regional rail system should they be pursued.

The objectives of the Proposed Action include:

- Maintain safe, continuous, and uninterrupted LIRR operations, construct critical life safety and ventilation systems, and modernize operational facilities within the Western Rail Yard;
- Support the ability to meet the revenue-generation goals of the MTA, the owner of the Western Rail Yard;
- Provide support for the economic, social, and recreational life of the Hudson Yards area and the City; and
- Preserve opportunities to enable future growth of passenger rail service and to maintain a functional, resilient, and improved trans-Hudson passenger rail crossing into New York Penn Station.

PLATFORM

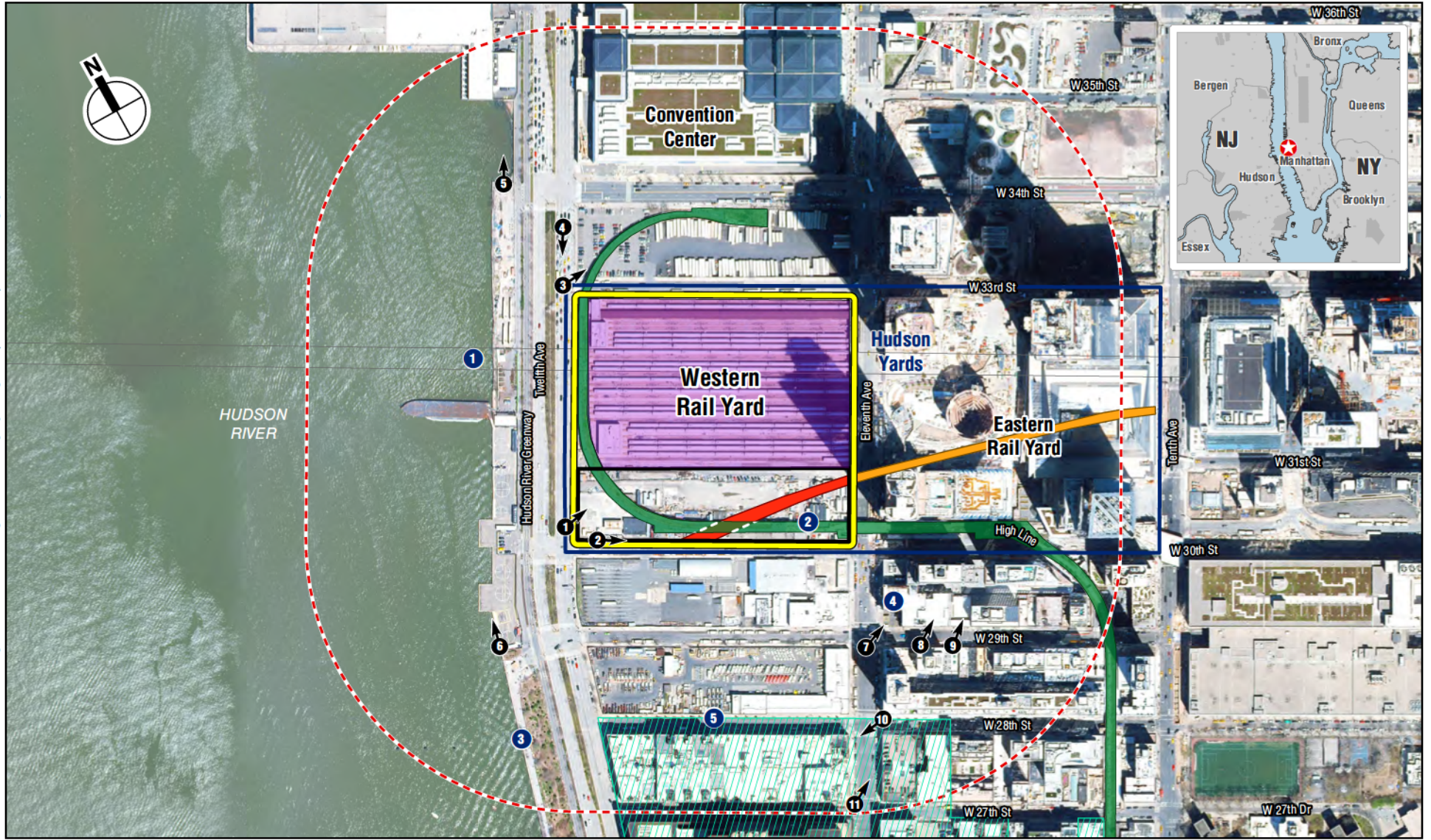
The Proposed Action would construct a new approximately 425,000 square foot (9.8-acre) Platform spanning the Western Rail Yard, to cover the active rail yard below and to support the privately-funded as-of-right mixed-use development and public open space above (the Overbuild development) (**Figures 1 and 7**). The Platform would serve as the support for the as-of-right Overbuild of approximately 5.7 million gross square feet of new commercial, residential, and school uses and public open space. To support the Overbuild, the Platform would require deep footings, reinforced building foundations, and a concrete slab to transfer the building loads to the bedrock below. Approximately four hundred (400) caissons (i.e., watertight columns) would be drilled through the water table and soil and into the bedrock that is up to 120 feet below the surface in certain locations.




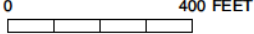










The Platform's support columns would be threaded between the existing railroad tracks and associated infrastructure in Western Rail Yard. When Hudson Yards was redeveloped in 1986 the tracks and other facilities were reconfigured, and laid out to accommodate the columns that future development would

¹ MTA's subsidiary agencies include LIRR, Metro-North Railroad, New York City Transit (NYCT), Capital Construction Company, Staten Island Railway, Regional Bus Operations, and Bridges and Tunnels.

² *Hudson Tunnel Project, Draft Environmental Impact Statement and Draft Section 4(f) Evaluation*, June 2017, includes a Preferred Alternative consisting of the construction of a new rail tunnel under the Hudson River, including railroad infrastructure in New Jersey and New York connecting the new rail tunnel to the Northeast Corridor and into New York Penn Station.

Data source: NYS ITS GIS Program Office; NYS Digital Orthoimagery Program (NYS DOP), 2018 Imagery



	Project Site (Western Rail Yard)		Proposed Platform		New York Improvements and Tunnel Extension of the Pennsylvania Railroad	
	Area of Potential Effects		Existing Concrete Encasement		High Line	
	Hudson Yards		Proposed Tunnel Encasement		Hudson River Bulkhead	
	Approximate Terra Firma Area		Photograph View Direction and Reference Number		W & J Sloane Warehouse and Garage	
					West Chelsea Historic District	

WESTERN RAIL YARD INFRASTRUCTURE PROJECT

Location of Historic Properties

Figure 2



View northeast to High Line from Twelfth Avenue/Route 9A and West 30th Street 1



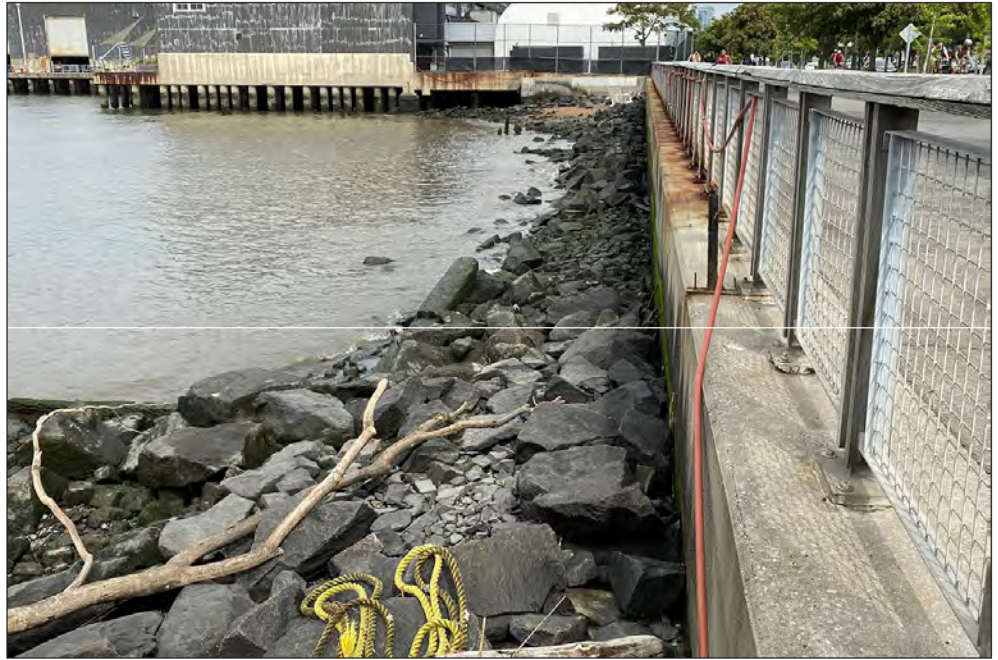
View to High Line, looking east on West 30th Street near Twelfth Avenue/Route 9A 2



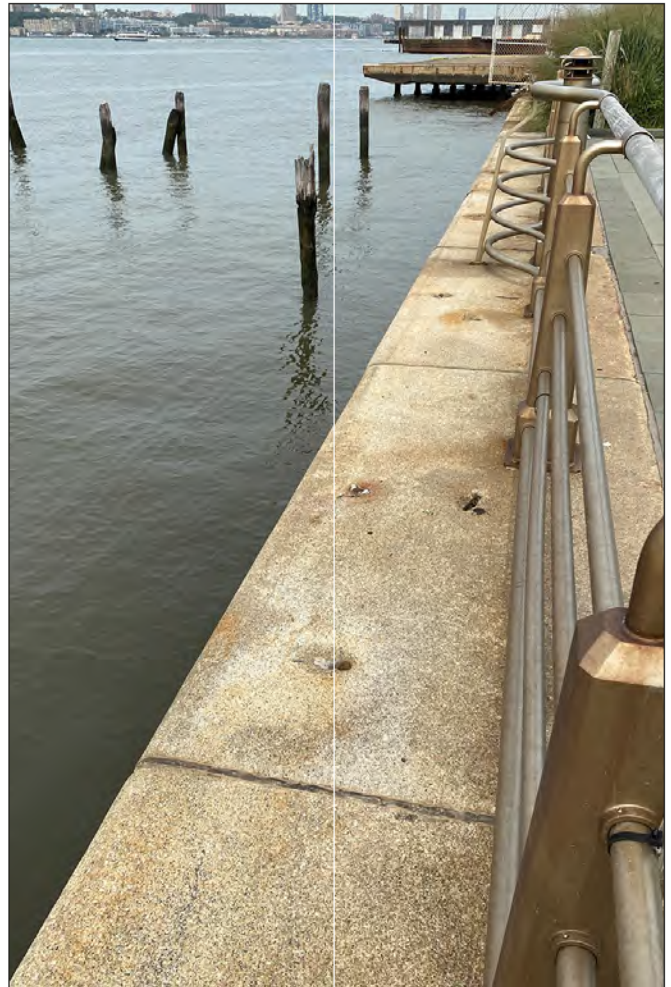
View east to High Line from Twelfth Avenue/Route 9A and West 33rd Street 3



View south to High Line from Twelfth Avenue/Route 9A and West 33rd Street 4

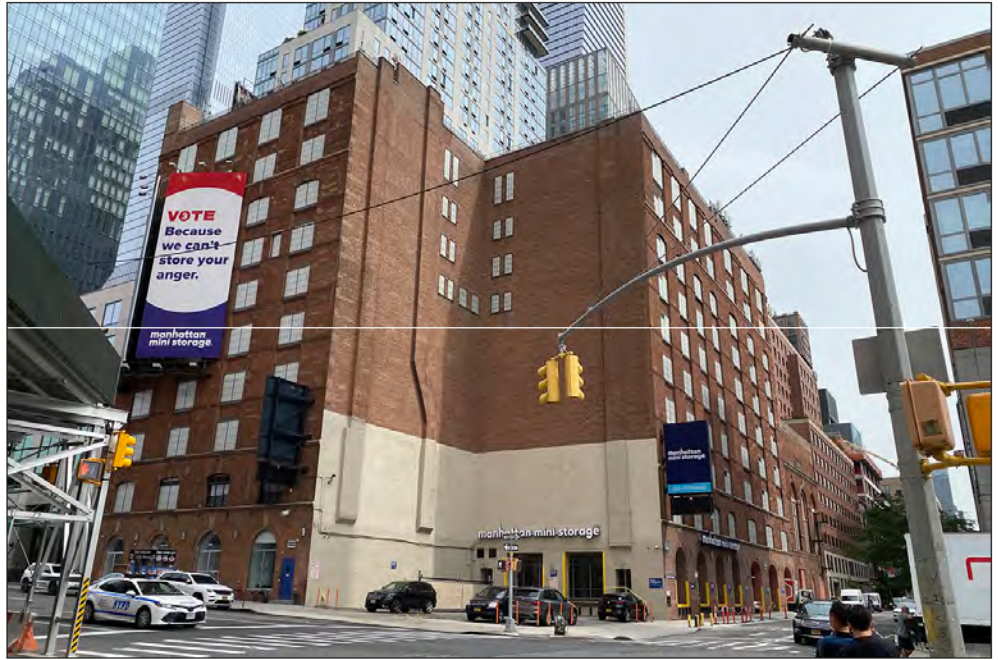


Hudson River Bulkhead, view north at Hudson River and West 34th Street 5



Hudson River Bulkhead, view north at Hudson River and West 29th Street 6

Historic Properties—Hudson River Bulkhead
Photographs
Figure 4



View northeast at Eleventh Avenue and West 29th Street 7



View northeast on West 29th Street, east of Eleventh Avenue 8

Historic Properties—Former W & J Sloane Warehouse and Garage Photographs Figure 5a

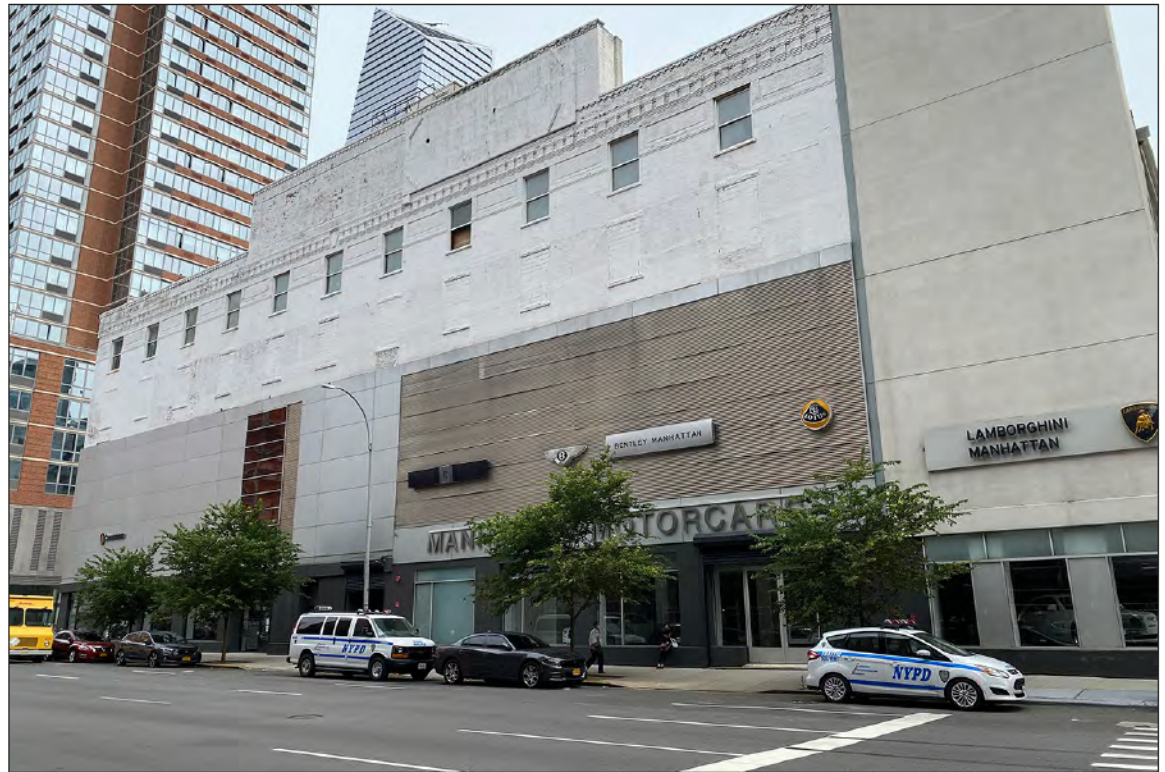


View northeast on West 29th Street, east of Eleventh Avenue 9

Historic Properties—Former W & J Sloane
Warehouse and Garage Photographs
Figure 5b

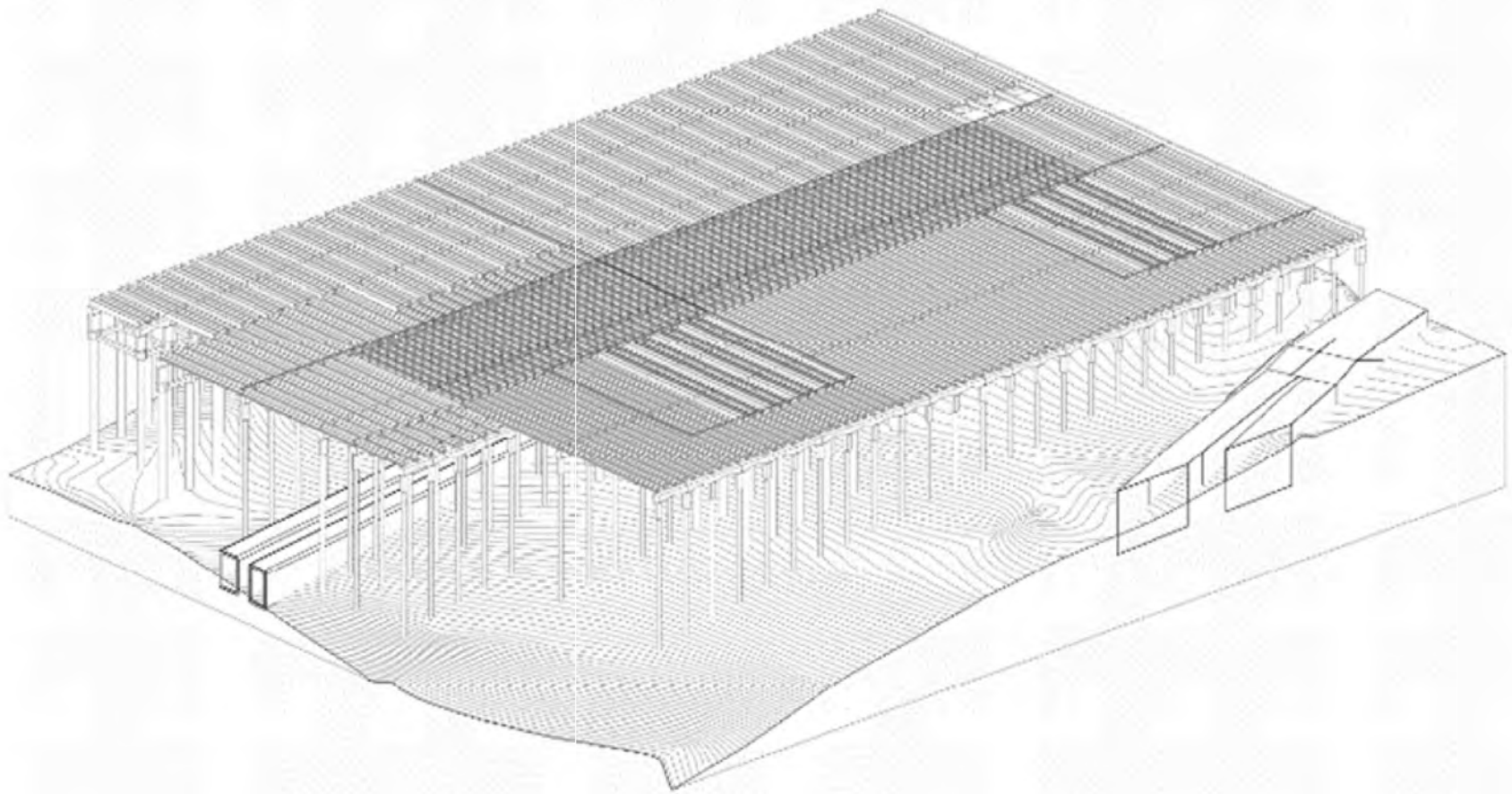


New York Terminal Warehouse Company, Central Stores, in West Chelsea Historic District—view southwest at Eleventh Avenue and West 28th Street 10



West Chelsea Historic District, view east at Eleventh Avenue and West 27th Street 11

Historic Properties—West Chelsea
Historic District Photographs
Figure 6



Source: WRY Tenant LLC

require. As a result, no existing storage tracks would be displaced and train service would be maintained during the construction of the Platform.

The Platform would cover the railroad storage tracks and maintenance facilities in MTA's rail yard, which LIRR uses and operates. The construction of the Platform would require the reconstruction and modernization of other LIRR support services including existing emergency electrical equipment, approximately 20,000 square feet of railroad staff facilities, and rail car cleaning services. The proposed Platform would house critical life safety and mechanical, electrical, and plumbing support services for the yard, including new lighting, sprinklers and an extensive platform ventilation system. Once complete, the entire yard would contain comprehensive state-of-the-art life safety systems, securing this critical infrastructure and protecting both the workers and the railroad equipment in the yard.

At its northern end, the Western Rail Yard contains a 12-car cleaning platform, formerly used to service and clean railroad equipment. This platform is currently not in use because operations were moved offsite before construction of the adjacent Eastern Rail Yard. The cleaning platform and three LIRR service buildings on the western edge of the Western Rail Yard will be demolished to allow for the Platform construction. These structures have been built since the rail yard was reconstructed in 1986 and are not historic. Once construction of the Platform is completed, the cleaning platform will be reconstructed in its former location. Interim service buildings will be constructed on the western end of the *terra firma* (at grade solid ground) portion of the site, adjacent Twelfth Avenue. The service buildings will be reconstructed in accordance with LIRR program requirements on the Project Site.

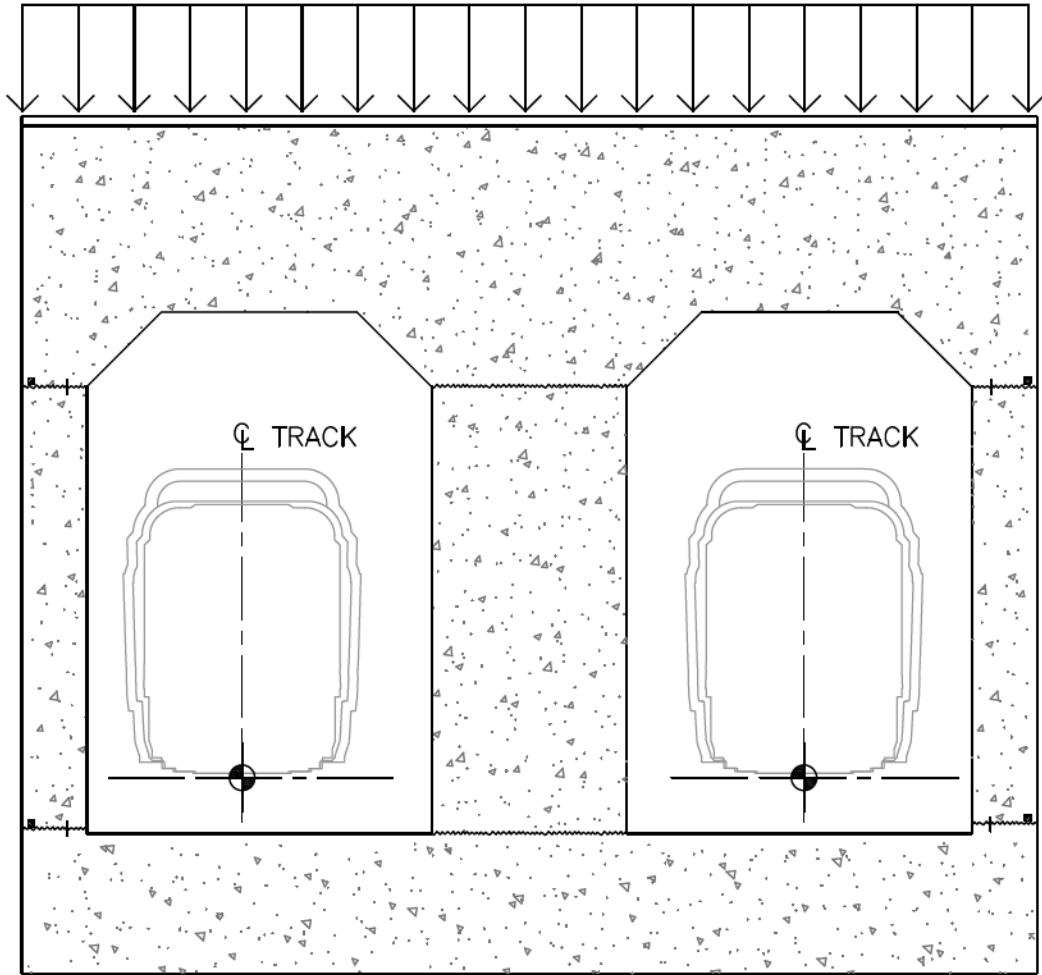
The Platform and Overbuild were reviewed in accordance with Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law during the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR) process in 2009 for the Western Rail Yard Project in 2009 (08PR03724, 08PR04116) in the 2009 *Western Rail Yard Project Final Environmental Impact Statement* (2009 SEQRA/CEQR FEIS). The Overbuild was approved in 2009 by the New York City Planning Commission and adopted by the New York City Council as zoning text and map amendments to the New York City Zoning Resolution. The Overbuild development is now as-of-right development, since it will be built in accordance with the New York City Zoning Resolution's existing zoning controls, which regulate type of use, building envelopes, publicly accessible open space areas, street wall controls, retail continuity, and maximum floor area ratio (i.e., the ratio of floor area to lot size). For archaeological resources, the 2009 SEQRA/CEQR FEIS relied on the assessment of potential archaeological sensitivity prepared for the 2004 *No. 7 Subway Extension-Hudson Yards Rezoning and Development Program FGEIS*, which concluded that the Western Rail Yard was not sensitive for archaeological resources. In a comment letter dated April 29, 2009, NYSHPO confirmed it had no further archaeological concerns with the Western Rail Yard project.

TUNNEL ENCASUREMENT

The Tunnel Encasement in the Western Rail Yard would be an extension of the existing concrete casing to the east of the Project Site and would preserve railroad right-of-way through the southern portion of the Western Rail Yard (**Figure 8**). This segment of Tunnel Encasement would connect to the recently constructed underground right-of-way (ROW) preservation concrete casing, which begins just east of Tenth Avenue (between 30th and 32nd Streets), runs beneath the Eastern Rail Yard, and terminates at the eastern edge of Eleventh Avenue just north of 30th Street (completed in 2015). The Tunnel Encasement would originate at the western end of the underground concrete casing in the Eastern Rail Yard, extend under the Eleventh Avenue viaduct, and would continue diagonally across approximately two-thirds of the Western Rail Yard, underneath a portion of the High Line³, and end at 30th Street.

³ The High Line is an historic elevated former freight rail line, which has been converted into a public aerial linear park and greenway.

MAXIMUM AVERAGE SERVICE LOAD : 40 KSF



The tunnel box on the Project Site would be approximately 605 feet long, between 50 and 65 feet wide, and between 27 and 38 feet high. It would be constructed through a *terra firma* portion of the Western Rail Yard site that will not be covered by the new Platform. Together, the Tunnel Encasement below both rail yards (Eastern and Western Rail Yards) would preserve a total ROW of approximately 1,400 feet. Construction of the Tunnel Encasement would require excavation of approximately 66,000 cubic yards of soil and 14,000 cubic yards of rock.

Temporary underpinning may be required where the Tunnel Encasement would cross beneath a portion of the High Line that runs along West 30th Street between Eleventh and Twelfth Avenues. This work will include approximately 280 feet of underpinning and re-support onto new foundations of either total (both) columns or partial (one) columns. The westernmost 80 feet of underpinning on 30th Street will re-support columns of the High Line that would require re-support for the Hudson Tunnel mining approach.

Construction of the Tunnel Encasement would involve demolition of LIRR's Emergency Services Building (ESB) (a structure that primarily houses utility infrastructure) in the Western Rail Yard, temporary relocation of ESB functions, and reconstruction of the building following completion of the Tunnel Encasement. The property dates from the 1986-87 redevelopment of the rail yard. The temporary ESB functions will be located in the southeast corner of the Western Rail Yard on a small portion of existing elevated concrete (at street level to maximize flood protection). This relocation will provide redundant firefighting water sourcing to the yard, eliminating the need for the existing secondary water tank and fire pump room. Therefore, the interim emergency services facility will function essentially as a substation for emergency facility (not train) power and communications.

Most construction staging for the Tunnel Encasement is planned to occur on the Project Site, possibly extending into some adjacent sidewalks and parking lanes during certain phases of construction. No off-site staging is anticipated.

The Tunnel Encasement is the third and westernmost segment of the entire right-of-way preservation concrete casing that previously underwent environmental reviews led by FRA, which included reviews in accordance with Section 106 of the National Historic Preservation Act of 1966 (as amended) and its implementing regulations at 36 Code of Federal Regulations (CFR) Part 800. The eastern portion of the concrete casing, extending beneath the Eastern Rail Yard was completed in 2015. In a letter dated April 1, 2013, NYSHPO confirmed it had no archaeological concerns regarding the concrete encasement. In a letter dated July 22, 2014, NYSHPO concurred with FRA's determination that the undertaking would have no adverse effect on historic properties provided that construction monitoring of the High Line would occur per the New York City Building Code *Technical Policy and Procedure Notice #10/88* (14PRO2712).

1.3 AREA OF POTENTIAL EFFECTS

Under Section 106, the APE is defined as "the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if such properties exist" (36 CFR § 800.16[d]). The APE is influenced by the scale and nature of an undertaking.

FRA developed the APE for the Project described herein and depicted in **Figure 1** to account for potential effects of the Project on historic properties, based on the conceptual design for the Project available at this time. In general, potential effects on historic properties can include demolition, physical alteration, or damage, including effects caused by vibration; isolation of a historic property from its surrounding environment; and the introduction of visual, audible, or atmospheric (e.g., pollutants) elements that are out of character with a historic property or that alter its historic setting and context.⁴ Effects may include

⁴ National Register Bulletin No. 21, *Defining Boundaries for National Register Properties*, prepared by the National Park Service, 1995, revised 1997

reasonably foreseeable effects caused or enabled by the Project that may occur later in time, be farther removed in distance, or be cumulative with other effects from other projects. Adverse effects can occur when a project may alter any of the characteristics of a historic property that qualify the property for inclusion in the NRHP in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association.

The APE encompasses the area 800 feet in all directions from the Western Rail Yard site boundary (depicted in white/red hashed line in **Figure 1**). The APE takes into account construction-related effects as well as the visibility of permanent above-grade Project components, including the proposed Platform and Tunnel Encasement. The APE also accounts for the potential indirect effects of the Overbuild. The APE encompasses a sufficiently large area to account for permanent visual impacts of the Project. The APE takes into consideration topography, vegetation, and the existing built environment that diminish sight lines. Field reconnaissance conducted by AKRF and information provided by the Project Sponsor regarding the characteristics of the Project components were utilized to help define the proposed APE. The analysis of potential effects to below-ground (archaeological) resources will be limited to the area of anticipated ground disturbance, which is within the Western Rail Yard site boundary.

The APE for the Project is consistent with the APE developed for the 2009 SEQRA/CEQR FEIS for the Western Rail Yard site, and encompasses the smaller APE developed for FRA's previous (2013 and 2014) evaluations of the entire right-of-way preservation concrete encasement (of which the Tunnel Encasement is the westernmost third segment, as described above).

A more detailed description of the APE is provided in a memorandum that was provided by FRA to NYSHPO on July 3, 2020 (as part of FRA's formal initiation of Section 106 review for the Project), and to Federally-recognized Indian tribes and potential consulting parties on August 17, 2020 (see **Appendix B-1 and Appendix D**). In its letter to FRA dated August 3, 2020, NYSHPO noted that it has no archaeological concerns with the proposed undertaking (see **Appendix B-1**). To date, none of the contacted Federally-recognized tribes or consulting parties have commented on the APE.

2.0 PROJECT GOALS AND METHODOLOGY

The goals of this report are to identify historic properties in the APE, assess the Project's potential effects on historic properties according to the Criteria of Adverse Effect (36 CFR 800.5), and to provide recommendations with respect to avoiding, minimizing and mitigating adverse effects on historic properties. The NRHP evaluation criteria and Criteria of Adverse Effect are included in **Appendix C**.

This Historic Architectural Resources Background Study/Effects Assessment report has been prepared following the methodology established in the September 2020 Environmental Impact Statement Draft *Effects Assessments Methodology Report* prepared for the Project.

2.1 RESEARCH

On behalf of FRA, AKRF undertook research to locate previously identified historic properties in the APE, to identify the potential in the APE for previously unidentified and un-surveyed historic properties over 50 years of age that may meet National Register criteria, and to develop a historic context in which to identify historic properties. Research included a review of previous surveys of historic properties and environmental documents undertaken in the geographic area in which the Project's APE is located (see **Section 3.2** of this report).

On behalf of FRA, AKRF collected information concerning the NRHP eligibility status of previously evaluated buildings and structures within the APE from NYSHPO's online *Cultural Resource Information System* (CRIS). The New York City Landmarks Preservation Commission (LPC) data sources for properties locally designated as New York City Landmarks and Historic Districts and properties pending such designation in the City of New York were reviewed, including LPC's Official Map of the City of New York available on LPC's website. Additional background research included a review of historic maps, photographs, and relevant periodicals and newspapers.

2.2 HISTORIC ARCHITECTURE FIELD RECONNAISSANCE

AKRF undertook fieldwork in September 2020, led by an architectural historian meeting the Secretary of the Interior's Professional Qualification Standards for Architectural History (36 CFR Part 61) to:

1. Verify the presence/conditions of historic properties identified in previously completed surveys; and
2. Review the APE to identify if there are properties that require evaluation if they have reached an age of 50 years subsequent to the preparation of previously completed surveys of historic properties.

2.3 CONSULTING PARTY AND PUBLIC INVOLVEMENT

Section 106 requires federal agencies to notify the public of proposed projects and offer the public an opportunity to provide input in a timely manner. A member of the public with a demonstrated interest in an undertaking may request and receive consulting party status from the federal agency. FRA identified Federally-recognized Indian tribes and consulting parties (organizations and individuals which could have an interest in the Project based on a legal or economic relation to affected properties or an interest in the Project's effects on historic properties) and submitted a list to NYSHPO as part of its July 3, 2020 Section 106 initiation package. FRA also sent Section 106 consultation initiation letters to four Federally-recognized Indian tribes on July 29, 2020. FRA sent letters inviting additional consulting parties to participate in the Section 106 process on August 6, 2020. The consulting party letters provided information about the Project and requested information regarding any concerns related to the potential effects of the Project on historic properties. FRA invited the following parties to participate in Section 106 consultation: Delaware Nation, Delaware Tribe, Stockbridge-Munsee Community of Mohican Indians of Wisconsin, Shinnecock Indian Nation, Advisory Council on Historic Preservation, New York City Landmarks Preservation Commission (NYCLPC), New York City Department of Parks and Recreation, Amtrak, Hudson River Park Trust, Friends of the High Line, Society for Industrial

Historic Architectural Resources Background Study/Effects Assessment Report

Archaeology, Professional Archaeologists of New York City, Anthracite Railroads Historical Society, Erie Lackawanna Railroad Historical Society, National Railway Historical Society, Inc., Railway & Locomotive Historical Society, Tri-State Railway Historical Society, Inc., Eastern Delaware Nation, and the Lenape Nation of Pennsylvania. As of October 15, 2020, Amtrak and NYCLPC responded to FRA and accepted consulting party status (see **Appendix D**). To satisfy the public involvement requirement of Section 106, FRA will include a cultural resources chapter in the EIS, including the results of this Historic Architectural Resources Background Study and Effects Assessment Report, and afford the public an opportunity to comment via the NEPA Draft EIS comment period.

FRA provided a memorandum describing the Project's proposed APE to NYSHPO on July 3, 2020, and to Federally-recognized Indian tribes and potential consulting parties on August 17, 2020. As previously noted, NYSHPO concurred with the APE in a letter dated August 3, 2020. FRA will provide this report to NYSHPO and consulting parties for review and comment, and will continue to consult with consulting parties with respect to the identification of historic properties and the Project's potential effects on any identified historic properties. Correspondence to date with NYSHPO is provided in **Appendix B-1** and correspondence with Federally-recognized Indian tribes and additional consulting parties is provided in **Appendix D**.

3.0 BACKGROUND RESEARCH

3.1 HISTORIC CONTEXT⁵

During the 17th century, Native Americans speaking a Munsee dialect of the Eastern Algonquian language occupied Manhattan. Manhattan Island was purchased by the Dutch (Peter Minuit of the Dutch West India Company) from the Native Americans in the 1620s, beginning the settlement of New Amsterdam within the Dutch colony of New Netherland. The English captured New Amsterdam in 1664, with New Amsterdam renamed New York City. Following the Revolutionary War, New York established itself as America's largest port city, becoming one of the most important in the world by the turn of the 20th century. Development of the West Chelsea neighborhood of Manhattan, generally located near the Hudson River in the West 20s, began in the late 1840s with a mix of tenements and industrial complexes. Development increased in the second half of the 19th century as new immigrants arrived and settled in New York City, including in the "Hell's Kitchen" neighborhood north of West 34th Street.

To respond to concerns regarding the deteriorated, congested, and silt-filled condition of the waterfront, the existing Hudson River bulkhead and its associated structural systems were constructed between 1871 and 1936 by the New York City Department of Docks. The pier development along the Hudson River in the late 19th and early 20th centuries spurred industrial construction in the vicinity of Tenth and Eleventh Avenues. In addition to manufacturing operations, the West Chelsea area also became well known for its shipping, warehousing, and freight handling capabilities due to its close proximity to the river and accessibility by train, as evidenced by the construction of the New York Terminal Warehouse Company, Central Stores complex, which occupies the block bounded by West 28th and West 27th Streets between Eleventh and Twelfth Avenues, built between 1890 and 1912 (within the West Chelsea Historic District).

The Pennsylvania Railroad Company (PRR), chartered in 1846, began buying land to clear the way for construction of a passenger rail station (Pennsylvania Station) and its associated tunnel portal and railroad yards in 1902. Construction in Manhattan included mined and cut-and-cover tunneling and open-pit excavation and required the demolition and removal of approximately 500 buildings, including many tenements. PRR's New York tunnel system extended from New Jersey, beneath the Hudson River, beneath Manhattan, and under the East River to the Long Island City Sunnyside Rail Yard in Queens. This railroad corridor has two single-track tunnels extending under the North (Hudson) River and under West 32nd Street to the Tenth Avenue portal in Manhattan. The two subaqueous tubes of the North River Tunnel were constructed using large shields driven from each side of the Hudson River, with each tube constructed with an exterior cast iron casing and interior concrete lining. The Pennsylvania Station, designed by McKim Mead & White, opened in 1910.

Between 1910 and 1918, the construction of Pennsylvania Station, the U.S. General Post Office, and the Seventh Avenue subway sparked development from Seventh to Eleventh Avenues, from streets in the upper West 20s to the West 30s. One major trend was the relocation between 1912 and 1915 of printing and publishing businesses from the City Hall area to the Pennsylvania Station area. These businesses

⁵ Sources: AKRF, *Hudson Tunnel Historic Architectural Resources Background Study and Effects Assessment*, January 2017; Transit Link Consultants, *Access to the Region's Core Historic Architectural Resources Background Study and Effects Assessment*, October 2007; Allee King Rosen & Fleming, Inc., *Route 9A Reconstruction Project Final Environmental Impact Statement, Appendix C, Cultural Resources*, May 1994; City of New York City Planning Commission and Metropolitan Transportation Authority, *No. 7 Subway Extension – Hudson Yards Rezoning and Development Program Final Generic Environmental Impact Statement, Chapter 9: Architectural Historic Resources*, November 2004; New York City Landmarks Preservation Commission, *Designation Report, West Chelsea Historic District. Designation List 404, LP-2302*, July 15, 2008; New York State Office of Parks, Recreation and Historic Preservation, *Resource Evaluation, New York Improvement & Tunnel Extension of the Pennsylvania Railroad from NJ to Manhattan to LIC Queens, USN: 06101.018103*, March 11, 2011.

selected the area especially because of the new post office and the presence of rail lines and shipping piers.

The elevated West Side Highway was constructed by the New York Central Railroad (NYCRR) in the 1920s and 1930s as part of the West Side Improvement Project, to alleviate congestion along the waterfront. The High Line, an elevated freight railroad right-of-way, was completed in 1934 also as part of the West Side Improvement Project, replacing the New York Central Railroad along West Street and Tenth Avenue to eliminate safety hazards between freight trains and other traffic and pedestrians at at-grade crossings. The mid-20th century saw an overall shift from rail to highways as the preferred method to transport freight, which contributed to the eventual abandonment of the High Line, with portions of the structure demolished by the 1960s. In 1967, the iconic Pennsylvania Station was demolished by PRR and replaced above-grade with Madison Square Garden; the functional railroad station, Penn Station New York (PSNY), was moved underground. The West Side Highway was demolished by the City south of West 43rd Street in the 1970s, with the remainder of the structure removed in 1989 and replaced by a landscaped at-grade roadway with a bikeway/walkway. Areas along the roadway, waterfront space, and abandoned piers are gradually being developed as Hudson River Park, a New York State park. Ownership of the High Line was donated to the City in 2005, and redevelopment of the structure as a public open space owned by the New York City Department of Parks and Recreation began in 2006. The portion of the High Line between West 30th and 34th Streets and 10th and 12th Avenues opened as a public open space in 2014.

The latter half of the 20th century also saw a shift away from manufacturing in the West Chelsea area, which resulted in a diminishment of the trucking, warehousing, and wholesale businesses in the area. New uses have included night clubs and bars, restaurants, retail, art galleries, and art programming spaces. In 2005, the City of New York instituted a major rezoning of the Hudson Yards area, including the Eastern Rail Yard, to accommodate a mix of uses and densities throughout the Far West Side, the provision of new open space, and an extension of the No. 7 subway line. The Eastern Rail Yard was rezoned to accommodate high-density, mixed-use development, and several million square feet of commercial development are currently under construction over the Eastern Rail Yard. In 2009, the Western Rail Yard was rezoned to accommodate approximately 5.7 million gross square feet of mixed-use development (the Overbuild). The new No. 7 Subway Extension Hudson Yards/34th Street station opened in 2015, and numerous new buildings have opened within the Hudson Yards area in recent years, including along the High Line. Some of the new construction in the Hudson Yards area has involved the demolition of previously identified historic properties.

3.2 SUMMARY OF PRIOR HISTORIC PROPERTY INVESTIGATIONS

PREVIOUS SURVEYS

A number of historic properties surveys have been completed in the Project's APE and these were reviewed by AKRF, in combination with current information available from NYSHPO and LPC, to identify previously known historic properties in the geographic area in which the APE is located.

Route 9A Reconstruction Project

In May 1994, Allee King Rosen & Fleming, Inc. (now AKRF, Inc.) and Hartgen Archeological Associates, Inc. completed a cultural resources survey for the Route 9A Reconstruction Project (proposed by the New York State Department of Transportation, in cooperation with the Federal Highway Administration). The APE for the project largely encompassed areas on both sides of Route 9A between Battery Park in Lower Manhattan and West 59th Street in Midtown Manhattan. One property identified as part of that survey and determined NRHP-eligible by NYSHPO in 1989, the New York Terminal Warehouse Company, Central Stores is within the Western Rail Yard Infrastructure APE.

Hudson River Park Project

In May 1998, Allee King Rosen & Fleming, Inc. et. al. completed the Final Environmental Impact Statement for the Hudson River Park Project. The Hudson River Park Project was initiated by the New York State Urban Development Corporation doing business as the Empire State Development Corporation, acting in collaboration with the City of New York. The Hudson River Park FEIS included a historic properties survey of the APE for that project. The APE for the Hudson River Park Project extended east and west of the proposed park boundaries from Battery Park to West 59th Street. The park's eastern boundary was generally the Route 9A bikeway/walkway and its western boundary was generally within the Hudson River (although in some locations it was landward of the river). The New York Terminal Warehouse Company, Central Stores was identified as an historic property in the area that constitutes the Western Rail Yard Infrastructure Project's APE. In addition, the Hudson River Bulkhead and its relieving platforms, extending from Battery Place to West 59th Street, was determined NRHP-eligible in 1997 by NYSHPO through the Hudson River Park Project's Section 106 consultation process.

No. 7 Subway Extension – Hudson Yards Rezoning and Development Program Project

In 2004, the Metropolitan Transportation Authority (MTA) and the City of New York City Planning Commission (CPC) prepared the Final Generic Environmental Impact Statement for the No. 7 Subway Extension – Hudson Yards Rezoning and Development Program Project. As part of that project, AKRF, Inc. prepared a historic property survey for a study area roughly bounded by West 44th Street to the north, Tenth and Seventh Avenues to the east, West 23rd and 27th Streets to the south, and the Hudson River to the west. That survey identified 110 historic properties, including five historic properties that are still extant and fall within the Western Rail Yard Infrastructure Project APE: the W & J Sloane Warehouse and Garage (541-561 West 29th Street/306-310 Eleventh Avenue, the High Line, and the New York Terminal Warehouse Company, Central Stores. NYSHPO made a determination of NRHP eligibility for these previously unevaluated properties in 2003. The High Line, previously determined not NRHP-eligible as part of the Section 106 review for the Route 9A Reconstruction Project, was determined NRHP-eligible by SHPO in 2004.

Access to the Region's Core Project

In 2007, Transit Link Consultants prepared a Historic Architectural Resources Background Study and Effects Assessment for the Access to the Region's Core (ARC) Project, which was proposed by the Federal Transit Administration and NJ Transit. The APE for the ARC project included areas approximately 200 to 1,000 feet from the proposed ARC tunnel alignment and associated proposed station entrances, shaft/fan plant sites, and other ancillary facilities, extending from the Hudson River to the west to as far as Madison Avenue to the east, and from as far north as West 36th Street and as far south as West 26th Street. Four historic properties identified in the APE for the ARC Project are still extant and are within the Western Rail Yard Infrastructure Project APE: the Hudson River Bulkhead, the High Line, the New York Terminal Warehouse Company, and the W & J Sloane Warehouse and Garage.

Construction of a Concrete Casing in the Hudson Yards

As detailed above, in 2013 and 2014, FRA, in coordination with Amtrak, prepared an Environmental Assessment (EA) and Supplemental Environmental Assessment (SEA) for Amtrak's proposed construction of a concrete casing extension in the Western and Eastern Rail Yards, to preserve the railroad right-of-way between the Hudson River waterfront and Penn Station beneath anticipated mixed-use private overbuild development at Hudson Yards. The APE for the Section 106 reviews associated with the EA/SEA included portions of the Eastern and Western Rail Yards, east and west of Eleventh Avenue, between West 30th and West 33rd Streets. The 2013 EA identified that the New York Improvements and Tunnel Extension of the Pennsylvania Railroad (North River Tunnel), spanning from between Weehawken, New Jersey to Long Island City, New York, had been determined NRHP-eligible by NYSHPO in 2011, as part the review of a previous Amtrak Security Enhancement Project

(PRJ29112351) Replacement and Upgrading of Fire and Life Safety Supervisory Control and Data Acquisition System, funded by the American Recovery and Reinvestment Act.

Hudson Tunnel Project

In 2017, AKRF prepared a Historic Architectural Resources Background Study and Effects Assessment for the Hudson Tunnel Project. The lead federal agency for the Hudson Tunnel Project is FRA, and the project sponsor is NJ Transit. The APE for this study included areas in New Jersey and New York; the New York APE included the area roughly bounded by West 26th and West 33rd Streets between Tenth Avenue and the Hudson River. Five previously evaluated historic properties identified in the APE for the Hudson Tunnel Project are still extant and fall within the Western Rail Yard Infrastructure Project APE: the New York Improvements and Tunnel Extension of the Pennsylvania Railroad (North River Tunnel), Hudson River Bulkhead, the High Line, the West Chelsea Historic District, the W & J Sloane Warehouse and Garage.

Previously completed inventory forms and National Register eligibility determinations for the properties referenced above are included in **Appendix F**.

KNOWN HISTORIC PROPERTIES

AKRF reviewed NYSHPO's CRIS database and LPC's Official Map of the City of New York. NYSHPO's CRIS identifies the following NRHP-eligible properties in the APE for the Western Rail Yard Infrastructure Project:

- New York Improvements and Tunnel Extension of the Pennsylvania Railroad (North River Tunnel);
- High Line;
- Hudson River Bulkhead, between Battery Place and West 59th Street;
- Former W & J Sloane Warehouse & Garage, 541-561 West 29th Street/306-310 Eleventh Avenue; and
- West Chelsea Historic District, roughly bounded by West 28th Street to the north, Twelfth Avenue/Route 9A to the west, West 26th and West 25th Streets to the south, and Tenth Avenue to the east, including within its boundaries individual properties previously determined NHRP-eligible, including the High Line and the New York Terminal Warehouse Company, Central Stores at 601-651 West 27th Street.

LPC's Official Map of the City of New York identifies one designated New York City Historic District (NYCHD) in the APE:

- West Chelsea Historic District, designated July 15, 2008 (same boundaries as NRHP-eligible West Chelsea Historic District).

4.0 HISTORIC ARCHITECTURAL RESOURCES BACKGROUND STUDY

4.1 SURVEY OF HISTORIC PROPERTIES

AKRF conducted a survey of the APE for the Western Railyard Infrastructure Project in September 2020, for the purpose of verifying the presence and integrity of historic properties identified in previous surveys and to identify if there are additional properties that require evaluation if they have reached an age of 50 years (the threshold at which a property may be considered eligible for the NRHP, unless it possesses exceptional importance) subsequent to previously completed architectural surveys.

AKRF did not identify any additional properties meeting NRHP criteria in the APE.

4.2 DESCRIPTION OF EXISTING HISTORIC PROPERTIES

There are four individual historic properties and one historic district in the APE for the Western Railyard Infrastructure Project. These are listed in **Table 4-1**, mapped on **Figure 2**, and briefly described below.⁶

Table 4-1
Historic Properties in the Area of Potential Effects (APE)

Ref. No. ¹	Name	Address	NRHP-Eligible	NYCL
1	New York Improvements and Tunnel Extension of the Pennsylvania Railroad (North River Tunnel)	Spanning between Weehawken, New Jersey and Long Island City, New York	SHPO Opinion 3/21/2011	
2	High Line	Along 30th St. between Tenth and Twelfth Aves., and Twelfth Ave. between 30th St. and 34th St.	SHPO Opinion 2/20/2004	
3	Hudson River Bulkhead	Spanning between Battery Pl. and West 59th St.	SHPO Opinion 3/31/1997	
4	Former W & J Sloane Warehouse and Garage	541-561 W. 29th St. and 306-310 Eleventh Ave.	SHPO Opinion 10/30/2003	
5	West Chelsea Historic District	Roughly bounded by West 28th St., Twelfth Ave., West 26th St., and Tenth Ave.	SHPO Opinion 3/19/2009 ²	Designated 7/15/2008
Notes: ¹ Corresponds to Figure 2 . ² The West Chelsea Historic District was additionally certified by the Secretary of the Interior for purposes of the Tax Reform Act of 1986 as substantially meeting the requirements for listing on the National Register of Historic Places on September 5, 2013. NRHP: National Register of Historic Places. NRHP Eligible: Eligible for listing on the New York State and National Registers of Historic Places. NYCL: New York City Landmark.				

New York Improvements and Tunnel Extension of the Pennsylvania Railroad (#1)

The New York Improvements and Tunnel Extension of the Pennsylvania Railroad was determined NRHP-eligible by NYSHPO in 2011, through its review of the Amtrak Security Enhancement Project (PRJ29112351) Replacement and Upgrading of Fire and Life Safety Supervisory Control and Data Acquisition System (see description above). The North (Hudson) River Tunnels, referred to in this report as the North River Tunnel, extend from the Bergen Portal in the Township of North Bergen, Hudson County, New Jersey to the Tenth Avenue Portal in New York City, New York County, New York. On March 21, 2011, NYSHPO made a determination that the subterranean and subaqueous railroad tracks and tunnels (North River Tunnel) of the New York Improvement and Tunnel Extension of the Pennsylvania Railroad, extending from Weehawken, New Jersey, beneath the Hudson River, beneath

⁶ Information for the description of the resources are summarized from: AKRF, *Hudson Tunnel Historic Architectural Resources Background Study and Effects Assessment*, January 2017; and City of New York City Planning Commission and Metropolitan Transportation Authority, *No. 7 Subway Extension – Hudson Yards Rezoning and Development Program Final Generic Environmental Impact Statement, Chapter 9: Architectural Historic Resources*, November 2004.

Manhattan, and under the East River to Long Island City, Queens meet NRHP Criteria A and C. The Statement of Significance provided by NYSHPO states that:

...the subterranean and subaqueous railroad tracks and tunnels of the New York Improvement and Tunnel Extension of the Pennsylvania Railroad meet Criterion A for transportation history and Criterion C for engineering design. Built between 1903 and 1910, this linear transportation corridor was the largest and most advanced metropolitan railroad project undertaken in the United States at that point in history. Extending from Weehawken, New Jersey, beneath the Hudson River, beneath Manhattan, and under the East River to Long Island City, Queens, the system's engineering represents various construction techniques and designs that met the various needs of the project and the geological conditions.⁷

Alexander Cassatt, President of PRR from 1899 to 1906, spearheaded the New York Improvement and Tunnel Extension project, of which the construction of the North River Tunnel was one element. Charles M. Jacobs, PRR engineer, oversaw the design and construction of the tunnels under the North River Division of the larger endeavor. The two subaqueous tubes under the Hudson River were constructed using large shields of 18 feet in diameter driven from each side of the Hudson River to be joined together mid-river. Each tube is of cast iron construction and is lined with monolithic masonry panels. Important components of the design were the bore segments placed every 15 feet to accommodate a screw pile driven into bedrock to stabilize the tubes. This was done to solve the previous problems that the unstable silt river floor caused regarding in constructing railroad tunnels under the Hudson River. The piles kept the silt surrounding the tubes from shifting and potentially fracturing the cast iron tube while a train was moving through it.⁸

Each tube contains only a single set of tracks to prevent train derailments and collisions. In a letter to E.H. Harriman, president of the Southern Pacific Railroad, Cassatt explained that the tubes were to be designed with "an innovative high side bench effectively hemming in the train."⁹ Cassatt continued that in the event of a breakdown or a tail-end collision, the train would be held in place and telescoping of train cars would be prevented due to the presence of the benches, which were designed to be 1 foot higher than the average Pullman car in order to prevent derailments. Walkways on these 3'-8" wide concrete benches run along both sides to allow for maintenance and repair. The benches are constructed on hollow terra-cotta tiles to accommodate electrical cables, including high-tension and low-tension power lines and telegraph, telephone, and signal wires.¹⁰

High Line (#2)

The High Line was determined NRHP-eligible by NYSHPO in 2004 its review of the No. 7. Subway Extension – Hudson Yards Rezoning and Development Program Project (see description above). The High Line (NRHP-eligible) is a former freight railroad viaduct that was converted to a public park on the west side of Manhattan and opened to the public in phases, starting in 2009. Completed in 1934 as part of the West Side Improvement Project, it replaced the New York Central Railroad along West Street and Tenth Avenue to eliminate grade crossing hazards. The West Side Improvement Project also included construction of the West Side Highway (Route 9A). In the Western Rail Yard Infrastructure Project APE, the High Line runs in a loop track around the John D. Caemmerer Yard along West 34th Street, Twelfth

⁷ New York State Office of Parks, Recreation and Historic Preservation, Kathy Howe, Resource Evaluation, New York Improvement & Tunnel Extension of the Pennsylvania Railroad from NJ to Manhattan to LIC Queens, USN: 06101.018103, March 11, 2011.

⁸ New York State Office of Parks, Recreation and Historic Preservation, March 11, 2011.

⁹ Jill Jonnes, *Conquering Gotham: Building Penn Station and Its Tunnels*. Penguin Books, New York, New York, 2007, pp. 134-135.

¹⁰ New York State Office of Parks, Recreation and Historic Preservation, March 11, 2011.

Avenue, and West 30th Street, where it turns south to run west of Tenth Avenue (see **Figures 3a and 3b**). In the 1980s, the northernmost existing section between West 33rd and West 34th Streets was reconstructed and a section between West 34th and West 35th Streets was removed. NYSHPO, in a letter dated February 20, 2004, found the full length of the High Line between West 34th Street and Gansevoort Street to meet NRHP Criterion A as a significant transportation structure from the 20th-century industrial development of the city. In addition, NYSHPO found that the High Line retains much of its historic integrity, despite the removal of the section between West 35th and West 34th Streets (and the removal of the southernmost section outside the Project APE between Little West 12th and Bank Streets).

At West 30th Street, a spur runs east to Tenth Avenue, where there is a large, double-track platform over the avenue adjacent to the Morgan General Mail Facility; the platform over Tenth Avenue originally connected to the Morgan General Mail Facility to allow mail trains to simultaneously enter and leave the building. Both the loop track and spur have a concrete parapet simply ornamented with recessed panels and a tubular steel railing broken up with square concrete posts. As it parallels Twelfth Avenue between West 30th and West 33rd Streets, the loop track viaduct has a decorative steel parapet and railing similar to those on the Tenth Avenue platform and the trestles south of West 30th Street, including the trestle over that street.

Hudson River Bulkhead (#3)

The Hudson River Bulkhead and its relieving platforms, extending from Battery Place to West 59th Street, was determined NRHP-eligible in 1997 by NYSHPO through its review of the Hudson River Park Project (see description above). The Hudson River Bulkhead (NRHP-eligible) runs between the Battery and West 59th Street. Significant under Criterion A in the areas of commerce or industry, under Criterion C in the area of engineering and under Criterion D for the potential of the bulkhead to yield information about historic engineering methods, the bulkhead and its associated structural systems were constructed between 1871 and 1936 by the New York City Department of Docks. The majority of the construction consisted of masonry walls on a variety of foundation systems, with quarry-faced ashlar granite block forming the visible face along most of the armored frontage. Built between 1876 and 1898, the bulkhead between approximately West 27th and West 36th Streets consists of a granite wall on narrow concrete block with inclined bracing piles and timber binding frames around the piles, with the exception of a small section of collapsed pile-supported platform/rip-rap near West 34th Street (see **Figure 4 and Building-Structure Inventory Form (1997) in Appendix G**).

Design of the bulkhead was the responsibility of George B. McClellan, a general during the Civil War who became the first Engineer-in-Chief of the Department of Docks. McClellan's plans contemplated the creation of a 250-foot-wide marginal street, from which 60- to 100-foot-wide piers with cargo sheds would project 400 to 500 feet around 150- to 200-foot-wide slips. Initiated to respond to the deteriorated, congested, and silt-filled condition of the waterfront, the carefully built granite walls created a consistent monumental surface to the waterfront that reinforced an image of New York City's commercial prominence. As property was acquired and as commerce warranted, the City built the bulkheads, built or rebuilt pier substructures, and leased redeveloped areas to private companies that were usually responsible for piershed and headhouse construction.

W & J Sloane Warehouse and Garage (#4)

The W & J Sloane Warehouse and Garage was determined NRHP-eligible in 2004 by NYSHPO through its review of the No. 7. Subway Extension – Hudson Yards Rezoning and Development Program Project (see description above). The three buildings at 541-561 West 29th Street and 306-310 Eleventh Avenue constitute the former W & J Sloane Warehouse and Garage (NRHP-eligible). Founded in 1843, the W & J Sloane company was a retail and wholesale carpet, rugs, and furnishings company. W & J Sloane supplied stores across the country, controlled mills, imported European goods, established branch retail establishments in other cities, and was the first American company to sell oriental rugs retail. Originally

located on Broadway near City Hall, the firm relocated several times uptown as the retail business periodically moved northward along Broadway and Fifth Avenue. W & J Sloane's second store was located at 649-655 Broadway near Bleecker Street; this building is located within the NYCL NoHo Historic District. In 1882, the company moved its retail and warehouse operations to 880-886 Broadway; this building is located within the NYCL Ladies Mile Historic District. In 1912, a new retail building was completed for W & J Sloane at Fifth Avenue and 47th Street. The construction of the company's warehouse on West 29th Street coincides with the construction of the midtown retail store. The first component of the warehouse—the 10-story brick structure at 306-310 Eleventh Avenue and 557-561 West 29th Street—was built in 1909 and designed by James Barnes Baker. Designed with Renaissance Revival elements, the building is sited around the southwest corner of the block, which is occupied by a parking lot (see **Figures 5a and 5b**). Arched loading docks with stone keystones are located on the ground floor. The second floor is designed with cambered-arched windows. Stone courses run along the tops of the first and second floors with wide brick piers dividing the upper floors into recessed and arched window bays. A projecting cornice caps the avenue and street façades. The two secondary façades facing the parking lot are largely blank brick. (When the building was constructed, two four-story store and dwelling structures occupied the corner at 302 and 304 Eleventh Avenue. By 1930, the corner was occupied by a gas station.) Constructed in 1913, the building at 549-555 West 29th Street is identical and indistinguishable from the 1909 structure. James Barnes Baker also designed the garage, built in 1910, located at 541-547 West 29th Street. The garage is a four-story structure with Romanesque Revival details. Clad in brick with stone trim, the façade features three round-arched, recessed window bays. This historic property is significant under Criterion A for its association with New York's industrial history and Criterion C for its industrial design.

West Chelsea Historic District (#5)¹¹

The West Chelsea Historic District was determined NRHP-eligible in 2009 by NYSHPO through its review of the Western Rail Yard Project (see description above). The West Chelsea Historic District (NYCL, NRHP-eligible) is roughly bounded by West 28th Street to the north, Tenth Avenue to the east, West 25th and 26th Streets to the south, and Twelfth Avenue to the west. In a comment letter dated March 19, 2009, NYSHPO found the West Chelsea Historic District eligible for listing on the NRHP under Criterion A for its association with New York City history and Criterion C for its impressive collection of industrial architecture from the late 19th to early 20th centuries. The West Chelsea Historic District stands as a surviving example of Manhattan's industrial past and still contains many of the historic buildings of this era including factories, warehouses, and industrial firms that have long been demolished elsewhere in the City (see **Figure 6**). West Chelsea was first developed in the late 1840s with a mixture of tenements and industrial complexes. Few buildings from this earlier period survive, except for the small two-story brick stable building on the south side of West 28th Street east of Eleventh Avenue (at 554 West 28th Street), which was built in 1885 for Latimer E. Jones' New York Lumber Auction Company. The neighborhood experienced a second wave of development around the turn of the 20th century, as the older, smaller industrial buildings were replaced by larger industrial structures and factories. It is during this time that the area was home to some of the City's, and even the country's, most prestigious industrial firms. In addition to its manufacturing operations, the area also became well known for its shipping, warehousing, and freight handling capabilities due to its close proximity to the river and accessibility by train. The New York Terminal Warehouse Company, Central Stores complex, which occupies the block bounded by West 28th and West 27th Streets between Eleventh and Twelfth Avenues, was accessed by the New York Central and Hudson River Railroad through tracks that led directly into the building through the large round-arch entrance, which fronts on Eleventh Avenue. Built in phases

¹¹ The description of the West Chelsea Historic District is summarized from City of New York City Planning Commission and Metropolitan Transportation Authority, *Western Rail Yard Final Environmental Impact Statement, Chapter 8: Historic Resources*. October 2009.

Historic Architectural Resources Background Study/Effects Assessment Report

between 1890 and 1912, the New York Terminal Warehouse Company's Central Stores complex was designed separately by George B. Mallory and Otto M. Peck. It comprises 25 storage buildings of the same design, forming a single, monolithic architectural composition. The seven- and nine-story brick complex is simply articulated with arched window openings and corbelled cornices.

5.0 ASSESSMENT OF EFFECTS

5.1 CONSTRUCTION- AND OPERATIONAL-RELATED EFFECTS

As detailed above, the Tunnel Encasement would be constructed through a *terra firma* portion of the Western Rail Yard that will not be covered by the new Platform. It would require excavation of soil and rock, and demolition of LIRR's ESB. Construction staging for the Tunnel Encasement is planned to occur on the Project Site, extending into some adjacent sidewalks and parking lanes during certain phases of construction. No off-site staging is anticipated. Temporary underpinning may be required where the Tunnel Encasement would cross beneath a portion of the High Line that runs along West 30th Street between Eleventh and Twelfth Avenues. The westernmost 80 feet of underpinning on 30th Street will re-support columns of the High Line that would require re-support for the Hudson Tunnel mining approach. Construction of the Platform would require deep footings, reinforced building foundations, and a concrete slab to transfer building loads to the bedrock below. Approximately four hundred (400) caissons (i.e., watertight columns) would be drilled through the water table and soil and into the bedrock that is up to 120 feet below the surface in certain locations. The Platform's support columns would be threaded between the existing railroad tracks and associated infrastructure in the Western Rail Yard. When Hudson Yards was redeveloped in 1986 the tracks and other facilities were reconfigured, and laid out to accommodate the columns that future development would require; as a result, no existing storage tracks would be displaced and train service would be maintained during the construction of the Platform. Construction of the Platform would also require demolition of a cleaning platform and three non-historic LIRR service buildings on the western edge of the Western Rail Yard; these will be reconstructed in approximately the same footprint once construction of the Platform is complete.

The potential for the construction and operation of the Platform to have adverse effects on historic properties was evaluated in the 2009 *Western Rail Yard Environmental Impact Statement*, which was prepared and reviewed in accordance with CEQR, SEQRA, and Section 14.09 of the New York State Historic Preservation Act. Subsequently, in 2013-2014, the potential for the construction and operation of the Tunnel Encasement to have adverse effects on historic properties was reviewed in accordance with Section 106 of the National Historic Preservation Act. That analysis concluded that while construction activities and equipment for the concrete casing that would be visible from street level could result in temporary visual obstructions and result in temporary loss of context for nearby architectural resources, any such impacts would be temporary and indirect, and only last the duration of the construction period. In a letter dated July 22, 2014, OPRHP, acting in its capacity as the NYSHPO, concurred with FRA's determination that the undertaking would have No Adverse Effects on historic properties, provided that construction monitoring of the High Line would occur per the New York City Department of Building's *Technical Policy and Procedure Notice #10/88*.

Consistent with these prior determinations, the Proposed Action would not be expected to result in any construction- or operational-related effects to the Hudson River Bulkhead, the former W & J Sloane Warehouse & Garage, or the West Chelsea Historic District. Construction activities and equipment for the Project that would be visible from street level could result in temporary visual obstructions; however, there are multiple construction projects currently underway within the APE, and thus construction activities and equipment associated with the Project would be difficult to distinguish from these other activities. Twelfth Avenue and the Hudson River Greenway provide visual separation between the Hudson River Bulkhead and the Project Site and surrounding new development. The New York Improvements and Tunnel Extension of the Pennsylvania Railroad (North River Tunnel), as a subsurface feature, would have no visual relationship with the Project. The Tunnel Encasement would be buried below ground; therefore, during the operation of the Proposed Action, no effects to historic properties would be expected.

The Project would not result in adverse effects to historic properties. With the exception of the North River Tunnel and the High Line, no historic properties are located within 90 feet of Project construction. Caissons will be drilled on either side of the North River Tunnel to support the Platform and Overbuild, and temporary underpinning of the High Line may be required where the Tunnel Encasement would cross beneath a portion of the High Line that runs along West 30th Street between Eleventh and Twelfth Avenues.

**Table 5-1
Historic Properties in the Area of Potential Effects (APE) and
Effects Assessment**

Ref. No. ¹	Name	Assessment of Effects
1	New York Improvements and Tunnel Extension of the Pennsylvania Railroad (North River Tunnel)	No Adverse Effect
2	High Line	No Adverse Effect
3	Hudson River Bulkhead	No Adverse Effect
4	Former W & J Sloane Warehouse and Garage	No Adverse Effect
5	West Chelsea Historic District	No Adverse Effect

5.2 INDIRECT EFFECTS

This section considers the potential for the Proposed Action to have indirect effects on historic properties, by creating the support for the Overbuild development. As detailed above, the Overbuild would create approximately 5.7 million gross square feet of new commercial, residential, and school uses and public open space on the Western Rail Yard. The Overbuild was approved in 2009 by the New York City Planning Commission and adopted by the New York City Council as zoning text and map amendments to the New York City Zoning Resolution. The Overbuild development is now as-of-right development, since it will be built in accordance with the New York City Zoning Resolution’s existing zoning controls, which regulate type of use, building envelopes, publicly accessible open space areas, street wall controls, retail continuity, and maximum floor area ratio.

The potential for the Overbuild—as well as the structural Platform that would enable such development—to have adverse effects on historic properties was evaluated in the 2009 *Western Rail Yard Environmental Impact Statement*, which was prepared and reviewed in accordance with CEQR, SEQRA, and Section 14.09 of the New York State Historic Preservation Act. The historic resources analysis considered the potential for both physical impacts (demolition, alteration, inadvertent damage during construction) and visual/contextual effects. Since the final design of the Overbuild had not been determined at the time of the 2009 *Western Rail Yard EIS*, in compliance with SHPA Section 14.09 the co-lead agencies (the Metropolitan Transportation Authority and New York City Planning Commission) and the developer executed a Letter of Resolution (LOR) with OPRHP to address the potential for adverse effects to the High Line. The LOR required continued consultation under Section 14.09 regarding aspects of the development’s design that could affect the High Line (specifically, review of preliminary and pre-final design plans), as well as preparation of a Construction Protection Plan to protect the High Line during adjacent project construction. The Overbuild as currently contemplated is consistent with the massing envelope assumptions analyzed in the 2009 *Western Rail Yard EIS*.

The Project would not be expected to have any adverse indirect effects on the context or setting of nearby historic properties. The Hudson Yards neighborhood is experiencing a wave of development of new tall and modern skyscraper buildings, and the historic properties in the APE already exist in a mixed built context of smaller, older and masonry clad buildings and these taller buildings of recent construction with metal and glass curtain walls. Specifically, the W & J Sloane Warehouse and Garage is flanked by new 31-, 33-, and 34-story developments directly to the north and south, and the West Chelsea Historic District buildings within the APE are across Eleventh Avenue and West 28th Street from the same 34-

story development. Twelfth Avenue and the Hudson River Greenway provide visual separation between the Hudson River Bulkhead and the Project Site and surrounding new development. The New York Improvements and Tunnel Extension of the Pennsylvania Railroad, as a subsurface feature, would have no visual relationship with the Project or the Overbuild.

The portion of the High Line at the Western Rail Yard will be directly adjacent to the multi-building, high-rise Overbuild development; however, the resulting visual context would be consistent with portions of the High Line within the APE that are directly adjacent to the new high-rise buildings on the Eastern Rail Yard (including 10 Hudson Yards and 12 Hudson Yards) and at 500 West 30th Street (Abington House). It is expected that the stipulations of the Letter of Resolution requiring continued consultation regarding aspects of the Overbuild development's design that could affect the High Line (specifically, review of preliminary and pre-final design plans), as well as preparation of a Construction Protection Plan to protect the High Line during adjacent project construction, would be enforced.

5.3 SUMMARY OF EFFECTS ASSESSMENT

As detailed above, AKRF has concluded that the Proposed Action would not result in any adverse effects to historic properties within the APE. AKRF has concluded that no historic properties identified in the APE would be adversely affected by the construction or operation of the Project.

6.0 CONCLUSIONS AND RECOMMENDATIONS

The Historic Architectural Resources Background Study/Effects Assessment identified five NRHP-eligible historic properties in the APE: the New York Improvements and Tunnel Extension of the Pennsylvania Railroad (North River Tunnel), the High Line, Hudson River Bulkhead, former W & J Sloane Warehouse and Garage, and the West Chelsea Historic District. No NRHP listed historic properties were identified in the APE. One of the NRHP-eligible properties is locally designated by the City of New York: the West Chelsea Historic District.

AKRF has concluded that the Project would not result in adverse effects to historic properties.

7.0 SOURCES

AKRF, Inc.

- 2017 *Historic Architectural Resources Background Study / Effects Assessment Report, Hudson Tunnel Project, New York, New York.* Prepared for NJ Transit, January 2017.

Allee King Rosen & Fleming, Inc.

- 1994 *Route 9A Reconstruction Project Final Environmental Impact Statement, Appendix C, Cultural Resources.* Prepared in coordination with Hartgen Archeological Associates, Inc. for New York State Department of Transportation and Federal Highway Administration, May 1994.
- 1998 *Hudson River Park Final Environmental Impact Statement.* Prepared in coordination with PBS& J, Inc., Philip Habib & Associates, Historical Perspectives, Inc., and A & H Engineers, P.C. for Empire State Development Corporation in cooperation with Hudson River Park Conservancy, May 1998.

City of New York City Planning Commission and Metropolitan Transportation Authority

- 2004 *No. 7 Subway Extension – Hudson Yards Rezoning and Development Program Final Generic Environmental Impact Statement, Chapter 9: Architectural Historic Resources.* November 2004.
- 2009 *Western Rail Yard Final Environmental Impact Statement, Chapter 8: Historic Resources.* October 2009.

Jonnes, Jill

- 2007 *Conquering Gotham: Building Penn Station and Its Tunnels.* Penguin Books, New York, New York.

National Railroad Passenger Corporation (Amtrak) and Federal Railroad Administration

- 2013 *Environmental Assessment for Construction of a Concrete Casing in the Hudson Yards, New York, New York,* March 2013.
- 2014 *Supplemental Environmental Assessment for Construction of a Concrete Casing Extension in the Hudson Yards, New York, New York,* August 2014.

New York City Landmarks Preservation Commission

- 2008 Designation Report, West Chelsea Historic District. Designation List 404, LP-2302, July 15, 2008.
- 2009 *Guide to New York City Landmarks.* Fourth Edition. John Wiley & Sons, Hoboken, New Jersey.

Historic Architectural Resources Background Study/Effects Assessment Report

2020 Official Map of the New York City Landmarks Preservation Commission displaying designated and calendared properties. Available at <http://nyclpc.maps.arcgis.com/apps/webappviewer/index.html?id=93a88691cace4067828b1eede432022b>

New York State Office of Parks, Recreation and Historic Preservation

- 1997 Building-Structure Inventory Form, New York City's Hudson River Bulkhead from Battery Place to West 59th Street. Prepared by Raber Associates and Allee King Rosen & Fleming, Inc. (Michael Raber author) for the Hudson River Park Conservancy, February 20, 1997.
- 2004 Resource Evaluation for the High Line, USN 06101. 014509. Prepared by Kathy Howe, February 20, 2004.
- 2011 Resource Evaluation, New York Improvement & Tunnel Extension of the Pennsylvania Railroad from NJ to Manhattan to LIC Queens, USN: 06101.018103. Prepared by Kathy Howe, March 11, 2011.
- 2013 Certification of West Chelsea Historic District, USN: 06101.018917.
- 2017 Resource Evaluation, Former W & J Sloane Warehouse and Garage, USN: 06101.013266. Prepared by Kathy Howe, February 3, 2017.
- Resource Evaluation, West Chelsea Historic District, USN: 06101.018917. Prepared by Kathy Howe, February 3, 2017.
- 2020 Cultural Resource Information System. Available at <https://cris.parks.ny.gov>

Transit Link Consultants

- 2007 *Access to the Region's Core Historic Architectural Resources Background Study and Effects Assessment*. Prepared for Transit Link Consultants on behalf of NJ TRANSIT, October 2007.

APPENDIX A

QUALIFICATIONS OF THE PRINCIPAL INVESTIGATOR

JENNIFER MORRIS, AICP

SENIOR TECHNICAL DIRECTOR

Jennifer Morris, AICP is a Senior Technical Director, Architectural Historian, and Planner with the firm. Ms. Morris currently manages Environmental Impact Statements (EIS) and Environmental Assessment Statements (EAS) for both large- and small-scale projects. Her expertise is with historic resource field surveys, research, and impact assessments, as well as urban design and visual resources analyses. She has extensive experience with the Section 106 process and project coordination with the New York City Landmarks Preservation Commission (LPC) and the New York State Office of Parks, Recreation and Historic Preservation (OPRHP), and has prepared numerous Historic American Buildings Survey (HABS) research and documentation reports and Construction Protection Plans for historic buildings affected by proposed projects. Ms. Morris' many years of experience and her mastery of relevant environmental regulations and procedures enables her to efficiently guide development projects to approval.

BACKGROUND

Education

MS, Columbia University, Historic Preservation, 1998
BA, Bryn Mawr College, Growth and Structure of Cities, 1995

Licenses/Certifications

Certified Planner, American Institute of Certified Planners

Professional Memberships

Member, American Planning Association
Member, National Trust for Historic Preservation
Member, Landmarks Illinois

Years of Experience

22 years in the industry
20 years with AKRF

RELEVANT EXPERIENCE

Lenox Terrace Redevelopment, New York, NY

As Project Manager, Ms. Morris is responsible for the preparation of an Environmental Impact Statement for a mixed-use development in the Central Harlem neighborhood of Manhattan. The applicant sought zoning map and text amendments, a large-scale special permit, and a parking reduction special permit to allow the construction of five new buildings on the project site, which was determined eligible for listing on the State and National Registers of Historic Places. Ms. Morris' responsibilities also included preparation of the historic resources and urban design and visual resources technical analyses, and coordination with the New York City Landmarks Preservation Commission regarding mitigation for the project's adverse effect on historic resources.

Two Bridges Large-Scale Residential Development, New York, NY

As Project Manager, Ms. Morris was responsible for the preparation of a coordinated Environmental Impact Statement for three mixed-use developments in the Lower East Side neighborhood of Manhattan. The three proposed projects are unrelated, with separate developers, approvals, and financing; however, they were evaluated together for environmental review purposes, due to their proximity and anticipated timing of construction. Together, the proposed projects would contain approximately 2,775 new residential units, of which 25 percent would be designated as affordable, approximately 11,000 gsf of retail space, and approximately 17,000 gsf of community facility space. The proposed projects also would result in improvements to the resiliency of each site and new landscaping and private open space. Ms. Morris' responsibilities also included support of the innovative community engagement process agreed to by the developers.



JENNIFER MORRIS, AICP

SENIOR TECHNICAL DIRECTOR

One Willoughby Square, Brooklyn, NY

Ms. Morris was recently responsible for the preparation of an Environmental Assessment Statement for a proposed commercial office tower in downtown Brooklyn. Ms. Morris coordinated archaeological field testing of the site, prepared a Construction Protection Plan to protect adjacent historic resources during demolition of on-site structures, and prepared the Historic American Building Survey Level II written report and oversaw the photographic documentation of a building on the site that was determined eligible for listing on the State and National Registers of Historic Places.

Admiral's Row Redevelopment, Brooklyn, NY

Ms. Morris was Project Manager for the preparation of the Environmental Impact Statement for the Admiral's Row Plaza project, a proposal to redevelop a portion of the Brooklyn Navy Yard with approximately 300,000 square feet of supermarket, light industrial, community facility, and neighborhood-oriented retail uses. Historic resources were a key issue for the project, as the project site had been determined eligible for listing on the New York State and National Registers of Historic Places as a historic district and was occupied by vacant structures that formerly served as officers' housing and timber storage related to ship construction. The proposed development would incorporate both new construction and the rehabilitation and/or reconstruction and adaptive reuse of two of the existing historic structures. The historic resources analysis incorporated the independent Section 106 consultation process being undertaken by the National Guard Bureau.

Avalon ECF East 96 Street, New York, NY

Ms. Morris served as Project Manager for the preparation of an Environmental Impact Statement for a mixed-use development in the East Harlem neighborhood of Manhattan. The co-applicants, the New York City Educational Construction Fund and AvalonBay Communities, are seeking a rezoning and other actions to allow the construction of a mixed-use building which will include a replacement facility for the existing School of Cooperative Technical Education currently located on the project site, a new facility for the relocation of two existing neighborhood public high schools, and relocation of an existing jointly-operated playground as well as approximately 1,200 affordable and market-rate residential units. Ms. Morris was involved in the assessment, review, and coordination of various technical analyses that addressed key issues such as potential adverse impacts of the project on: the on-site school facilities during construction; urban design and visual resources; local transit conditions; and air quality and noise levels during construction of the project.

Barnard College Milstein Center for Teaching and Learning, New York, NY

The Milstein Center for Teaching and Learning serves as the academic hub in the heart of the Barnard College campus in Manhattan. The 128,000-square-foot building features an expanded library and media facilities, flexible learning and classroom spaces, and a computational science center. AKRF prepared the project's SEQRA environmental assessment and a Construction Protection Plan for Barnard Hall, which is listed on the State and National Registers of Historic Places and underwent renovations as part of the project. AKRF also prepared the Historic American Buildings Survey documentation for LeFrak Gymnasium in Barnard Hall, which was used as swing space during construction. As Project Manager, Ms. Morris prepared the HABS documentation of LeFrak Gymnasium and the CPP for Barnard Hall, and coordinated SHPO's approval of the documentation in an expedited fashion in order to meet the project's construction timeline.

Pier 57 Hudson River Park, New York, NY

AKRF prepared an Environmental Impact Statement for the redevelopment of historic Pier 57 along the Hudson River waterfront into a mix of cultural, recreational, and public market activities, including offices for Google. As Project Manager, Ms. Morris was responsible for preparing the assessments of the potential for the project to affect historic/cultural resources and urban design/visual resources, including coordination of the project's review by the New



JENNIFER MORRIS, AICP

SENIOR TECHNICAL DIRECTOR

York State Historic Preservation Office. Ms. Morris subsequently served as Project Manager for technical memoranda analyzing proposed changes to the project.

South Street Seaport / Tin Building, New York, NY

Retained by the Howard Hughes Corporation, AKRF prepared the Environmental Assessment Statement for the rebuilding of the Pier 17 building at the South Street Seaport in Lower Manhattan, as well as the pier structure that supports it. The project, a key element in the revitalization of the Seaport, was approved in 2012 and is now in construction. Independent of the Pier 17 project and as part of a larger plan for the Seaport, AKRF also prepared an EIS for a mixed-use project in the South Street Seaport. The project is expected to include renovation and restoration of the historic Tin Building as a food market; construction of a new hotel; new and renovated space for the South Street Seaport Museum; replacement of deteriorated marine infrastructure; and a new East River marina. For the mixed-use project EIS, Ms. Morris prepared the assessments of the potential for the project to affect historic/cultural resources and urban design/visual resources. Ms. Morris has subsequently served as liaison with the New York State Historic Preservation Office regarding the proposed relocation of the historic Tin Building and prepared the recordation of the Tin Building to OPRHP standards.

Former Public School 64, New York, NY

AKRF undertook research into the design of Public School 64, the existing landmark status of schools designed by C.B.J. Snyder, a survey of Snyder-designed school buildings in New York City with a focus on H-plan schools, a survey of public school buildings in the East Village and Lower East Side, and the relation of the school to the design of other H-plan public schools by Snyder. For a local community group, Ms. Morris co-prepared a statement of significance for the former Public School 64 in the East Village neighborhood of Manhattan. Ms. Morris presented the firm's findings to the NYC Landmarks Preservation Commission at a public hearing. In June 2006, the Commission designated the former Public School 64 as an official city landmark.

New York Botanical Garden, Bronx, NY

Ms. Morris served as Project Manager for the preparation of an Environmental Assessment (EA) for an off-site parking garage for the New York Botanical Garden in the Bronx. The proposed garage would provide parking for NYBG staff and visitors who cannot be accommodated within NYBG's on-site facilities. Ms. Morris served as liaison with LPC and the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for the preparation of historic resources analyses and analyses as well as the execution of mitigation measures regarding historic resources. She subsequently prepared the construction protection plan to be implemented to avoid potential adverse physical impacts from the project on adjacent known architectural resources.

IKEA Red Hook, Brooklyn, NY

Ms. Morris served as Deputy Project Manager for the Environmental Impact Statement (EIS) prepared for the IKEA retail center proposed at Halleck and Columbia Streets in Red Hook, Brooklyn—the first IKEA in New York City. Ms. Morris also served as Task Leader for historic, archaeological, and visual analyses and prepared Historic Resource Inventory Forms (Blue Forms) for structures on the project site for submission to SHPO. She served as liaison with SHPO for the Section 106 review of the project and drafted the Letter of Resolution (LOR) that was used in regard to the historic resources on the project site. Ms. Morris also managed the HABS photographic documentation of the historic resources on the project site, prepared the historical narrative for the documentation, and coordinated the archaeological field monitoring of the site during construction.

Downtown Brooklyn Development, Brooklyn, NY



JENNIFER MORRIS, AICP

SENIOR TECHNICAL DIRECTOR

Ms. Morris served as Deputy Project Manager for this large-scale development plan, which calls for the rezoning of an approximately 60-block area as part of a long-range strategy to enhance and support a viable and vibrant central business district and increase the residential population in Downtown Brooklyn. She also served as Task Leader for historic, archaeological, and visual analyses, for which her responsibilities included the management and review of impact analyses, historic research, and an extensive survey effort that identified 37 potential historic resources in the project and study areas. In addition, Ms. Morris led a major research effort examining the possibility that several buildings within the affected area were associated with the Underground Railroad. Most recently she served as Project Manager for two Technical Memoranda prepared to evaluate changes to the program.

Kingsbridge Armory National Ice Center, Bronx, NY

Ms. Morris served as the Project Manager for the preparation of the Environmental Impact Statement for the proposed redevelopment of the Kingsbridge Armory as a center for ice sports containing 9 ice rinks and related program space, food and retail concession space, and community facility space. Historic resources were a key issue in the environmental review, as the Armory is listed on the State and National Register of Historic Places and designated a New York City Landmark, and the project sponsor is seeking federal historic preservation tax credits for the proposed renovation of the building.

Allerton 39th Street House, New York, NY

Ms. Morris completed an intensive documentation report on the former Allerton 39th Street House in Manhattan, including research a historical context, and a significance evaluation. The former hotel was subsequently designated a New York City Landmark. Ms. Morris also prepared a successful Historic Preservation Certification Application (Part I) for the building, for federal tax incentives.

East River Waterfront Esplanade and Piers Project, New York, NY

AKRF prepared an Environmental Impact Statement (EIS) for the City's proposed development along the East River waterfront in Lower Manhattan. The plan would improve a two-mile-long public open space connecting Whitehall Ferry Terminal and Peter Minuit Plaza to East River Park with expanded open space and recreational facilities, cultural uses, and infrastructure improvements. The boundaries of project include the waterfront, many of the piers, and the upland area under the FDR Drive. Ms. Morris served as Historic Resources Task Leader. Ms. Morris managed the preparation of Phase IA Archaeological Assessments for the entire project site. She also serves as liaison with the New York State Historic Preservation Office (SHPO) for the Section 106 review of the project and helped to create the Programmatic Agreement (PA) that is being used in regard to the historic resources on the project site.

Apple Bank for Savings, 124 East 125th Street, New York, NY

Ms. Morris co-authored the successful nominations of the former Harlem Savings Bank at 124 East 125th Street to the State and National Registers of Historic Places, allowing the property owners to pursue federal preservation tax credits. The successful nomination of this building and its subsequent listing on the Registers allowed the property owner, Apple Bank, to pursue historic preservation tax credits.

The Shops at the Armory, Bronx, NY

Ms. Morris served as the Project Manager for the preparation of the Environmental Impact Statement (EIS) for the proposed redevelopment of the Kingsbridge Armory in the Kingsbridge Heights section of the Bronx. The Kingsbridge Armory—a property listed on the State and National Registers of Historic Places and designated a New York City Landmark—will be redeveloped with approximately 600,000 square feet of new uses, including retail and restaurant space, a cinema, a fitness club, community facilities, parking, and public open space.



APPENDIX B
PROJECT DOCUMENTS

CONTENTS:

APPENDIX B-1: AGENCY CORRESPONDENCE

APPENDIX B-2: PROPOSED AREA OF POTENTIAL EFFECTS

APPENDIX B-1:
AGENCY CORRESPONDENCE



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

July 3, 2020

Mr. Daniel Mackay
Deputy Commissioner
Division for Historic Preservation
New York State Historic Preservation Office
Peebles Island State Park, P.O. Box 189
Waterford, NY 12188

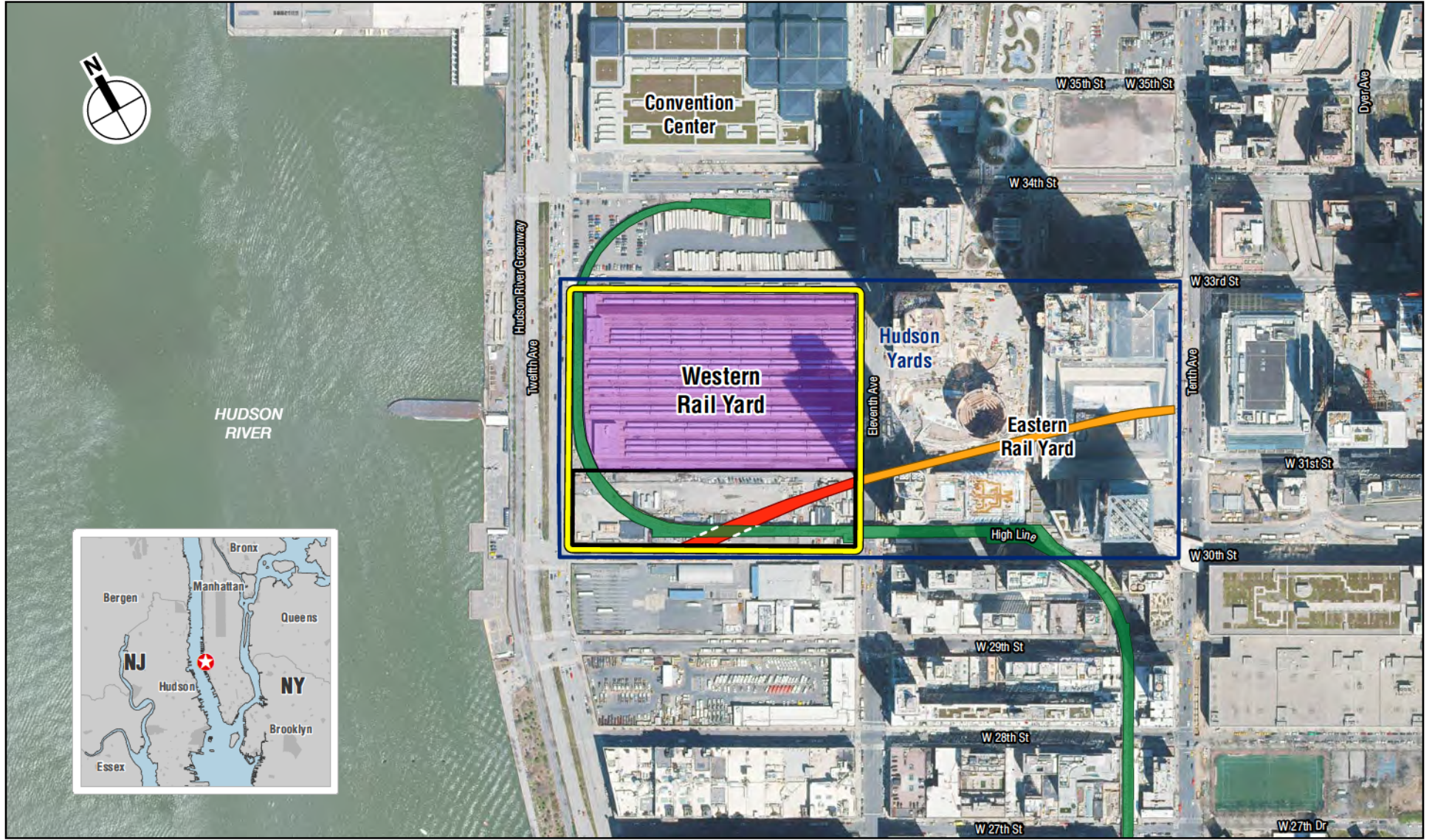
**Re: Western Rail Yard Platform Project, New York County, NY
Initiation of Section 106 Consultation
Proposed Area of Potential Effects
Preliminary List of Consulting Parties**

Dear Mr. Mackay:

WRY Tenant LLC and the National Railroad Passenger Corporation (Amtrak) are partnering in a joint venture (Project Sponsor) to seek Federal financial assistance through the Railroad Rehabilitation and Improvement Financing (RRIF) Program, which is administered by the U.S. Department of Transportation (USDOT) Build America Bureau (Bureau). The Project Sponsor has expressed an interest in seeking financial assistance provided by the Bureau to fund the construction of a Platform and a Tunnel Encasement on the 13-acre Western Rail Yard site located on the western half of the Metropolitan Transportation Authority (MTA) Long Island Rail Road (LIRR) John D. Caemmerer Yard (aka “Hudson Yards”) (Block 676, Lot 3) in New York County (Manhattan), New York (**Figure 1**).

The Proposed Action includes: (1) a structural Platform (Platform); and (2) a railroad right-of-way preservation Tunnel Encasement (Tunnel Encasement) (the “Proposed Action,” also referred to here as the “Project”) to allow for privately-funded mixed-use development and public open space above the Platform. The USDOT’s Federal Railroad Administration (FRA) is the lead federal agency preparing an environmental impact statement (EIS) for the Project to ensure compliance with the National Environmental Policy Act of 1969 (NEPA) and other applicable environmental laws.

The purpose of the Project is to cover and protect the active railroad tracks and LIRR support facilities in the Western Rail Yard so that the Project Sponsor can provide additional new capacity for real estate development and house critical life safety and mechanical, electrical and plumbing support services for the yard, including new lighting, sprinklers and an extensive platform ventilation system. The Platform would serve as the support for privately-funded mixed-use



- Project Site (Western Rail Yard)
- Hudson Yards
- Approximate Terra Firma Area
- Proposed Platform
- Existing Concrete Encasement
- Proposed Tunnel Encasement
- Existing High Line Park (Remains Unaltered)

0 400 FEET

WESTERN RAIL YARD INFRASTRUCTURE PROJECT

Project Location
Figure 1

development and public open space above. Construction of the Platform would include the reconstruction and upgrades to other LIRR support services including existing emergency electrical equipment, approximately 20,000 square feet of railroad staff facilities, and rail car cleaning services. Once complete, the entire yard would contain comprehensive state-of-the-art life safety systems, securing this critical infrastructure and protecting both the workers and the railroad equipment in the yard. The Tunnel Encasement would be constructed underneath the Western Rail Yard site. The purpose of the Tunnel Encasement is to preserve a right-of-way through the Western Rail Yard to support the future construction of a trans-Hudson passenger rail crossing into New York Penn Station. New rail infrastructure is part of Amtrak's effort to maintain a functional, resilient, and improved trans-Hudson passenger rail crossing into New York Penn Station, maintain existing Amtrak intercity and NJ TRANSIT commuter rail service on the Northeast Corridor, and to support future increases in the capacity of the regional rail system should they be pursued. The Project does not include any efforts to make the encasement operational. This preserved right-of-way may be used by a new Hudson River Tunnel that is being evaluated by FRA as part of the separate and independent Hudson Tunnel Project, which is the subject of an on-going Environmental Impact Statement (EIS).

The two components of the Project have previously been reviewed by your office in accordance with local, state and federal environmental planning requirements as follows:

- The Platform and mixed-use development (Overbuild) were reviewed in accordance with Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law during the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR) process in 2009 for the Western Rail Yard Project in 2009 (08PR03724, 08PR04116) in the 2009 *Western Rail Yard Project Final Environmental Impact Statement* (2009 SEQRA/CEQR FEIS). Your office determined that construction near and around the High Line in Western Rail Yard is appropriate (since historically buildings have been located in this manner) subject to the stipulations in a Letter of Resolution (LOR) developed with MTA and the New York City Planning Commission. Your office suggested developing the LOR because the design details for the Overbuild were not yet available. The Overbuild was approved in 2009 by the New York City Planning Commission and adopted by the New York City Council as zoning text and map amendments to the New York City Zoning Resolution. The Overbuild development is now as-of-right development, since it will be built in accordance with the New York City Zoning Resolution's existing zoning controls, which regulate type of use, building envelopes, publicly accessible open space areas, street wall controls, retail continuity, and maximum floor area ratio (i.e., the ratio of floor area to lot size). For archaeological resources, the 2009 SEQRA/CEQR FEIS relied on the assessment of potential archaeological sensitivity prepared for the 2004 *No. 7 Subway Extension-Hudson Yards Rezoning and Development Program FGEIS*, which concluded that the Western Rail Yard was not sensitive for archaeological resources. In a comment letter dated April 29, 2009, your office confirmed it had no further archaeological concerns regarding the Western Rail Yard project.

- The Tunnel Encasement is the third and westernmost segment of the entire right-of-way preservation concrete casing that previously underwent environmental reviews led by FRA, which included reviews in accordance with Section 106 of the National Historic Preservation Act of 1966 (as amended) and its implementing regulations at 36 Code of Federal Regulations (CFR) Part 800. In a letter dated April 1, 2013, your office confirmed it had no archaeological concerns regarding the concrete encasement. In a letter dated July 22, 2014, your office concurred with FRA's determination that the undertaking would have no adverse effect on historic properties provided that construction monitoring of the High Line would occur per the New York City Building Code *Technical Policy and Procedure Notice #10/88* (14PRO2712).

FRA is preparing an EIS for the Project in compliance with NEPA, the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR parts 1500-1508), 23 U.S.C. § 139, and 23 CFR part 771 and 774. The Notice of Intent was published on June 15, 2020 (*Federal Register, Vol. 85, No. 115*). Consistent with regulations issued by the Advisory Council on Historic Preservation (36 CFR part 800), FRA intends to coordinate compliance with Section 106 of the NHPA with the preparation of the EIS. By way of this letter and in accordance with 36 CFR 800.3, FRA is initiating Section 106 review for the Project (which is also the Undertaking for purposes of Section 106). The Overbuild that would be supported by the Platform is within the development envelope adopted by the New York City Council as zoning text and map amendments to the New York City Zoning Resolution. The Project site, including construction staging areas, have not been expanded from what was previously reviewed by your office. The design for the Platform has not changed substantively, although minor refinements have been made as MTA-LIRR review of the design has progressed. As the Section 106 process for the Project advances, FRA will update your office if there are any changes in conditions related to the construction of the Tunnel Encasement from the 2014 no adverse effect determination.

In addition to initiating Section 106 consultation, FRA requests your review of the enclosed preliminary list of entities to be invited to participate in the Project's Section 106 review as consulting parties in accordance with 36 CFR. 800.2(c) (**Attachment A**). In accordance with 36 CFR 800.4(a)(1), FRA has also developed the proposed Area of Potential Effects (APE) for the Project, to account for potential effects on historic properties based on the conceptual design for the Project and potential indirect effects of the Overbuild. A memo providing additional background and an overview of the Project and detailing the proposed APE is enclosed for your review.

Due to the ongoing coronavirus disease 2019 (COVID-19) public health emergency, and consistent with the Centers for Disease Control and Prevention's guidance regarding large events and mass gatherings, FRA will conduct a virtual public scoping for the Project. FRA will also hold other Project meetings virtually, including Section 106 Consulting Party meetings, and encourages submission of comments for the Project electronically. Such meetings will be advertised as required. The EIS is being prepared on an accelerated schedule. The schedule for the environmental review and other Project information is posted at www.westernrailyardinfrastructure.com and at Regulations.gov, Docket Number: FRA-2020-

0039.

If you have any questions please contact me at laura.shick@dot.gov, or (202) 366-0340.

FRA looks forward to consulting with your office on this Project and receiving your comments on potential consulting parties and the proposed APE.

Sincerely,

A handwritten signature in blue ink that reads "Laura A. Shick". The signature is written in a cursive style and is positioned above the typed name.

Laura Shick
Supervisory Environmental Protection Specialist
Office of Railroad Policy and Development

Enclosures

cc: Stephanie Perez-Arrieta, Supervisory EPS, FRA
Andrea Poole, EPS, FRA
Rebecca Blatnica, EPS, Volpe, The National Transportation Systems Center

ATTACHMENT A:
Western Rail Yard Platform Project
Section 106 Consultation – Potential Consulting Parties

New York State Historic Preservation Officer

Mr. Daniel Mackay
Deputy Commissioner for Historic Preservation / Deputy SHPO
Peebles Island Resource Center
P.O. Box 189
Waterford, NY 12188

Amtrak

Johnette Davies
Senior Historic Preservation Specialist
Amtrak
30th Street Station
2955 Market Street, Mailbox 55
Philadelphia, PA 19104

Advisory Council on Historic Preservation (to be invited)

Jaime Loichinger
Assistant Director, Federal Permitting, Licensing, and Assistance Section
401 F Street NW, Suite 308
Washington, DC 20001
Sarah Stokely
FRA Liaison, Federal Permitting, Licensing, and Assistance Section
1100 Pennsylvania Avenue NW
Washington, DC 20004

FEDERALLY RECOGNIZED NATIVE AMERICAN TRIBES

Delaware Nation

Ms. Neckole Alligood
Tribal Historic Preservation Officer
Delaware Nation
ATTN: Cultural Preservation Department
PO Box 825
31064 State Hwy 281
Anadarko, OK 73005

Delaware Tribe

Blair Fink
Delaware Tribe Historic Preservation Office
Temple University, Department of Anthropology
Gladfelter Hall, Room 207
1115 W. Polett Walk
Philadelphia, PA 19122

Delaware Tribe of Indians, Oklahoma

Chester Brooks, Chief
Delaware Tribe of Indians, Oklahoma
Delaware Tribal Headquarters
5100 Tuxedo Blvd.
Bartlesville, OK 74006

Stockbridge-Munsee Community of Mohican Indians of Wisconsin

Shannon Holsey, President
Stockbridge-Munsee Community of Mohican Indians of Wisconsin
N8476 MoHeConNuck Road
Bowler, WI 54416

Shinnecock Indian Nation

Bryan Polite, Daniel S. Collins, Sr., Eugene Cuffee, II, Trustees
Shinnecock Indian Nation
Shinnecock Indian Nation Tribal Office
PO BOX 5006
Southampton, NY 11969-5006

OTHER NATIVE AMERICAN TRIBES

Eastern Delaware Nation

Corrine Remington, Secretary
Eastern Delaware Nation
corrine.remington@yahoo.com

Eastern Lenape Nation of Pennsylvania

Doris Pieschel, Secretary
Eastern Lenape Nation of Pennsylvania
21 Cedar Land
Mountville, PA 17554

**REPRESENTATIVES OF LOCAL GOVERNMENTS WHERE THE UNDERTAKING
MAY TAKE PLACE**

New York City

New York City Landmarks Preservation Commission

Sarah Carroll, Chair
New York City Landmarks Preservation Commission
David N. Dinkins Municipal Building
1 Centre Street, 9th Floor, North
New York, NY 10007

New York City Department of Parks and Recreation

Mitchell J. Silver, Commissioner
The Arsenal

Central Park
830 Fifth Avenue
New York, NY 10065

OTHER AFFECTED PARTIES

Hudson River Park Trust

Noreen Doyle
Executive Vice President
Hudson River Park Trust
Pier 40, 2nd Floor
353 West Street
New York, NY 10014

Friends of the High Line

Robert Hammond
Co-Founder and Executive Director
820 Washington Street
New York, NY 10014

OTHER ARCHAEOLOGICAL AND HISTORIC RESOURCE INTEREST GROUPS

Archaeology Interest Groups

Society for Industrial Archeology

Sandy Needham, President

Roebling Chapter

Society for Industrial Archeology

235 West End Avenue, Apt. 14C

New York, NY 10023-3648

Professional Archaeologists of New York City (PANYC)

c/o S. Spritzer

P.O. Box 1503

Murray Hill Station

New York, NY 10156-1503

Railroad History Interest Groups

Anthracite Railroads Historical Society

Kermit Geary Jr., President

P.O. Box 519

Lansdale, PA 19446

Erie Lackawanna Historical Society

Michael J. Connor, President

c/o David Start, Membership Chairman

Erie Lackawanna Historical Society

22 Ice Plant Road

Lafayette, NJ 07848-2403

National Railway Historical Society, Inc.

Albert L. Papp, Jr., President

New York Chapter

P.O. Box 254

Basking Ridge, NJ 07920

Railway & Locomotive Historical Society

Tommy Meehan, Chapter Chair

New York Chapter

42 Portland Pl., Fl. 2

Yonkers NY 10703-2206

Tri-State Railway Historical Society, Inc.

Michael DeVecchio, President

P.O. Box 1217

Morristown, NJ 07962

Western Rail Yard Platform Project
Section 106 Documentation
Proposed Area of Potential Effects (APE)
July 3, 2020

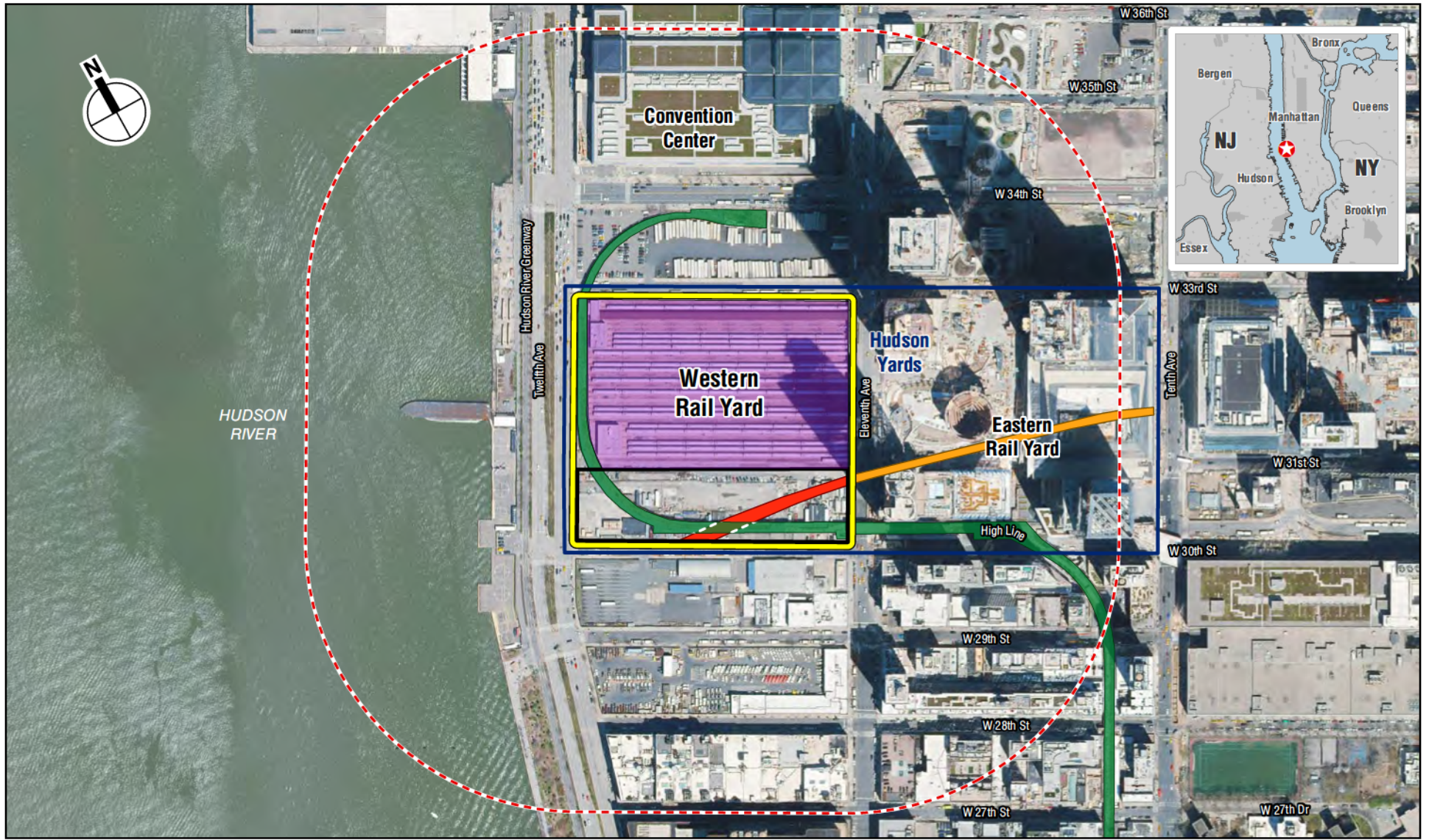
A. PROJECT OVERVIEW AND BACKGROUND

WRY Tenant LLC and the National Railroad Passenger Corporation (Amtrak) are partnering in a joint venture (the Project Sponsor) to seek Federal financial assistance through the Railroad Rehabilitation and Improvement Financing (RRIF) Program, which is administered by the U.S. Department of Transportation (DOT) Build America Bureau (Bureau). The Federal Railroad Administration (FRA) is the lead agency preparing the environmental impact statement (EIS) to ensure compliance with the National Environmental Policy Act of 1969 (NEPA) and other environmental laws. The Project Sponsor has expressed an interest in seeking financial assistance provided by the Bureau to fund the construction of a Platform and a Tunnel Encasement on the 13-acre Western Rail Yard site located on the western half of the Metropolitan Transportation Authority (MTA) Long Island Rail Road (LIRR) John D. Caemmerer Yard (aka “Hudson Yards”) (Block 676, Lot 3) in New York County (Manhattan), New York (**Figure 1**). The Proposed Action would include: (1) a structural Platform (Platform); and (2) a railroad right-of-way preservation Tunnel Encasement (Tunnel Encasement) (the “Proposed Action”, also referred to here as the “Project”) to allow for privately-funded mixed-use development and public open space above the Platform as described below.

The two components of the Project have previously been reviewed in accordance with local, state, and federal environmental planning requirements as follows:

- The Platform and mixed-use development (Overbuild) were reviewed in accordance with Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law during the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR) review for the Western Rail Yard Project (08PR03724, 08PR04116) in the 2009 *Western Rail Yard Project Final Environmental Impact Statement* (2009 SEQRA/CEQR FEIS). As part of that evaluation, New York State Office of Parks, Recreation and Historic Preservation (SHPO) determined that construction near and around the High Line in Western Rail Yard is appropriate (since historically buildings have been located in this manner) subject to the stipulations in a Letter of Resolution developed with MTA and the New York City Planning Commission. For archaeological resources, the 2009 SEQRA/CEQR FEIS relied on the assessment of potential archaeological sensitivity prepared for the 2004 *No. 7 Subway Extension-Hudson Yards Rezoning and Development Program FGEIS*, which concluded that the Western Rail Yard was not sensitive for archaeological resources. In a comment letter dated April 29, 2009, SHPO confirmed it had no further archaeological concerns with the Western Rail Yard Project. The Overbuild was approved in 2009 by the New York City Planning Commission and adopted by the New York City Council as zoning text and map amendments to the New York City Zoning Resolution. The Overbuild development is now as-of-right development, since it will be built in accordance with the New York City Zoning Resolution’s existing zoning controls, which regulate type of use, building envelopes, publicly accessible open space areas, street wall controls, retail continuity, and maximum floor area ratio (i.e., the ratio of floor area to lot size).
- The Tunnel Encasement is the third and westernmost segment of the entire right-of-way preservation concrete casing that previously underwent environmental reviews¹ led by FRA, which included reviews

¹ *Finding of No Significant Impact, Environmental Assessment for Construction of a Concrete Casing in the Hudson Yards, New York, New York*. (FRA and Amtrak, May 2013); and *Finding of No Significant Impact, Supplemental Environmental Assessment for Construction of a Concrete Casing Extension in the Hudson Yards, New York, New York*. (FRA and Amtrak, November 2014).



- Project Site (Western Rail Yard)
 - Area of Potential Effect (see accompanying APE Memo)
 - Hudson Yards
 - Approximate Terra Firma Area
 - Proposed Platform
 - Existing Concrete Encasement
 - Proposed Tunnel Encasement
 - Existing High Line Park (Remains Unaltered)
- 0 400 FEET

WESTERN RAIL YARD INFRASTRUCTURE PROJECT

Project Location and Area of Potential Effect
Figure 1

in accordance with Section 106 of the National Historic Preservation Act of 1966 (as amended). In a letter dated April 1, 2013, SHPO confirmed the agency had no archaeological concerns regarding the concrete encasement. In a letter dated July 22, 2014, SHPO concurred with FRA's determination that the undertaking would have no adverse effects on historic properties provided that construction monitoring of the High Line would occur per the New York City Building Code *Technical Policy and Procedure Notice #10/88* (14PRO2712).

As described in the Notice of Intent (*Federal Register* [June 15, 2020/Vol. 85, No. 115]), the purpose of the Proposed Action is to cover and protect the active railroad tracks and LIRR support facilities in the Western Rail Yard so that the Project Sponsor can provide additional new capacity for real estate development and house critical life safety and mechanical, electrical and plumbing support services for the Yard, including new lighting, sprinklers, and an extensive platform ventilation system. The purpose of the Tunnel Encasement is to preserve a right-of-way through the Western Rail Yard to support the future construction of a trans-Hudson passenger rail crossing into New York Penn Station.

FRA is coordinating the NEPA process for the Project with compliance with Section 106 of the National Historic Preservation Act (Section 106). FRA intends to identify a Preferred Alternative for the Project in the Draft EIS. The Project, which is also the undertaking for purposes of Section 106, would include the following major components:

PLATFORM COMPONENT

- Construction of a 425,000 square foot (9.8 acre) structural platform on the Western Rail Yard site, to be supported by approximately four hundred (400) caissons drilled up to 120 feet deep into bedrock below. The Platform would serve as the support for the as-of-right Overbuild of approximately 5.7 million gross square feet of new commercial, residential, and school uses and public open space.
- Installation of life safety and mechanical, electrical and plumbing support services for the Western Rail Yard, including new lighting, sprinklers and an extensive platform ventilation system, which would be integrated into the system for the Eastern Rail Yard site, across Eleventh Avenue.
- Reconstruction and upgrades to other LIRR support services including existing emergency electrical equipment, approximately 20,000 square feet of railroad staff facilities and rail car cleaning services. At its northern end, the Western Rail Yard contains a 12-car cleaning platform used to service and clean railroad equipment that is currently not in use because operations were moved offsite before construction of the adjacent Eastern Rail Yard. The cleaning platform and three LIRR service buildings on the western edge of the Western Rail Yard will be demolished to allow for the Platform construction. These structures have been built since the rail yard was reconstructed in 1986 and are not historic. Once construction of the Platform is completed, the cleaning platform will be reconstructed in its former location. Interim service buildings will be constructed on the western portion of the *terra firma* (at grade solid ground) site, adjacent Twelfth Avenue; LIRR's security fence would be extended around the interim service buildings site and would be controlled by LIRR. The service buildings will be reconstructed in approximately the same footprint, and in accordance with LIRR program requirements. The service buildings will be designed to comply with applicable codes for an enclosed rail yard, New York State Building Code requirements, and to meet accessibility requirements.

TUNNEL ENCASEMENT COMPONENT (RAILROAD RIGHT-OF-WAY PRESERVATION)

- The Tunnel Encasement would be an extension of the existing concrete casing, and would extend from Eleventh Avenue to 30th Street, to preserve railroad right-of-way through the southern portion of the Western Rail Yard site. This segment of Tunnel Encasement would connect to the recently constructed underground right-of-way preservation concrete casing, which begins just east of Tenth Avenue

(between 30th and 32nd Streets), runs beneath the Eastern Rail Yard, and terminates at the eastern edge of Eleventh Avenue just north of 30th Street (completed in 2015). The Tunnel Encasement would be 605 feet long, between 50 and 65 feet wide and between 27 and 38 feet high beneath Western Rail Yard. This Tunnel Encasement would be constructed through a *terra firma* portion of the Western Rail Yard site that will not be covered by the new platform. The Tunnel Encasement would originate at the western end of the underground concrete casing in the Eastern Rail Yard, extend under the Eleventh Avenue viaduct, and continue diagonally across approximately two-thirds of the Western Rail Yard, underneath a portion of the High Line², and end at 30th Street.

B. DEVELOPMENT OF THE AREA OF POTENTIAL EFFECTS

Section 106 of the National Historic Preservation Act requires Federal agencies to consider the effects on historic properties of projects they carry out, assist, fund, permit, or approve. If a federal or federally-assisted project has the potential to affect historic properties, a Section 106 review is required. Federal agencies carry out their Section 106 obligations according to the regulations issued by the Advisory Council on Historic Preservation at 36 CFR Part 800. Section 106 is a four-step decision-making process; one required step is to define the Area of Potential Effects (APE), which is “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if such properties exist” (36 CFR § 800.16[d]). Historic properties are buildings, structures, sites, objects, or districts that are listed in or eligible for listing in the National Register of Historic Places (NRHP). The APE is influenced by the scale and nature of an undertaking.

The proposed APE described herein and depicted in **Figure 1** has been developed by FRA to account for potential effects of the Project on historic properties, based on the conceptual design for the Project available at this time. In general, potential effects on historic properties can include demolition, physical alteration, or damage, including effects caused by vibration; isolation of a historic property from its surrounding environment; and the introduction of visual, audible, or atmospheric (e.g., pollutants) elements that are out of character with a historic property or that alter its historic setting and context.³ Effects may include reasonably foreseeable effects caused or enabled by the Project that may occur later in time, be farther removed in distance, or be cumulative with other effects from other projects. Adverse effects can occur when a project may alter any of the characteristics of a historic property that qualify the property for inclusion in the National Register of Historic Places (NRHP) in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association.

FRA anticipates that the following types of construction activities and permanent features would be necessary for the Project:

PLATFORM COMPONENT

- Construction of a 425,000 square foot (9.8 acre) structural platform, including new lighting, sprinklers and an extensive platform ventilation system, to be supported by hundreds of caissons drilled up to 120 feet deep into bedrock below;
- Reconstruction and upgrades to other LIRR support services including existing emergency electrical equipment, approximately 20,000 square feet of railroad staff facilities and rail car cleaning services.

² The High Line is an historic elevated former freight rail line, which has been converted into a public aerial linear park and greenway. The High Line was determined eligible for listing on the State and National Registers of Historic Places in 2004.

³ National Register Bulletin, Defining Boundaries for National Register Properties, prepared by the National Park Service.

At its northern end, Western Rail Yard contains a 12-car cleaning platform used to service and clean railroad equipment. The cleaning platform, and service buildings, will be demolished to allow for the Platform construction, and will be reconstructed as part of the Project, as described above. The interim service buildings will be constructed on the western portion of the *terra firma* site, adjacent Twelfth Avenue.

- Construction staging areas for the construction of the Platform (most staging is planned to occur on the Project site; possibly extending into some adjacent sidewalks and parking lanes during certain phases of construction). No off-site staging is anticipated.

TUNNEL ENCASEMENT COMPONENT

- Excavation of approximately 66,000 cubic yards of soil and 14,000 cubic yards of rock for the construction of the Tunnel Encasement for the preservation of rail right-of-way. The volumes of soil and rock to be excavated have been estimated by Amtrak based on the Tunnel Encasement design; these volumes will be more precisely determined during the bid process for procuring the Tunnel Encasement construction contractor.
- Demolition of LIRR's Emergency Services Building (ESB) (a structure that primarily houses utility infrastructure) in the Western Rail Yard, temporary relocation of ESB functions, and reconstruction of the building following completion of the Tunnel Encasement. The temporary ESB functions will be located in the southeast corner of the Western Rail Yard on a small portion of existing elevated concrete (at street level to maximize flood protection). This relocation will provide redundant fire water sourcing to the yard, eliminating the need for the existing secondary water tank and fire pump room. Therefore, the interim emergency services facility will function essentially as a substation for emergency facility (not train) power and communications.
- Temporary underpinning of the High Line. Temporary underpinning may be required where the Tunnel Encasement would cross beneath a portion of the High Line that runs along West 30th Street between Eleventh and Twelfth Avenues. This work will include approximately 280 feet of underpinning and re-support onto new foundations of either total (both) columns or partial (one) columns, as described in more detail below. The westernmost 80 feet of underpinning on 30th Street will re-support columns of the High Line that would require re-support for the Hudson Tunnel mining approach.
- Construction staging areas for the construction of the Tunnel Encasement. Most staging is planned to occur on the Project site; possibly extending into some adjacent sidewalks and parking lanes during certain phases of construction. No off-site staging is anticipated.

In addition, the privately-funded Overbuild, which would be enabled by the Project, includes 5.7 million gross square feet of residential, commercial, school, and open space uses on top of the Platform and on the *terra firma* portion of the Western Rail Yard site. Construction of the Overbuild would introduce new, permanent visual components on the Western Rail Yard site.

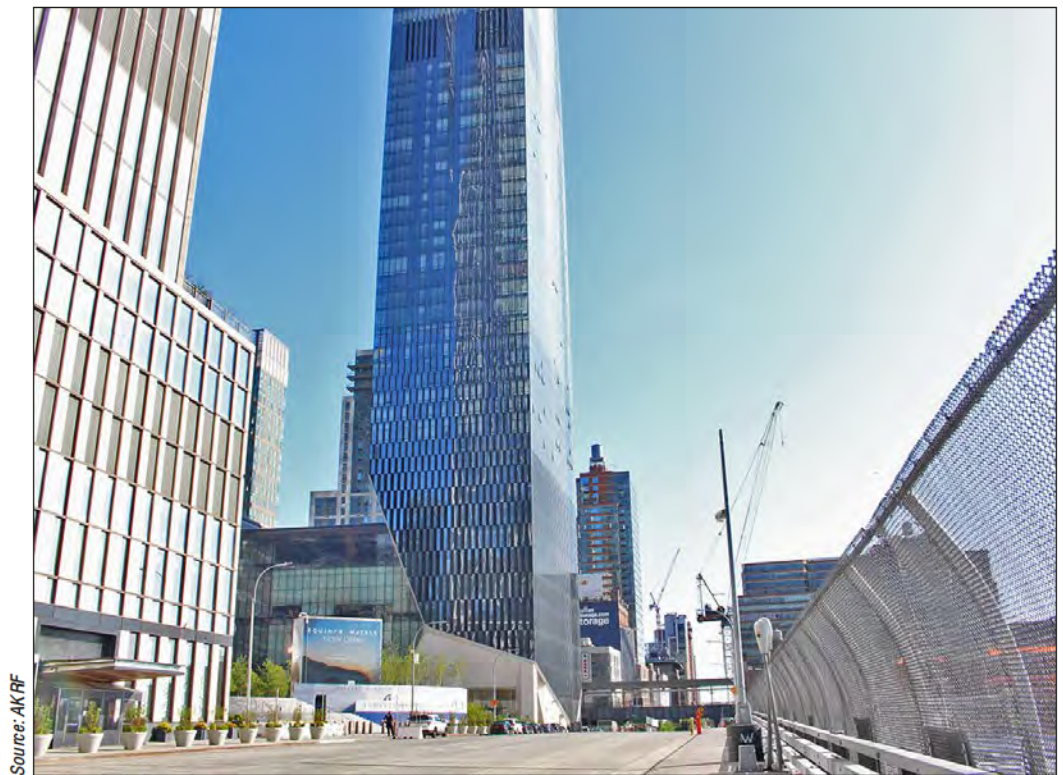
The proposed APE for the Project is discussed in greater detail below. Existing conditions in the proposed APE are depicted in **Figures 2 through 5**.

C. DESCRIPTION OF THE PROPOSED AREA OF POTENTIAL EFFECTS

The proposed APE (depicted in red-and-white dash in **Figure 1**) encompasses the area 800 feet in all directions from the Western Rail Yard site boundary (depicted in yellow in **Figure 1**). The proposed APE takes into account construction-related effects as well as the visibility of permanent above-grade Project components, including the proposed Platform and Tunnel Encasement. The proposed APE also accounts for the potential indirect effects of the Overbuild. The proposed APE encompasses a sufficiently large area



View south from West 34th Street and Hudson Boulevard East 1



View south from West 34th Street and Eleventh Avenue 2



Source: AKRF

View southeast from northern end of High Line, near Twelfth Avenue and West 34th Street 3



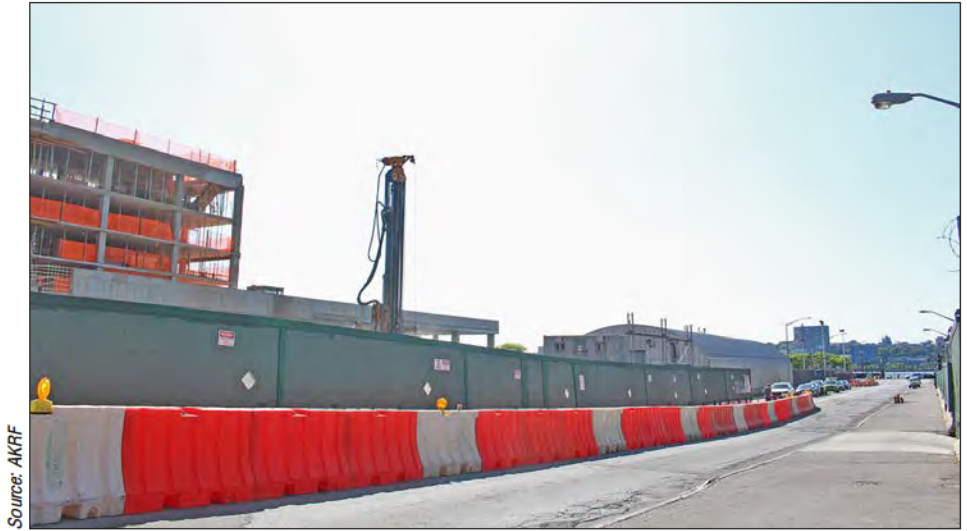
Source: AKRF

Eleventh Avenue, view north from West 30th Street 4



Source: AKRF

South side of West 30th Street, west of Eleventh Avenue 5



Source: AKRF

West 30th Street, view west from Eleventh Avenue 6



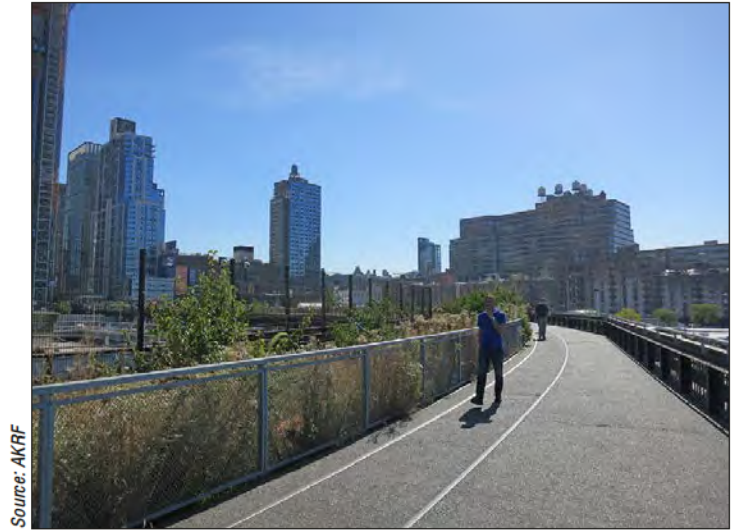
Source: AKRF

View east toward project site, from Route 9A at West 30th Street 7



Source: AKRF

North side of West 29th Street, west of Eleventh Avenue 8



Source: AKRF

View southeast from High Line, from roughly West 31st Street

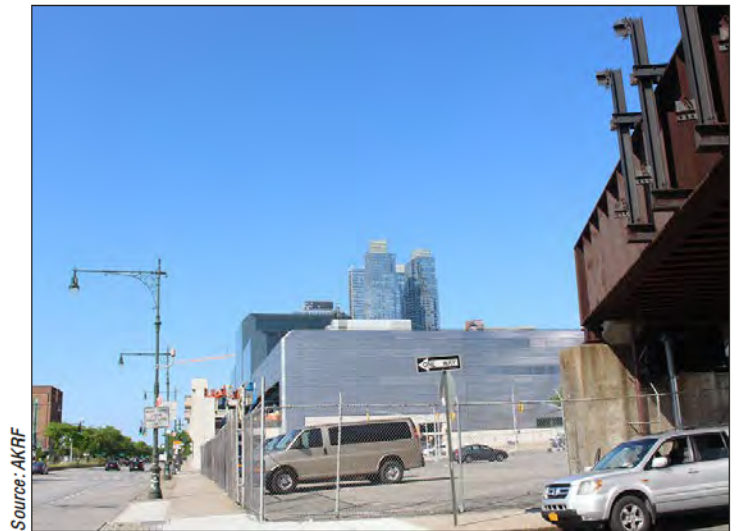
9



Source: AKRF

Eleventh Avenue looking north from near West 33rd Street

10



Source: AKRF

Route 9A, looking north from near West 33rd Street

11

to account for permanent visual impacts of the Project. The APE takes into consideration topography, vegetation, and the existing built environment that diminish sight lines. Field reconnaissance conducted by AKRF and information provided by the Project Sponsor regarding the characteristics of the Project components were utilized to help define the proposed APE. The analysis of potential effects to below-ground (archaeological) resources will be limited to the area of anticipated ground disturbance, which is within the Western Rail Yard site boundary.

The proposed APE for the Project is consistent with the APE developed for the 2009 SEQRA/CEQR FEIS for the Western Rail Yard site, and encompasses the smaller APE developed for FRA's previous evaluation of the entire right-of-way preservation concrete encasement (of which the Tunnel Encasement is the westernmost third segment, as described above).

PLATFORM COMPONENT

Potential effects as a result of construction of the Platform are included in the proposed APE. Construction effects could include noise and vibration effects to nearby architectural resources from construction activities, including heavy truck movements. The Platform development would involve subsurface ground disturbance on the site, which could directly impact archaeological resources if any are present. Once constructed, the Platform would not introduce any permanent visual components; it would be covered by the privately-funded, as-of-right Overbuild (described above).

TUNNEL ENCASEMENT COMPONENT

Construction of the railroad right-of-way preservation Tunnel Encasement is included in the proposed APE. Construction effects could include noise and vibration effects to nearby architectural resources from construction activities, including heavy truck movements. Construction of the Tunnel Encasement would involve subsurface ground disturbance on the site, which could directly impact archaeological resources if any are present. Once constructed, the Tunnel Encasement would not introduce any permanent visual components above grade.

CONSTRUCTION STAGING AREAS

The proposed APE includes the construction staging areas for the Platform and the Tunnel Encasement. At-grade and subsurface ground disturbance would occur in these areas, which could directly impact archaeological resources if any are present. The construction staging areas would not have permanent visual impacts. Therefore, the potential for construction-related impacts for these two Project components would be limited to a 100-foot buffer around the Western Rail Yard site boundary, that falls within the 800-foot APE.

UNDERPINNING OF STRUCTURES

Underpinning, which consists of the re-supporting of the below-grade foundations of an existing building or structure on new foundations, may be required beneath the High Line where the Tunnel Encasement would cross beneath a portion of the High Line that runs along West 30th Street between Eleventh and Twelfth Avenues. In general, beams will be installed across the proposed open cut (one on each side of the columns), the High Line columns will be supported on those beams utilizing brackets mounted to the columns, new foundations will be built down to the concrete casing roof of other new deep foundations, and support of the High Line will be transferred onto these new, permanent foundations.⁴ Underpinning

⁴ In accordance with High Line Park's easement to utilize the rail structure, which states that the original rail use must be able to be restored, the underpinning for permanent re-support of the High Line incorporates full historic rail live loading, which is significantly greater than the current park use.

the High Line would not have permanent visible impacts. The potential for construction-related impacts for this work, which could occur as a result of vibration from construction activities, falling debris, and/or inadvertent damage caused by heavy machinery, among other things, would be limited to a 100-foot buffer around the portions of the High Line to be underpinned, that falls within the 800-foot APE.



**Parks, Recreation,
and Historic Preservation**

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

August 3, 2020

Laura Shick
Supervisory Environmental Protection Specialist, Office of Railroad Policy and Development
USDOT, Federal Railroad Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: FRA
Western Rail Yard Platform Project
20PR03990

Dear Ms. Shick:

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO). We have reviewed the provided documentation in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include other environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (NY Environmental Conservation Law Article 8).

We note that the project area contains a portion of the High Line Freight Railroad, which is eligible for listing in the State and National Registers (S/NR) of Historic Places. We further note that the following historic resources are located just outside of the project area: the West Chelsea Historic District, which is eligible for listing in the S/NR and is also a locally designated LPC Historic District; the former W&J Sloane Warehouse and Garage at 541-561 West 29th Street, which is eligible for listing in the S/NR; and the Hudson River Bulkhead, which is eligible for listing in the S/NR. We have reviewed the Section 106 initiation letter and the project overview and Area of Potential Effect (APE) memorandum that were submitted to our office on July 6th, 2020. Based upon our review, we concur with the proposed Area of Potential Effect and with the proposed list of Consulting Parties. We further note that our office has no archaeological concerns with the proposed undertaking.

If additional information or correspondence is required regarding this project it should be uploaded to our Cultural Resource Information System www.nysparks.com/shpo/online-tools/. Once on the CRIS site, you can log in as a guest and choose "submit" at the very top menu. Next choose "submit new information for an existing project". You will need this project number and your e-mail address. If you have any questions, I can be reached at (518) 268-2182.

Sincerely,

Olivia Brazee
Historic Site Restoration Coordinator
olivia.brazee@parks.ny.gov

via e-mail only

cc: Gina Santucci and Amanda Sutphin, NYC LPC
Jennifer Morris and Stephen Holley, AKRF, Inc.

APPENDIX B-2:

PROPOSED AREA OF POTENTIAL EFFECTS

Western Rail Yard Platform Project
Section 106 Documentation
Proposed Area of Potential Effects (APE)
July 3, 2020

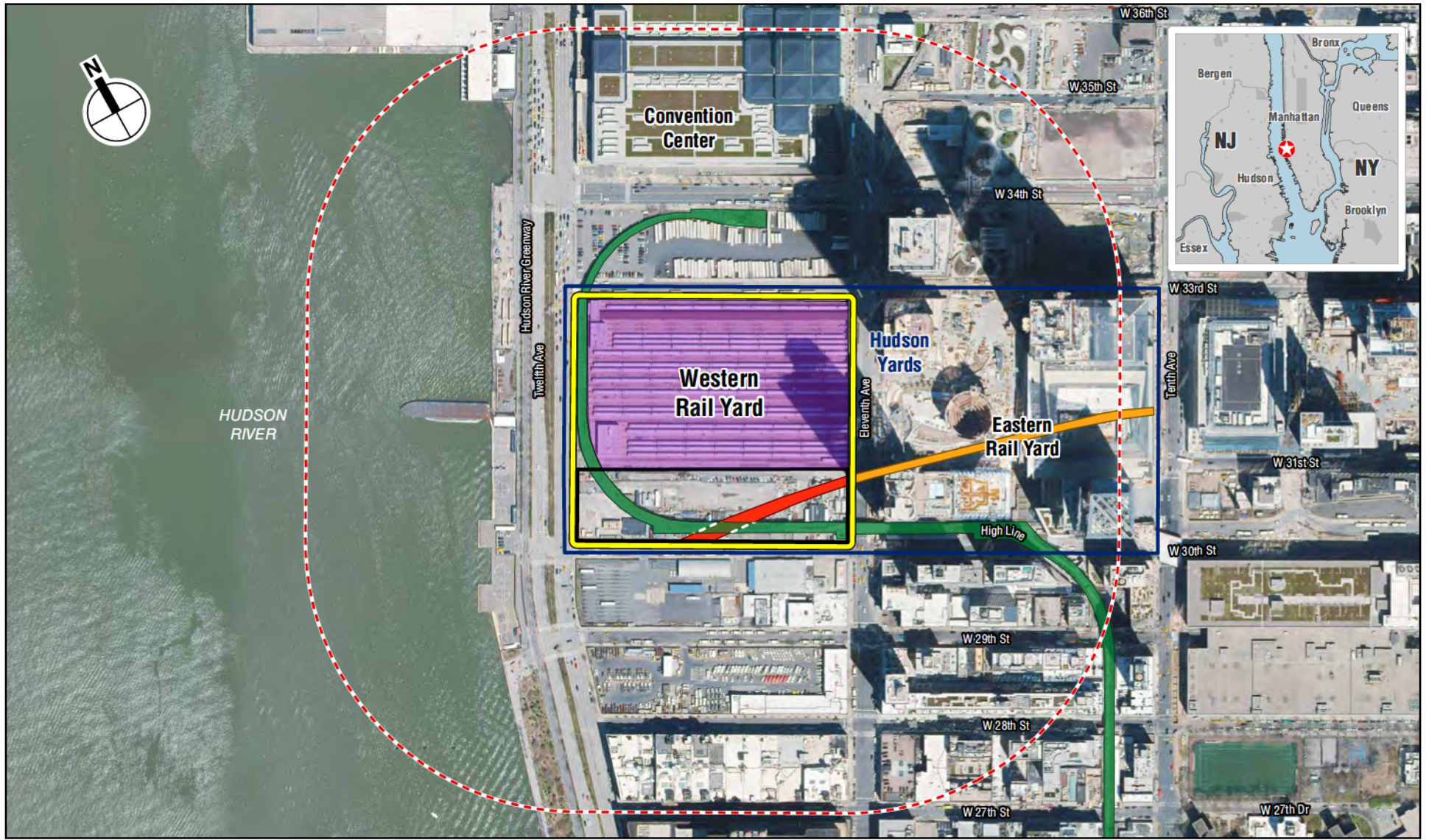
A. PROJECT OVERVIEW AND BACKGROUND

WRY Tenant LLC and the National Railroad Passenger Corporation (Amtrak) are partnering in a joint venture (the Project Sponsor) to seek Federal financial assistance through the Railroad Rehabilitation and Improvement Financing (RRIF) Program, which is administered by the U.S. Department of Transportation (DOT) Build America Bureau (Bureau). The Federal Railroad Administration (FRA) is the lead agency preparing the environmental impact statement (EIS) to ensure compliance with the National Environmental Policy Act of 1969 (NEPA) and other environmental laws. The Project Sponsor has expressed an interest in seeking financial assistance provided by the Bureau to fund the construction of a Platform and a Tunnel Encasement on the 13-acre Western Rail Yard site located on the western half of the Metropolitan Transportation Authority (MTA) Long Island Rail Road (LIRR) John D. Caemmerer Yard (aka “Hudson Yards”) (Block 676, Lot 3) in New York County (Manhattan), New York (**Figure 1**). The Proposed Action would include: (1) a structural Platform (Platform); and (2) a railroad right-of-way preservation Tunnel Encasement (Tunnel Encasement) (the “Proposed Action”, also referred to here as the “Project”) to allow for privately-funded mixed-use development and public open space above the Platform as described below.

The two components of the Project have previously been reviewed in accordance with local, state, and federal environmental planning requirements as follows:

- The Platform and mixed-use development (Overbuild) were reviewed in accordance with Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law during the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR) review for the Western Rail Yard Project (08PR03724, 08PR04116) in the 2009 *Western Rail Yard Project Final Environmental Impact Statement* (2009 SEQRA/CEQR FEIS). As part of that evaluation, New York State Office of Parks, Recreation and Historic Preservation (SHPO) determined that construction near and around the High Line in Western Rail Yard is appropriate (since historically buildings have been located in this manner) subject to the stipulations in a Letter of Resolution developed with MTA and the New York City Planning Commission. For archaeological resources, the 2009 SEQRA/CEQR FEIS relied on the assessment of potential archaeological sensitivity prepared for the 2004 *No. 7 Subway Extension-Hudson Yards Rezoning and Development Program FGEIS*, which concluded that the Western Rail Yard was not sensitive for archaeological resources. In a comment letter dated April 29, 2009, SHPO confirmed it had no further archaeological concerns with the Western Rail Yard Project. The Overbuild was approved in 2009 by the New York City Planning Commission and adopted by the New York City Council as zoning text and map amendments to the New York City Zoning Resolution. The Overbuild development is now as-of-right development, since it will be built in accordance with the New York City Zoning Resolution’s existing zoning controls, which regulate type of use, building envelopes, publicly accessible open space areas, street wall controls, retail continuity, and maximum floor area ratio (i.e., the ratio of floor area to lot size).
- The Tunnel Encasement is the third and westernmost segment of the entire right-of-way preservation concrete casing that previously underwent environmental reviews¹ led by FRA, which included reviews

¹ *Finding of No Significant Impact, Environmental Assessment for Construction of a Concrete Casing in the Hudson Yards, New York, New York*. (FRA and Amtrak, May 2013); and *Finding of No Significant Impact, Supplemental Environmental Assessment for Construction of a Concrete Casing Extension in the Hudson Yards, New York, New York*. (FRA and Amtrak, November 2014).



WESTERN RAIL YARD INFRASTRUCTURE PROJECT

Project Location and Area of Potential Effect
Figure 1

in accordance with Section 106 of the National Historic Preservation Act of 1966 (as amended). In a letter dated April 1, 2013, SHPO confirmed the agency had no archaeological concerns regarding the concrete encasement. In a letter dated July 22, 2014, SHPO concurred with FRA's determination that the undertaking would have no adverse effects on historic properties provided that construction monitoring of the High Line would occur per the New York City Building Code *Technical Policy and Procedure Notice #10/88* (14PRO2712).

As described in the Notice of Intent (*Federal Register* [June 15, 2020/Vol. 85, No. 115]), the purpose of the Proposed Action is to cover and protect the active railroad tracks and LIRR support facilities in the Western Rail Yard so that the Project Sponsor can provide additional new capacity for real estate development and house critical life safety and mechanical, electrical and plumbing support services for the Yard, including new lighting, sprinklers, and an extensive platform ventilation system. The purpose of the Tunnel Encasement is to preserve a right-of-way through the Western Rail Yard to support the future construction of a trans-Hudson passenger rail crossing into New York Penn Station.

FRA is coordinating the NEPA process for the Project with compliance with Section 106 of the National Historic Preservation Act (Section 106). FRA intends to identify a Preferred Alternative for the Project in the Draft EIS. The Project, which is also the undertaking for purposes of Section 106, would include the following major components:

PLATFORM COMPONENT

- Construction of a 425,000 square foot (9.8 acre) structural platform on the Western Rail Yard site, to be supported by approximately four hundred (400) caissons drilled up to 120 feet deep into bedrock below. The Platform would serve as the support for the as-of-right Overbuild of approximately 5.7 million gross square feet of new commercial, residential, and school uses and public open space.
- Installation of life safety and mechanical, electrical and plumbing support services for the Western Rail Yard, including new lighting, sprinklers and an extensive platform ventilation system, which would be integrated into the system for the Eastern Rail Yard site, across Eleventh Avenue.
- Reconstruction and upgrades to other LIRR support services including existing emergency electrical equipment, approximately 20,000 square feet of railroad staff facilities and rail car cleaning services. At its northern end, the Western Rail Yard contains a 12-car cleaning platform used to service and clean railroad equipment that is currently not in use because operations were moved offsite before construction of the adjacent Eastern Rail Yard. The cleaning platform and three LIRR service buildings on the western edge of the Western Rail Yard will be demolished to allow for the Platform construction. These structures have been built since the rail yard was reconstructed in 1986 and are not historic. Once construction of the Platform is completed, the cleaning platform will be reconstructed in its former location. Interim service buildings will be constructed on the western portion of the *terra firma* (at grade solid ground) site, adjacent Twelfth Avenue; LIRR's security fence would be extended around the interim service buildings site and would be controlled by LIRR. The service buildings will be reconstructed in approximately the same footprint, and in accordance with LIRR program requirements. The service buildings will be designed to comply with applicable codes for an enclosed rail yard, New York State Building Code requirements, and to meet accessibility requirements.

TUNNEL ENCASEMENT COMPONENT (RAILROAD RIGHT-OF-WAY PRESERVATION)

- The Tunnel Encasement would be an extension of the existing concrete casing, and would extend from Eleventh Avenue to 30th Street, to preserve railroad right-of-way through the southern portion of the Western Rail Yard site. This segment of Tunnel Encasement would connect to the recently constructed underground right-of-way preservation concrete casing, which begins just east of Tenth Avenue

(between 30th and 32nd Streets), runs beneath the Eastern Rail Yard, and terminates at the eastern edge of Eleventh Avenue just north of 30th Street (completed in 2015). The Tunnel Encasement would be 605 feet long, between 50 and 65 feet wide and between 27 and 38 feet high beneath Western Rail Yard. This Tunnel Encasement would be constructed through a *terra firma* portion of the Western Rail Yard site that will not be covered by the new platform. The Tunnel Encasement would originate at the western end of the underground concrete casing in the Eastern Rail Yard, extend under the Eleventh Avenue viaduct, and continue diagonally across approximately two-thirds of the Western Rail Yard, underneath a portion of the High Line², and end at 30th Street.

B. DEVELOPMENT OF THE AREA OF POTENTIAL EFFECTS

Section 106 of the National Historic Preservation Act requires Federal agencies to consider the effects on historic properties of projects they carry out, assist, fund, permit, or approve. If a federal or federally-assisted project has the potential to affect historic properties, a Section 106 review is required. Federal agencies carry out their Section 106 obligations according to the regulations issued by the Advisory Council on Historic Preservation at 36 CFR Part 800. Section 106 is a four-step decision-making process; one required step is to define the Area of Potential Effects (APE), which is “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if such properties exist” (36 CFR § 800.16[d]). Historic properties are buildings, structures, sites, objects, or districts that are listed in or eligible for listing in the National Register of Historic Places (NRHP). The APE is influenced by the scale and nature of an undertaking.

The proposed APE described herein and depicted in **Figure 1** has been developed by FRA to account for potential effects of the Project on historic properties, based on the conceptual design for the Project available at this time. In general, potential effects on historic properties can include demolition, physical alteration, or damage, including effects caused by vibration; isolation of a historic property from its surrounding environment; and the introduction of visual, audible, or atmospheric (e.g., pollutants) elements that are out of character with a historic property or that alter its historic setting and context.³ Effects may include reasonably foreseeable effects caused or enabled by the Project that may occur later in time, be farther removed in distance, or be cumulative with other effects from other projects. Adverse effects can occur when a project may alter any of the characteristics of a historic property that qualify the property for inclusion in the National Register of Historic Places (NRHP) in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association.

FRA anticipates that the following types of construction activities and permanent features would be necessary for the Project:

PLATFORM COMPONENT

- Construction of a 425,000 square foot (9.8 acre) structural platform, including new lighting, sprinklers and an extensive platform ventilation system, to be supported by hundreds of caissons drilled up to 120 feet deep into bedrock below;
- Reconstruction and upgrades to other LIRR support services including existing emergency electrical equipment, approximately 20,000 square feet of railroad staff facilities and rail car cleaning services.

² The High Line is an historic elevated former freight rail line, which has been converted into a public aerial linear park and greenway. The High Line was determined eligible for listing on the State and National Registers of Historic Places in 2004.

³ National Register Bulletin, Defining Boundaries for National Register Properties, prepared by the National Park Service.

At its northern end, Western Rail Yard contains a 12-car cleaning platform used to service and clean railroad equipment. The cleaning platform, and service buildings, will be demolished to allow for the Platform construction, and will be reconstructed as part of the Project, as described above. The interim service buildings will be constructed on the western portion of the *terra firma* site, adjacent Twelfth Avenue.

- Construction staging areas for the construction of the Platform (most staging is planned to occur on the Project site; possibly extending into some adjacent sidewalks and parking lanes during certain phases of construction). No off-site staging is anticipated.

TUNNEL ENCASEMENT COMPONENT

- Excavation of approximately 66,000 cubic yards of soil and 14,000 cubic yards of rock for the construction of the Tunnel Encasement for the preservation of rail right-of-way. The volumes of soil and rock to be excavated have been estimated by Amtrak based on the Tunnel Encasement design; these volumes will be more precisely determined during the bid process for procuring the Tunnel Encasement construction contractor.
- Demolition of LIRR's Emergency Services Building (ESB) (a structure that primarily houses utility infrastructure) in the Western Rail Yard, temporary relocation of ESB functions, and reconstruction of the building following completion of the Tunnel Encasement. The temporary ESB functions will be located in the southeast corner of the Western Rail Yard on a small portion of existing elevated concrete (at street level to maximize flood protection). This relocation will provide redundant fire water sourcing to the yard, eliminating the need for the existing secondary water tank and fire pump room. Therefore, the interim emergency services facility will function essentially as a substation for emergency facility (not train) power and communications.
- Temporary underpinning of the High Line. Temporary underpinning may be required where the Tunnel Encasement would cross beneath a portion of the High Line that runs along West 30th Street between Eleventh and Twelfth Avenues. This work will include approximately 280 feet of underpinning and re-support onto new foundations of either total (both) columns or partial (one) columns, as described in more detail below. The westernmost 80 feet of underpinning on 30th Street will re-support columns of the High Line that would require re-support for the Hudson Tunnel mining approach.
- Construction staging areas for the construction of the Tunnel Encasement. Most staging is planned to occur on the Project site; possibly extending into some adjacent sidewalks and parking lanes during certain phases of construction. No off-site staging is anticipated.

In addition, the privately-funded Overbuild, which would be enabled by the Project, includes 5.7 million gross square feet of residential, commercial, school, and open space uses on top of the Platform and on the *terra firma* portion of the Western Rail Yard site. Construction of the Overbuild would introduce new, permanent visual components on the Western Rail Yard site.

The proposed APE for the Project is discussed in greater detail below. Existing conditions in the proposed APE are depicted in **Figures 2 through 5**.

C. DESCRIPTION OF THE PROPOSED AREA OF POTENTIAL EFFECTS

The proposed APE (depicted in red-and-white dash in **Figure 1**) encompasses the area 800 feet in all directions from the Western Rail Yard site boundary (depicted in yellow in **Figure 1**). The proposed APE takes into account construction-related effects as well as the visibility of permanent above-grade Project components, including the proposed Platform and Tunnel Encasement. The proposed APE also accounts for the potential indirect effects of the Overbuild. The proposed APE encompasses a sufficiently large area



View south from West 34th Street and Hudson Boulevard East 1

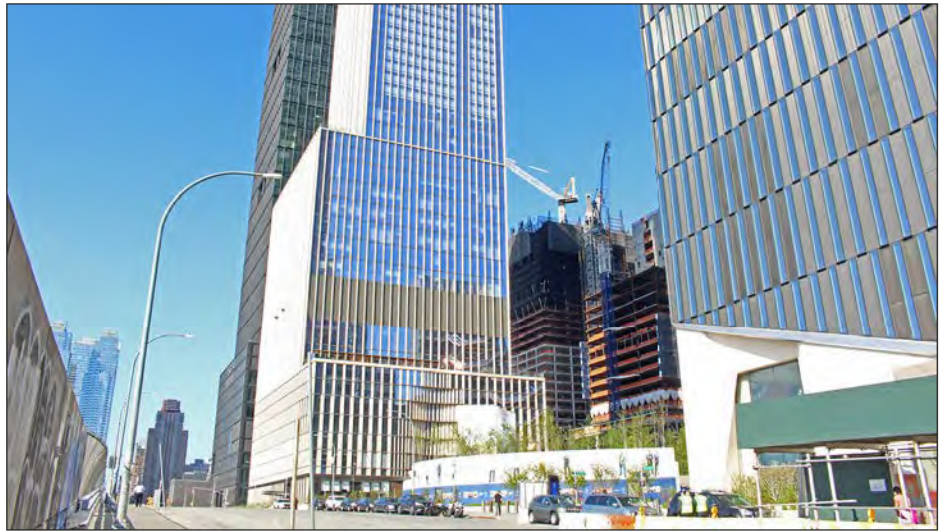


View south from West 34th Street and Eleventh Avenue 2



Source: AKRF

View southeast from northern end of High Line, near Twelfth Avenue and West 34th Street 3



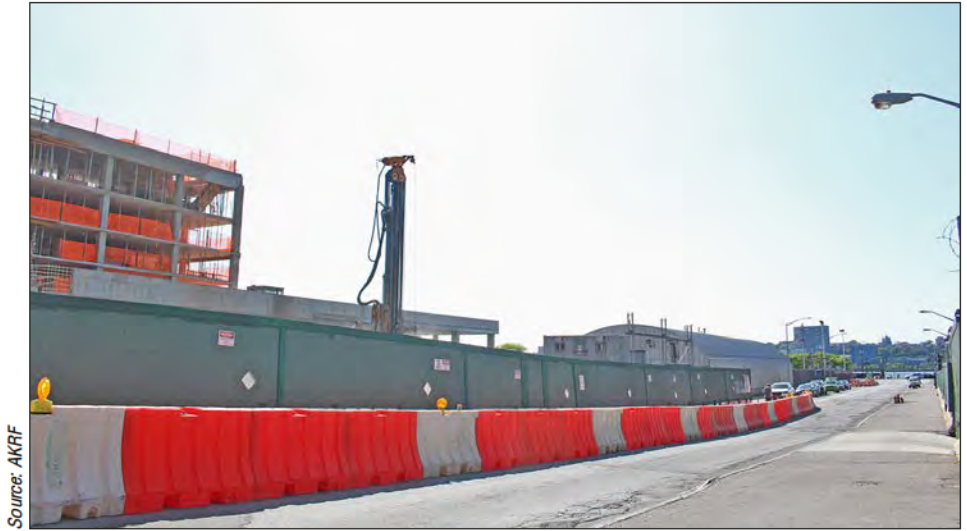
Source: AKRF

Eleventh Avenue, view north from West 30th Street 4



Source: AKRF

South side of West 30th Street, west of Eleventh Avenue 5



Source: AKRF

West 30th Street, view west from Eleventh Avenue 6



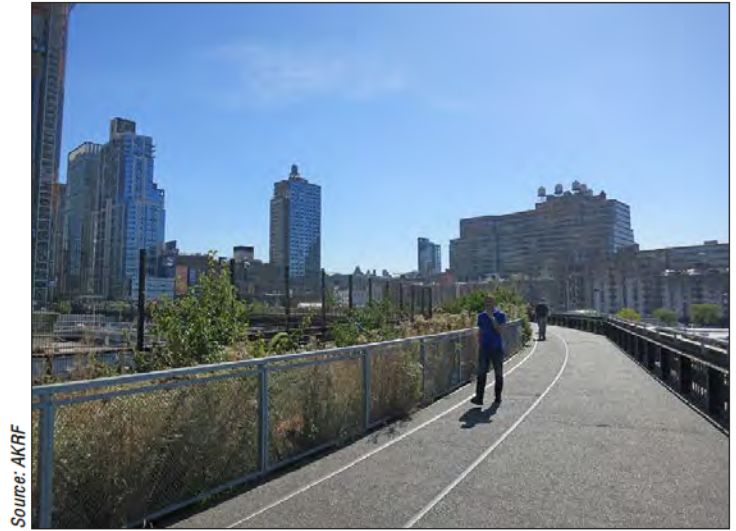
Source: AKRF

View east toward project site, from Route 9A at West 30th Street 7



Source: AKRF

North side of West 29th Street, west of Eleventh Avenue 8



Source: AKRF

View southeast from High Line, from roughly West 31st Street

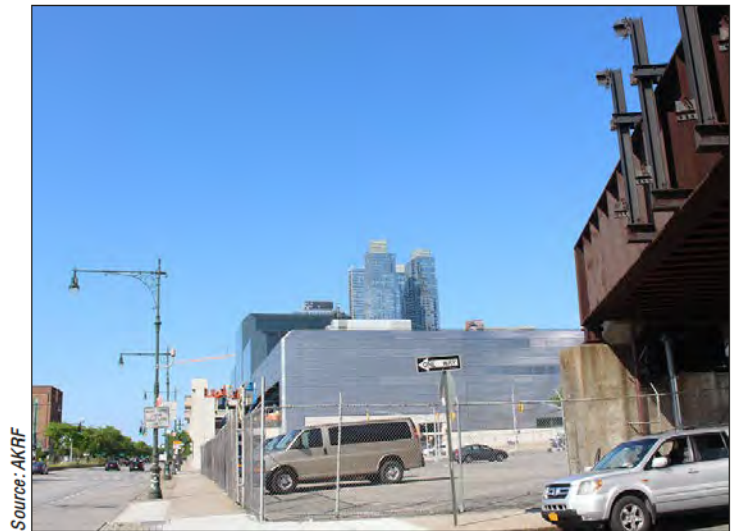
9



Source: AKRF

Eleventh Avenue looking north from near West 33rd Street

10



Source: AKRF

Route 9A, looking north from near West 33rd Street

11

to account for permanent visual impacts of the Project. The APE takes into consideration topography, vegetation, and the existing built environment that diminish sight lines. Field reconnaissance conducted by AKRF and information provided by the Project Sponsor regarding the characteristics of the Project components were utilized to help define the proposed APE. The analysis of potential effects to below-ground (archaeological) resources will be limited to the area of anticipated ground disturbance, which is within the Western Rail Yard site boundary.

The proposed APE for the Project is consistent with the APE developed for the 2009 SEQRA/CEQR FEIS for the Western Rail Yard site, and encompasses the smaller APE developed for FRA's previous evaluation of the entire right-of-way preservation concrete encasement (of which the Tunnel Encasement is the westernmost third segment, as described above).

PLATFORM COMPONENT

Potential effects as a result of construction of the Platform are included in the proposed APE. Construction effects could include noise and vibration effects to nearby architectural resources from construction activities, including heavy truck movements. The Platform development would involve subsurface ground disturbance on the site, which could directly impact archaeological resources if any are present. Once constructed, the Platform would not introduce any permanent visual components; it would be covered by the privately-funded, as-of-right Overbuild (described above).

TUNNEL ENCASEMENT COMPONENT

Construction of the railroad right-of-way preservation Tunnel Encasement is included in the proposed APE. Construction effects could include noise and vibration effects to nearby architectural resources from construction activities, including heavy truck movements. Construction of the Tunnel Encasement would involve subsurface ground disturbance on the site, which could directly impact archaeological resources if any are present. Once constructed, the Tunnel Encasement would not introduce any permanent visual components above grade.

CONSTRUCTION STAGING AREAS

The proposed APE includes the construction staging areas for the Platform and the Tunnel Encasement. At-grade and subsurface ground disturbance would occur in these areas, which could directly impact archaeological resources if any are present. The construction staging areas would not have permanent visual impacts. Therefore, the potential for construction-related impacts for these two Project components would be limited to a 100-foot buffer around the Western Rail Yard site boundary, that falls within the 800-foot APE.

UNDERPINNING OF STRUCTURES

Underpinning, which consists of the re-supporting of the below-grade foundations of an existing building or structure on new foundations, may be required beneath the High Line where the Tunnel Encasement would cross beneath a portion of the High Line that runs along West 30th Street between Eleventh and Twelfth Avenues. In general, beams will be installed across the proposed open cut (one on each side of the columns), the High Line columns will be supported on those beams utilizing brackets mounted to the columns, new foundations will be built down to the concrete casing roof of other new deep foundations, and support of the High Line will be transferred onto these new, permanent foundations.⁴ Underpinning

⁴ In accordance with High Line Park's easement to utilize the rail structure, which states that the original rail use must be able to be restored, the underpinning for permanent re-support of the High Line incorporates full historic rail live loading, which is significantly greater than the current park use.

the High Line would not have permanent visible impacts. The potential for construction-related impacts for this work, which could occur as a result of vibration from construction activities, falling debris, and/or inadvertent damage caused by heavy machinery, among other things, would be limited to a 100-foot buffer around the portions of the High Line to be underpinned, that falls within the 800-foot APE.

APPENDIX C
SUMMARY OF NATIONAL REGISTER CRITERIA
&
CRITERIA OF ADVERSE EFFECT

1. National Register of Historic Places Criteria
2. Criteria of Adverse Effect

1. National Register of Historic Places Criteria

Significant historic properties include districts, structures, objects, or sites that are at least 50 years of age and meet at least one National Register criterion. Criteria used in the evaluation process are specified in the Code of Federal Regulations, Title 36, Part 60, National Register of Historic Places (36 CFR 60.4). To be eligible for inclusion in the National Register of Historic Places, a historic property(s) must possess:

the quality of significance in American History, architecture, archaeology, engineering, and culture [that] is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and:

- (a) that are associated with events that have made a significant contribution to the broad patterns of our history, or
- (b) that are associated with the lives of persons significant in our past, or
- (c) that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components lack individual distinction, or
- (d) that have yielded, or may be likely to yield, information important in prehistory or history (36 CFR 60.4).

There are several criteria considerations. Ordinarily, cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register of Historic Places. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

- (a) a religious property deriving primary significance from architectural or artistic distinction or historical importance, or
- (b) a building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event, or
- (c) a birthplace or grave of a historical figure of outstanding importance if there is no other appropriate site or building directly associated with his/her productive life, or
- (d) a cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events, or

(e) a reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived, or

(f) a property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historic significance, or

(g) a property achieving significance within the past 50 years if it is of exceptional importance. (36 CFR 60.4)

When conducting National Register evaluations, the physical characteristics and historic significance of the overall property are examined. While a property in its entirety may be considered eligible based on Criteria A, B, C, and/or D, specific data is also required for individual components therein based on date, function, history, and physical characteristics, and other information. Resources that do not relate in a significant way to the overall property may contribute if they independently meet the National Register criteria.

A contributing building, site, structure, or object adds to the historic architectural qualities, historic associations, or archeological values for which a property is significant because a) it was present during the period of significance, and possesses historic integrity reflecting its character at that time or is capable of yielding important information about the period, or b) it independently meets the National Register criteria. A non-contributing building, site, structure, or object does not add to the historic architectural qualities, historic associations, or archeological values for which a property is significant because a) it was not present during the period of significance, b) due to alterations, disturbances, additions, or other changes, it no longer possesses historic integrity reflecting its character at that time or is incapable of yielding important information about the period, or c) it does not independently meet the National Register criteria.

2. Criteria of Adverse Effect

Whenever a historic property may be affected by a proposed undertaking, Federal agency officials must assess whether the project constitutes an adverse effect on the historic property by applying the criteria of adverse effect. According to the Advisory Council on Historic Preservation, the criteria of adverse effect (36 CFR 800.5), is as follows:

(1) An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that would qualify it for inclusion in the National Register, in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Consideration shall be given to all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation for the property's eligibility for the National Register. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or cumulative.

(2) Adverse effects on historic properties include, but are not limited to (36 CFR 800.5(a)(2)):

(i) Physical destruction of or damage to all or part of the property;

(ii) Alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation and provision of handicapped access, that is not consistent with the Secretary's Standards for the Treatment of Historic Properties (36 CFR part 68) and applicable guidelines;

(iii) Removal of the property from its historic location;

(iv) Change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance;

(v) Introduction of visual, atmospheric or audible elements that diminish the integrity of the property's significant historic features;

(vi) Neglect of a property which causes its deterioration, except where such neglect and deterioration are recognized qualities of a property of religious and cultural significance to an Indian tribe or Native Hawaiian organization; and

(vii) Transfer, lease, or sale of property out of Federal ownership or control without adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property's historic significance.

A finding of adverse effect or no adverse effect could occur based on the extent of alteration to a historic property, and the proposed treatment measures to mitigate the effects of a proposed undertaking. According to 36 CFR 800.5(3)(b):

The agency official, in consultation with the SHPO/THPO, may propose a finding of no adverse effect when the undertaking's effects do not meet the criteria of § 800.5(a)(1) or the undertaking is modified or conditions are imposed, such as the subsequent review of plans for rehabilitation by the SHPO/THPO to ensure consistency with the Secretary's Standards for the Treatment of Historic Properties (36 CFR part 68) and applicable guidelines, to avoid adverse effects.

APPENDIX D

Public Consultation



U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

July 29, 2020

Ms. Nekole Alligood
Cultural Preservation Director
Delaware Nation
PO Box 825
31064 State Hwy 281
Anadarko, OK 73005
Copy To: Erin Thompson-Paden and Dana Kelly

**Re: Government-to-Government Consultation with Native American Tribal
Governments pursuant to Section 106 of the National Historic Preservation Act
Western Rail Yard Infrastructure Project, New York County, New York**

Dear Ms. Nekole Alligood:

WRY Tenant LLC and the National Railroad Passenger Corporation (Amtrak) are partnering in a joint venture (Project Sponsor) to seek Federal financial assistance through the Railroad Rehabilitation and Improvement Financing (RRIF) Program, which is administered by the U.S. Department of Transportation (USDOT) Build America Bureau (Bureau). The Project Sponsor has expressed an interest in seeking financial assistance provided by the Bureau to fund the construction of a Platform and a Tunnel Encasement on the 13-acre Western Rail Yard site located on the western half of the Metropolitan Transportation Authority (MTA) Long Island Rail Road (LIRR) John D. Caemmerer Yard (aka "Hudson Yards") (Block 676, Lot 3) in New York County (Manhattan), New York (**Figure 1**). The Proposed Action includes: (1) a structural Platform (Platform); and (2) a railroad right-of-way preservation Tunnel Encasement (Tunnel Encasement) (the "Proposed Action," also referred to here as the "Project") to allow for privately-funded mixed-use development and public open space above the Platform. The mixed-use development (Overbuild) has been approved by the New York City Planning Commission (CPC), and adopted by the New York City Council into the New York City Zoning Resolution, for redevelopment of the Western Rail Yard parcel, which is located between West 30th and 33rd Streets and Eleventh and Twelfth Avenues in Manhattan.¹ The USDOT's Federal Railroad Administration (FRA) is the lead agency preparing an environmental impact statement (EIS) for the Project to ensure compliance with the National Environmental Policy Act of 1969 (NEPA) and other applicable environmental laws, including Section 106 of the National of Historic Preservation Act of 1966, as amended, and the Advisory Council on Historic Preservation's Section 106 implementing

¹ The Overbuild development as currently designed will include: residential and commercial office towers ranging from 340,000 to 1.5 million square feet (between 350 feet to over 800 feet tall); more than five acres of public open space including new parks and playgrounds; a new 750-seat public school; and connections to the High Line. Upon completion, the new Overbuild will be home to up to 4,000 new residences and nearly 5,000 office workers.

regulations at 36 Code of Federal Regulations Part 800 (Section 106).

The purpose of the Project is to cover and protect the active railroad tracks and LIRR support facilities in the Western Rail Yard so that the Project Sponsor can provide additional new capacity for real estate development and house critical life safety and mechanical, electrical and plumbing support services for the yard, including new lighting, sprinklers and an extensive platform ventilation system. The Platform would serve as the support for privately-funded mixed-use development and public open space above. Construction of the Platform would include the reconstruction and upgrades to other LIRR support services including existing emergency electrical equipment, approximately 20,000 square feet of railroad staff facilities, and rail car cleaning services. Once complete, the entire yard would contain comprehensive state-of-the-art life safety systems, securing this critical infrastructure and protecting both the workers and the railroad equipment in the yard. The Tunnel Encasement would be constructed underneath the Western Rail Yard site. The purpose of the Tunnel Encasement is to preserve a right-of-way through the Western Rail Yard to support the future construction of a trans-Hudson passenger rail crossing into New York Penn Station. New rail infrastructure is part of Amtrak's effort to maintain a functional, resilient, and improved trans-Hudson passenger rail crossing into New York Penn Station, maintain existing Amtrak intercity and NJ TRANSIT commuter rail service on the Northeast Corridor, and to support future increases in the capacity of the regional rail system should they be pursued. The Project does not include any efforts to make the encasement operational. This preserved right-of-way may be used by a new Hudson River Tunnel that is being evaluated by FRA as part of the separate and independent Hudson Tunnel Project, which is the subject of an on-going Environmental Impact Statement (EIS).

Potential effects as a result of construction of the Project could include noise and vibration effects to nearby architectural resources from construction activities, including heavy truck movements; falling debris, and/or inadvertent damage caused by heavy machinery, among other things. Construction of the Project would involve subsurface ground disturbance on the site, which could directly impact archaeological resources if any are present. At-grade and subsurface ground disturbance also would occur in the construction staging areas for the Project. No subsurface ground disturbance would occur outside the project site. Once constructed, the Project would not introduce any permanent visual components above grade; it would be covered by the privately-funded, as-of-right Overbuild (described above).

The two components of the Project have previously been reviewed by FRA, the New York State Historic Preservation Officer (SHPO), the New York City Landmarks Preservation Commission (LPC), and other appropriate New York City and New York State agencies, in accordance with local, state, and federal environmental planning requirements, as described below.

The Platform and mixed-use development (Overbuild) were reviewed in accordance with Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law during the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR) process in 2009 for the Western Rail Yard Project in 2009 (08PR03724, 08PR04116) in the 2009 *Western Rail Yard Project Final Environmental Impact Statement* (2009 SEQRA/CEQR FEIS).

The Tunnel Encasement is the third and westernmost segment of the entire right-of-way preservation concrete casing that previously underwent NEPA reviews led by FRA, which

included Section 106 reviews.² For archaeological resources, the 2009 SEQRA/CEQR FEIS relied on the assessment of potential archaeological sensitivity prepared for the 2004 *No. 7 Subway Extension-Hudson Yards Rezoning and Development Program FGEIS* (2004 FGEIS), which concluded that the Western Rail Yard was not an archaeologically sensitive area, based on LPC's review of contextual studies, historic maps, and existing subsurface information, including boring logs, to confirm prior subsurface disturbance as well as the likelihood of initial resource deposition. Similarly, for the concrete casing, FRA determined, and SHPO concurred, the undertaking would have no adverse effect on historic properties, including archaeological resources, provided that construction monitoring of the High Line would occur per the *New York City Building Code Technical Policy and Procedure Notice #10/88* (14PRO2712). The historical maps of the study area referenced in the cultural analyses conducted for the 2009 SEQRA/CEQR FEIS, the 2004 FGEIS, and 2013 Concrete Casing EA, show that the shoreline prior to approximately 1850 was further east than the location of the present project site. Furthermore, the project area has previously been subject to extensive ground disturbance for construction of the Western Rail Yard.

FRA is preparing an EIS for the Project in compliance with NEPA, the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR parts 1500-1508), 23 U.S.C. §139, and 23 CFR part 771 and 774. The Notice of Intent was published on June 15, 2020 (*Federal Register, Vol. 85, No. 115*). FRA intends to coordinate the Section 106 process with the preparation of the EIS. FRA recently initiated Section 106 consultation with the NY SHPO on July 3, 2020.

As the lead Federal agency for the Project, FRA is contacting you to notify you about the Project and invite you to participate in Section 106 consultation. FRA is available for formal Government-to-Government consultation at your request, and we invite you to meet with FRA representatives for the purpose of sharing information and establishing protocols for ongoing communication as the Project is advanced. FRA will continue to be available for consultation with your Tribe and will ensure you are kept informed as the Project progresses and new information becomes available.

Through consultation, we hope to understand any concerns you may have regarding the Project's potential effects to historic properties of traditional or cultural significance to your Tribe, and provide an opportunity for your participation in the process of identifying cultural resources, assessing Project effects on those resources, and resolving any adverse effects.

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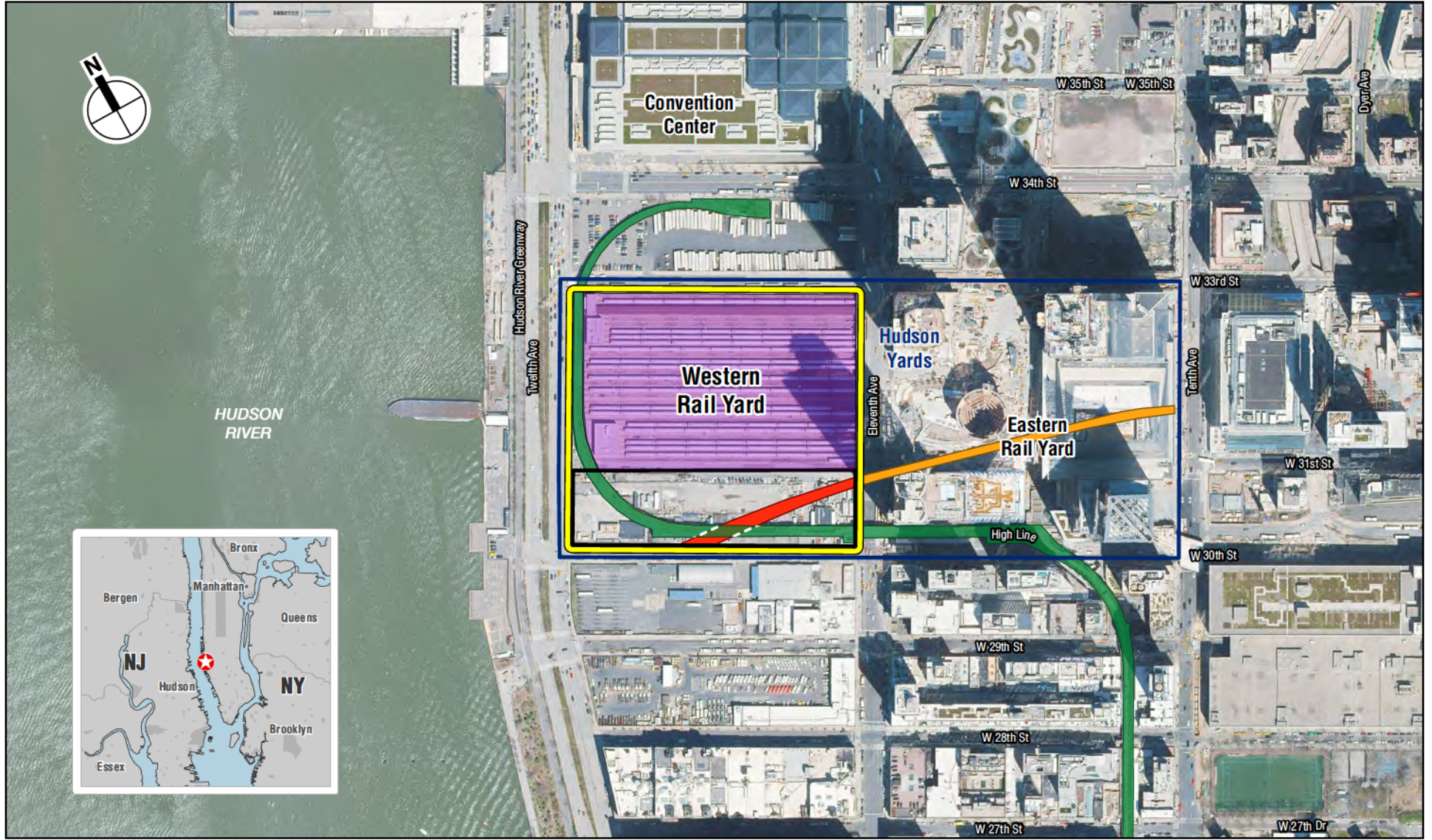
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Sincerely,

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Laura Shick
Supervisory Environmental Protection Specialist
Office of Railroad Policy and Development

Enclosures



- Project Site (Western Rail Yard)
- Hudson Yards
- Approximate Terra Firma Area
- Proposed Platform
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0 400 FEET

WESTERN RAIL YARD INFRASTRUCTURE PROJECT

Project Location
Figure 1



U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

July 29, 2020

Ms. Erin Thompson-Paden
Director of Preservation
Delaware Nation
31064 State Highway 281
Anadarko, OK 73005
Copy To: Nekole Alligood and Dana Kelly

**Re: Government-to-Government Consultation with Native American Tribal
Governments pursuant to Section 106 of the National Historic Preservation Act
Western Rail Yard Infrastructure Project, New York County, New York**

Dear Ms. Erin Thompson-Paden:

WRY Tenant LLC and the National Railroad Passenger Corporation (Amtrak) are partnering in a joint venture (Project Sponsor) to seek Federal financial assistance through the Railroad Rehabilitation and Improvement Financing (RRIF) Program, which is administered by the U.S. Department of Transportation (USDOT) Build America Bureau (Bureau). The Project Sponsor has expressed an interest in seeking financial assistance provided by the Bureau to fund the construction of a Platform and a Tunnel Encasement on the 13-acre Western Rail Yard site located on the western half of the Metropolitan Transportation Authority (MTA) Long Island Rail Road (LIRR) John D. Caemmerer Yard (aka “Hudson Yards”) (Block 676, Lot 3) in New York County (Manhattan), New York (**Figure 1**). The Proposed Action includes: (1) a structural Platform (Platform); and (2) a railroad right-of-way preservation Tunnel Encasement (Tunnel Encasement) (the “Proposed Action,” also referred to here as the “Project”) to allow for privately-funded mixed-use development and public open space above the Platform. The mixed-use development (Overbuild) has been approved by the New York City Planning Commission (CPC), and adopted by the New York City Council into the New York City Zoning Resolution, for redevelopment of the Western Rail Yard parcel, which is located between West 30th and 33rd Streets and Eleventh and Twelfth Avenues in Manhattan.¹ The USDOT’s Federal Railroad Administration (FRA) is the lead agency preparing an environmental impact statement (EIS) for the Project to ensure compliance with the National Environmental Policy Act of 1969 (NEPA) and other applicable environmental laws, including Section 106 of the National of Historic Preservation Act of 1966, as amended, and the Advisory Council on Historic Preservation’s Section 106 implementing regulations at 36 Code of Federal Regulations Part 800 (Section 106).

¹ The Overbuild development as currently designed will include: residential and commercial office towers ranging from 340,000 to 1.5 million square feet (between 350 feet to over 800 feet tall); more than five acres of public open space including new parks and playgrounds; a new 750-seat public school; and connections to the High Line. Upon completion, the new Overbuild will be home to up to 4,000 new residences and nearly 5,000 office workers.

The purpose of the Project is to cover and protect the active railroad tracks and LIRR support facilities in the Western Rail Yard so that the Project Sponsor can provide additional new capacity for real estate development and house critical life safety and mechanical, electrical and plumbing support services for the yard, including new lighting, sprinklers and an extensive platform ventilation system. The Platform would serve as the support for privately-funded mixed-use development and public open space above. Construction of the Platform would include the reconstruction and upgrades to other LIRR support services including existing emergency electrical equipment, approximately 20,000 square feet of railroad staff facilities, and rail car cleaning services. Once complete, the entire yard would contain comprehensive state-of-the-art life safety systems, securing this critical infrastructure and protecting both the workers and the railroad equipment in the yard. The Tunnel Encasement would be constructed underneath the Western Rail Yard site. The purpose of the Tunnel Encasement is to preserve a right-of-way through the Western Rail Yard to support the future construction of a trans-Hudson passenger rail crossing into New York Penn Station. New rail infrastructure is part of Amtrak's effort to maintain a functional, resilient, and improved trans-Hudson passenger rail crossing into New York Penn Station, maintain existing Amtrak intercity and NJ TRANSIT commuter rail service on the Northeast Corridor, and to support future increases in the capacity of the regional rail system should they be pursued. The Project does not include any efforts to make the encasement operational. This preserved right-of-way may be used by a new Hudson River Tunnel that is being evaluated by FRA as part of the separate and independent Hudson Tunnel Project, which is the subject of an on-going Environmental Impact Statement (EIS).

Potential effects as a result of construction of the Project could include noise and vibration effects to nearby architectural resources from construction activities, including heavy truck movements; falling debris, and/or inadvertent damage caused by heavy machinery, among other things. Construction of the Project would involve subsurface ground disturbance on the site, which could directly impact archaeological resources if any are present. At-grade and subsurface ground disturbance also would occur in the construction staging areas for the Project. No subsurface ground disturbance would occur outside the project site. Once constructed, the Project would not introduce any permanent visual components above grade; it would be covered by the privately-funded, as-of-right Overbuild (described above).

The two components of the Project have previously been reviewed by FRA, the New York State Historic Preservation Officer (SHPO), the New York City Landmarks Preservation Commission (LPC), and other appropriate New York City and New York State agencies, in accordance with local, state, and federal environmental planning requirements, as described below.

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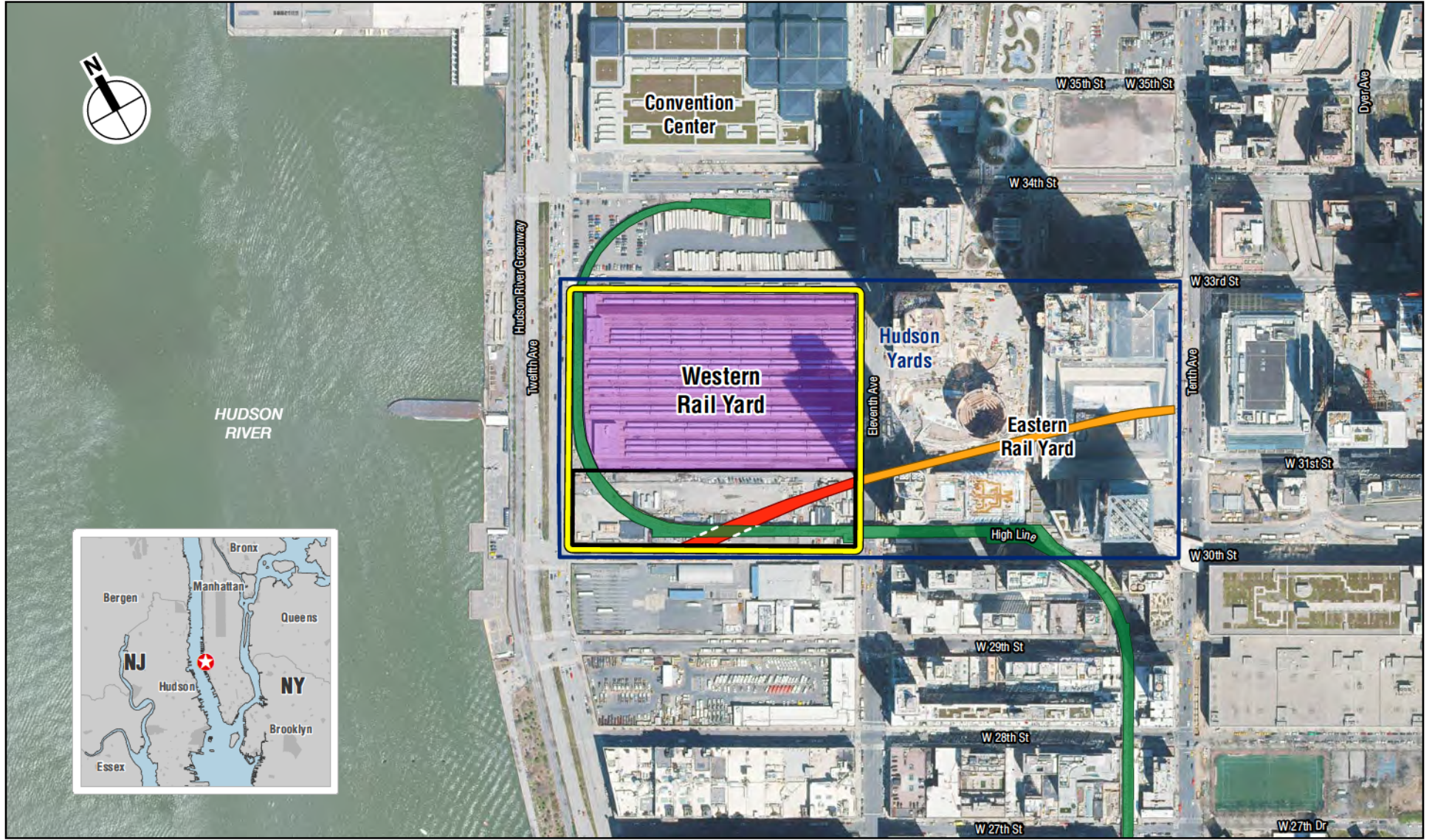
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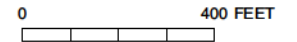
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WESTERN RAIL YARD INFRASTRUCTURE PROJECT

Project Location
Figure 1



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

July 29, 2020

Chief Chester Brooks
Delaware Tribe of Indians, Oklahoma
Delaware Tribal Headquarters
5100 Tuxedo Blvd.
Bartlesville, OK 74006
Copy To: Brice Obermeyer and Susan Bachor

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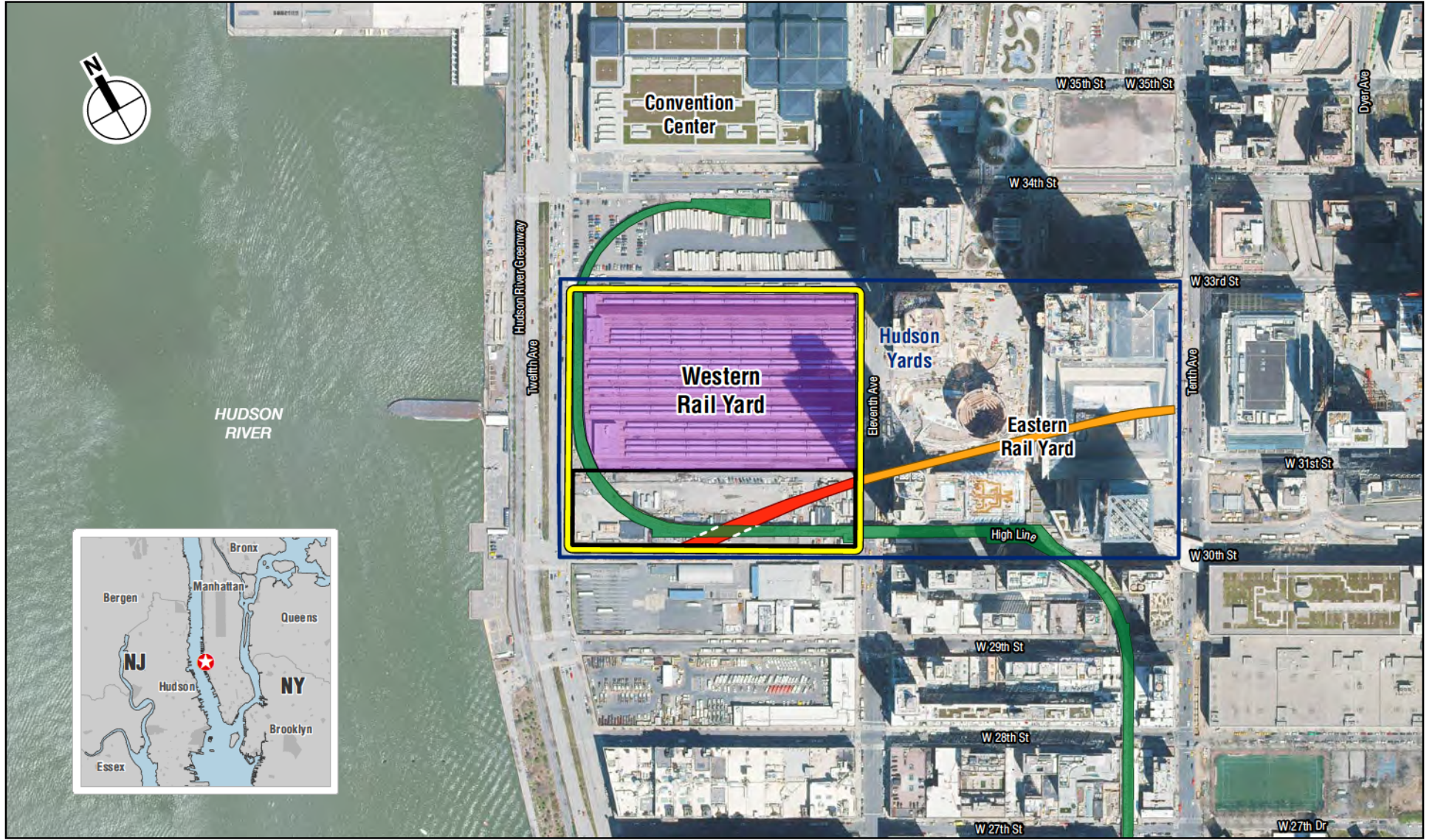
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U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

July 29, 2020

Dr. Brice Obermeyer
Delaware Tribe of Indians
Delaware Tribe Historic Preservation Office
Roosevelt Hall, Rm 212
1200 Commercial Street
Emporia, Kansas 66801
Copy To: Chief Chester Brooks and Susan Bachor

Re: Government-to-Government Consultation with Native American Tribal Governments pursuant to Section 106 of the National Historic Preservation Act Western Rail Yard Infrastructure Project, New York County, New York

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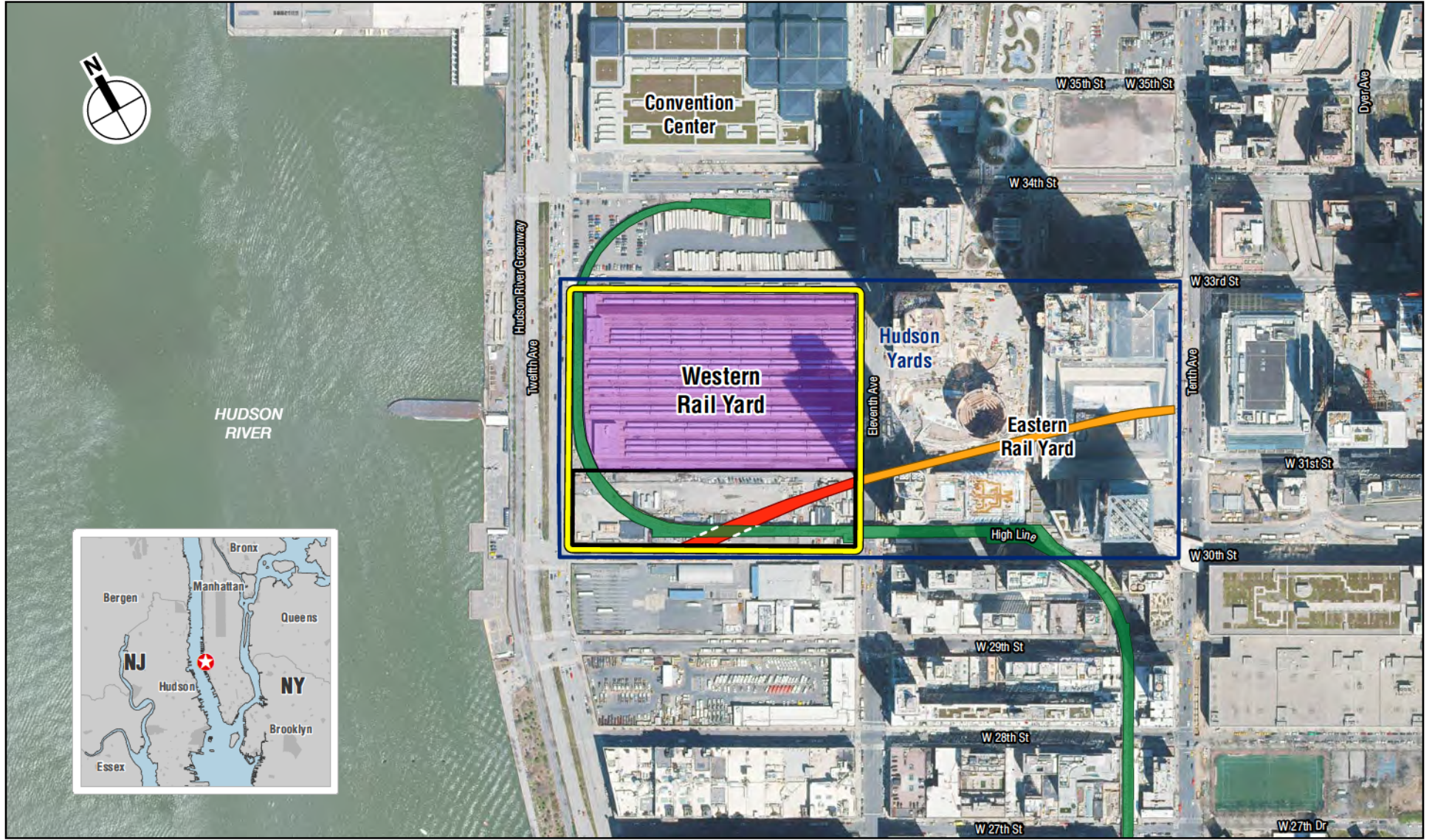
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- Proposed Platform
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- Proposed Tunnel Encasement
- Existing High Line Park (Remains Unaltered)

0 400 FEET

WESTERN RAIL YARD INFRASTRUCTURE PROJECT

Project Location
Figure 1



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

July 29, 2020

Mr. David Martine
Tribal Historic Preservation Officer
Shinnecock Indian Nation
Cultural Resources Department
P.O. Box 5006
Southampton, New York 11969-5006
Copy To: Council of Trustees and Josephine Smith

**Re: Government-to-Government Consultation with Native American Tribal
Governments pursuant to Section 106 of the National Historic Preservation Act
Western Rail Yard Infrastructure Project, New York County, New York**

Dear Mr. David Martine:

WRY Tenant LLC and the National Railroad Passenger Corporation (Amtrak) are partnering in a joint venture (Project Sponsor) to seek Federal financial assistance through the Railroad Rehabilitation and Improvement Financing (RRIF) Program, which is administered by the U.S. Department of Transportation (USDOT) Build America Bureau (Bureau). The Project Sponsor has expressed an interest in seeking financial assistance provided by the Bureau to fund the construction of a Platform and a Tunnel Encasement on the 13-acre Western Rail Yard site located on the western half of the Metropolitan Transportation Authority (MTA) Long Island Rail Road (LIRR) John D. Caemmerer Yard (aka "Hudson Yards") (Block 676, Lot 3) in New York County (Manhattan), New York (**Figure 1**). The Proposed Action includes: (1) a structural Platform (Platform); and (2) a railroad right-of-way preservation Tunnel Encasement (Tunnel Encasement) (the "Proposed Action," also referred to here as the "Project") to allow for privately-funded mixed-use development and public open space above the Platform. The mixed-use development (Overbuild) has been approved by the New York City Planning Commission (CPC), and adopted by the New York City Council into the New York City Zoning Resolution, for redevelopment of the Western Rail Yard parcel, which is located between West 30th and 33rd Streets and Eleventh and Twelfth Avenues in Manhattan.¹ The USDOT's Federal Railroad Administration (FRA) is the lead agency preparing an environmental impact statement (EIS) for the Project to ensure compliance with the National Environmental Policy Act of 1969 (NEPA) and other applicable environmental laws, including Section 106 of the National of Historic Preservation Act of 1966, as amended, and the Advisory Council on Historic Preservation's Section 106 implementing

¹ The Overbuild development as currently designed will include: residential and commercial office towers ranging from 340,000 to 1.5 million square feet (between 350 feet to over 800 feet tall); more than five acres of public open space including new parks and playgrounds; a new 750-seat public school; and connections to the High Line. Upon completion, the new Overbuild will be home to up to 4,000 new residences and nearly 5,000 office workers.

regulations at 36 Code of Federal Regulations Part 800 (Section 106).

The purpose of the Project is to cover and protect the active railroad tracks and LIRR support facilities in the Western Rail Yard so that the Project Sponsor can provide additional new capacity for real estate development and house critical life safety and mechanical, electrical and plumbing support services for the yard, including new lighting, sprinklers and an extensive platform ventilation system. The Platform would serve as the support for privately-funded mixed-use development and public open space above. Construction of the Platform would include the reconstruction and upgrades to other LIRR support services including existing emergency electrical equipment, approximately 20,000 square feet of railroad staff facilities, and rail car cleaning services. Once complete, the entire yard would contain comprehensive state-of-the-art life safety systems, securing this critical infrastructure and protecting both the workers and the railroad equipment in the yard. The Tunnel Encasement would be constructed underneath the Western Rail Yard site. The purpose of the Tunnel Encasement is to preserve a right-of-way through the Western Rail Yard to support the future construction of a trans-Hudson passenger rail crossing into New York Penn Station. New rail infrastructure is part of Amtrak's effort to maintain a functional, resilient, and improved trans-Hudson passenger rail crossing into New York Penn Station, maintain existing Amtrak intercity and NJ TRANSIT commuter rail service on the Northeast Corridor, and to support future increases in the capacity of the regional rail system should they be pursued. The Project does not include any efforts to make the encasement operational. This preserved right-of-way may be used by a new Hudson River Tunnel that is being evaluated by FRA as part of the separate and independent Hudson Tunnel Project, which is the subject of an on-going Environmental Impact Statement (EIS).

Potential effects as a result of construction of the Project could include noise and vibration effects to nearby architectural resources from construction activities, including heavy truck movements; falling debris, and/or inadvertent damage caused by heavy machinery, among other things. Construction of the Project would involve subsurface ground disturbance on the site, which could directly impact archaeological resources if any are present. At-grade and subsurface ground disturbance also would occur in the construction staging areas for the Project. No subsurface ground disturbance would occur outside the project site. Once constructed, the Project would not introduce any permanent visual components above grade; it would be covered by the privately-funded, as-of-right Overbuild (described above).

The two components of the Project have previously been reviewed by FRA, the New York State Historic Preservation Officer (SHPO), the New York City Landmarks Preservation Commission (LPC), and other appropriate New York City and New York State agencies, in accordance with local, state, and federal environmental planning requirements, as described below.

The Platform and mixed-use development (Overbuild) were reviewed in accordance with Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law during the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR) process in 2009 for the Western Rail Yard Project in 2009 (08PR03724, 08PR04116) in the 2009 *Western Rail Yard Project Final Environmental Impact Statement* (2009 SEQRA/CEQR FEIS).

The Tunnel Encasement is the third and westernmost segment of the entire right-of-way preservation concrete casing that previously underwent NEPA reviews led by FRA, which

included Section 106 reviews.² For archaeological resources, the 2009 SEQRA/CEQR FEIS relied on the assessment of potential archaeological sensitivity prepared for the 2004 *No. 7 Subway Extension-Hudson Yards Rezoning and Development Program FGEIS* (2004 FGEIS), which concluded that the Western Rail Yard was not an archaeologically sensitive area, based on LPC's review of contextual studies, historic maps, and existing subsurface information, including boring logs, to confirm prior subsurface disturbance as well as the likelihood of initial resource deposition. Similarly, for the concrete casing, FRA determined, and SHPO concurred, the undertaking would have no adverse effect on historic properties, including archaeological resources, provided that construction monitoring of the High Line would occur per the *New York City Building Code Technical Policy and Procedure Notice #10/88* (14PRO2712). The historical maps of the study area referenced in the cultural analyses conducted for the 2009 SEQRA/CEQR FEIS, the 2004 FGEIS, and 2013 Concrete Casing EA, show that the shoreline prior to approximately 1850 was further east than the location of the present project site. Furthermore, the project area has previously been subject to extensive ground disturbance for construction of the Western Rail Yard.

FRA is preparing an EIS for the Project in compliance with NEPA, the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR parts 1500-1508), 23 U.S.C. §139, and 23 CFR part 771 and 774. The Notice of Intent was published on June 15, 2020 (*Federal Register, Vol. 85, No. 115*). FRA intends to coordinate the Section 106 process with the preparation of the EIS. FRA recently initiated Section 106 consultation with the NY SHPO on July 3, 2020.

As the lead Federal agency for the Project, FRA is contacting you to notify you about the Project and invite you to participate in Section 106 consultation. FRA is available for formal Government-to-Government consultation at your request, and we invite you to meet with FRA representatives for the purpose of sharing information and establishing protocols for ongoing communication as the Project is advanced. FRA will continue to be available for consultation with your Tribe and will ensure you are kept informed as the Project progresses and new information becomes available.

Through consultation, we hope to understand any concerns you may have regarding the Project's potential effects to historic properties of traditional or cultural significance to your Tribe, and provide an opportunity for your participation in the process of identifying cultural resources, assessing Project effects on those resources, and resolving any adverse effects.

Due to the ongoing coronavirus disease 2019 (COVID-19) public health emergency, and consistent with the Centers for Disease Control and Prevention's guidance regarding large events and mass gatherings, FRA will conduct a virtual public scoping for the Project. FRA will also hold other Project meetings virtually, including Section 106 Consulting Parties meetings, and encourages submission of comments for the Project electronically. Such meetings will be advertised as required. The EIS is being prepared on an accelerated schedule. The schedule for the environmental review and other project information is posted at www.westernrailyardinfrastucture.com and at Regulations.gov, Docket Number: FRA-2020-0039.

² *Finding of No Significant Impact, Environmental Assessment for Construction of a Concrete Casing in the Hudson Yards, New York, New York.* (FRA and Amtrak, May 2013); and *Finding of No Significant Impact, Supplemental Environmental Assessment for Construction of a Concrete Casing Extension in the Hudson Yards, New York, New York.* (FRA and Amtrak, November 2014)

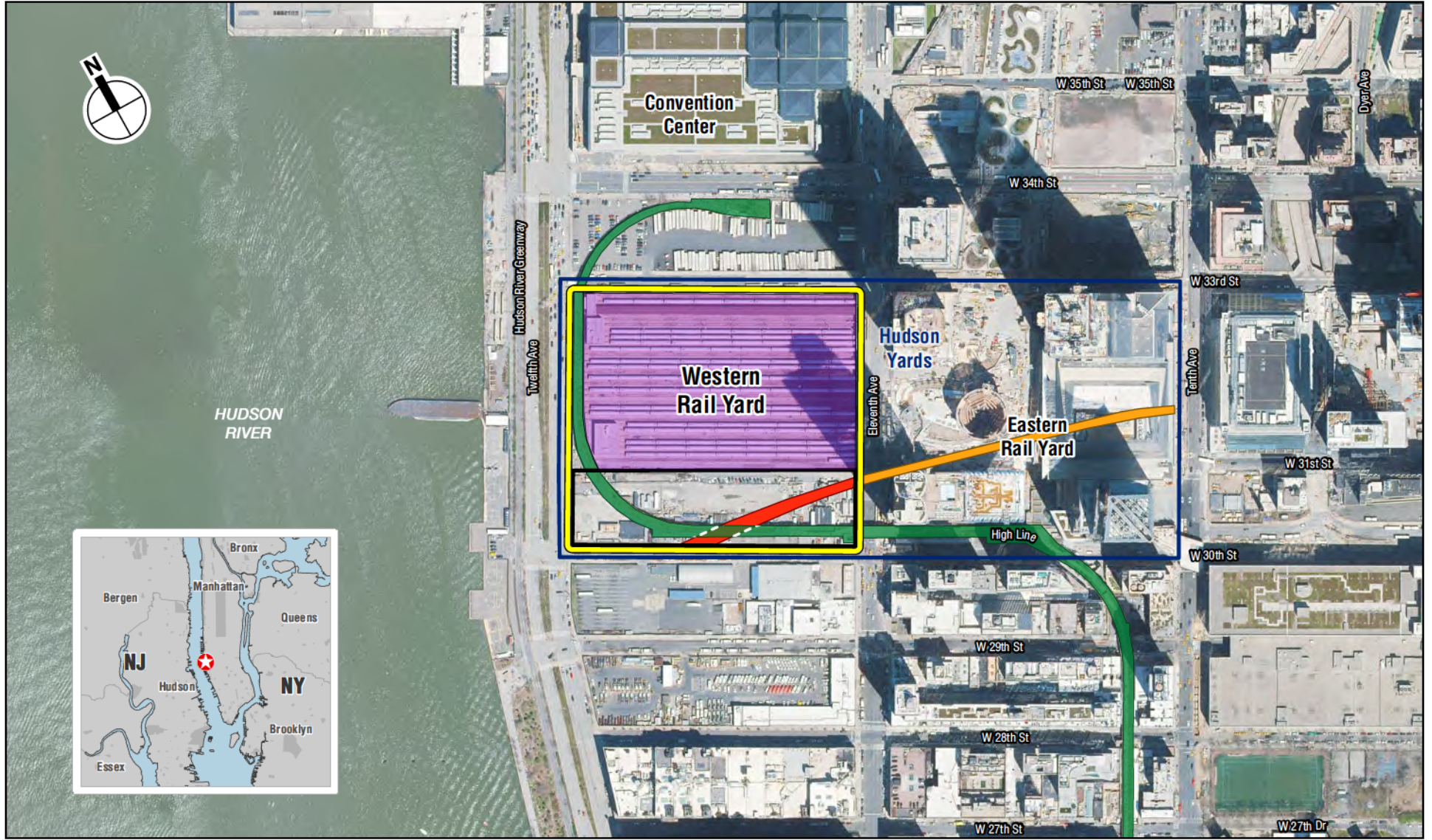
If you have any questions regarding the Project or are interested in participating in consultation, please contact me at laura.shick@dot.gov or (202) 366-0340. You may also respond via mail; however, FRA staff are only periodically able to check mail delivered to the USDOT headquarters building while we are working remotely.

Sincerely,

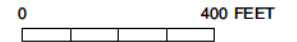
A handwritten signature in blue ink that reads "Laura A. Shick". The signature is written in a cursive style and is positioned above the typed name and title.

Laura Shick
Supervisory Environmental Protection Specialist
Office of Railroad Policy and Development

Enclosures



- Project Site (Western Rail Yard)
- Hudson Yards
- Approximate Terra Firma Area
- Proposed Platform
- Existing Concrete Encasement
- Proposed Tunnel Encasement
- Existing High Line Park (Remains Unaltered)



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July 29, 2020

Bryan Polite, Daniel S. Collins, Sr., Eugene Cuffee, II, Trustees
Shinnecock Indian Nation
Shinnecock Indian Nation Tribal Office
P.O. Box 5006
Southampton, NY 11969-5006
Copy To: David Martine and Josephine Smith

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Laura Shick
Supervisory Environmental Protection Specialist
Office of Railroad Policy and Development

Enclosures