

Appendix B-8
Public Involvement Plan

Transportation Project Report

Public Involvement Plan

October 2020

Livingston Avenue Bridge
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City of Albany, Albany County
and
City of Rensselaer, Rensselaer County



Department of
Transportation



U.S. Department of Transportation
Federal Railroad Administration

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Overview

1. Project Overview and Location

The New York State Department of Transportation (NYSDOT) is proposing to replace the Livingston Avenue Bridge (the Project), which spans the Hudson River between the Cities of Albany and Rensselaer, providing a critical rail link on New York State's Empire Corridor. The bridge, which CSX Transportation Inc. (CSX) owns and the National Railroad Passenger Corporation (Amtrak) maintains and operates, is nearing the end of its serviceable life. Amtrak uses the bridge for intercity passenger trains traveling on the Empire Corridor route and CSX and Canadian Pacific (CP) use the bridge for freight rail service. NYSDOT has been awarded a Federal grant to conduct preliminary engineering and environmental studies for the Project from the U.S. Department of Transportation (USDOT), through the Federal Railroad Administration (FRA).

The Livingston Avenue Bridge is a rail bridge crossing the Hudson River between the City of Rensselaer in Rensselaer County, New York and the City of Albany in Albany County, New York. The bridge is located at Milepost QC 143.1 on the CSX Transportation, Inc. (CSXT) Hudson Subdivision and forms part of the Empire Corridor, which is the principal passenger and freight route in New York State. The 463-mile Empire Corridor traverses 24 counties from New York City to Niagara Falls and provides for the rail transport of both freight and passengers throughout New York State. The bridge is used by all Amtrak trains serving areas north or west of Albany, including Amtrak's Ethan Allen Express route to Rutland, Vermont, Amtrak's Adirondack route to Montreal, and service to Niagara Falls, Chicago, and Toronto. Approximately 12 Amtrak trains cross the bridge each day. CSXT and Canadian Pacific Railway also operate an average of six freight trains across the bridge each day.

High-speed intercity passenger rail (HSIPR) service along the Empire Corridor is critical to New York State's economic future and environmental sustainability. To improve intercity passenger rail service while strengthening the freight rail system, FRA and NYSDOT are jointly preparing a Tier 1 Environmental Impact Statement (EIS) for HSIPR Service Development on the Empire Corridor. A Tier 1 Draft EIS was published in January 2014 that evaluates alternatives to introduce higher passenger train speeds on the Empire Corridor and improve reliability, travel times, service frequency, and passenger amenities. The Livingston Avenue Bridge is a restrictive bottleneck along the Empire Corridor that impedes future HSIPR plans. The current restrictions on bridge operations compromise the short- and long-term utility and vitality of New York's passenger and freight rail service via the Empire Corridor. Improving the existing crossing is an essential component of developing a successful HSIPR corridor in New York State and providing ample connection to New York City.

The purpose of the Project is to improve reliability and reduce passenger and freight train delays along this segment of the Empire Corridor; achieve (at a minimum) a long-term state-of-good-repair for the bridge; eliminate existing bridge and track deficiencies; and maintain or improve navigation near the bridge. This will ensure that the Livingston Avenue Bridge meets modern passenger and freight rail capacity and load (weight) standards, maintains acceptable levels of safety, and supports the long-term utility and vitality of the Empire Corridor.

The superstructure of the existing bridge was erected in 1901-1903 on a substructure that dates to the 1860s. Recent inspections have confirmed that the bridge has significant deterioration. The superstructure and substructure are in fair to poor condition, including some components with substantial corrosion and several piers that are in critical condition, including piers that have substantial undermining of the timber foundations that support the stone piers. The bridge was not designed for and does not meet modern seismic codes. The mechanical portions of the swing span are significantly worn and require near constant maintenance to remain operable. The swing span frequently malfunctions, resulting in delays to passenger trains, freight trains, and boat traffic using the Hudson River.

In addition, the bridge does not meet current design standards related to load, speed, and vertical clearance, and therefore passenger and freight trains operating over the bridge must comply with restrictions related to weight and speed. The bridge also has non-standard vertical and horizontal clearances, which limit the types of carriages and freight that can traverse the span. In addition to the obsolete design of the bridge, its current deteriorated state further limits train weight and speed on the crossing. As a result, the two-track bridge can be used only by one train at a time and the maximum authorized speed is 15 miles per hour (mph).

The existing Livingston Avenue Bridge has been identified as a contributing factor to delays in the movement of freight and passengers throughout New York State. The Project is essential to implementing future rail plans and improving state-wide transport.

The stated goals of the Project are to:

Goal 1 – Improve passenger rail operations, service reliability, and operational flexibility.

Goal 2 – Improve the load capacity of the corridor and remove existing structural operational limitations.

Goal 3 – Minimize conflicts with navigational traffic.

2. Purpose of this Public Involvement Plan

The purpose of this Public Involvement Plan is to develop and implement a program which engages the public and resource agencies to participate in the development of the Project.

The goals of public involvement for this Project are to:

- Provide information about the Project, including its purpose and need, alternatives considered, and potential environmental effects, to the public, interested parties and stakeholders, and resource agencies.
- Hear and respond to public concerns about the Project.

This Public Involvement Plan will be carried out in compliance with Federal and state policies.

Context Identification

The Livingston Avenue Bridge has been a prominent feature of the Albany landscape since 1867. It is a critical crossing for passenger rail and, to a lesser extent, freight rail, connecting the cities of Rensselaer and Albany. NYSDOT has been awarded a Federal grant for the Livingston Avenue Bridge Project for preliminary engineering and environmental analysis from FRA. The proposed work will require Federal regulatory approvals for construction activities within and over a navigable waterway of the United States from the U.S. Army Corps of Engineers and the U.S. Coast Guard.

The Livingston Avenue Bridge spans a navigable portion of the Hudson River and has a vertical clearance above the water that varies from 25 to 30 feet, depending on the tide. The structure is a swing span movable bridge. In the past 15 years, the bridge has opened as many as 474 times a year (in the peak year of 2005). In recent years, the bridge opened for ships an average of 300 times a year, generally during the boating season between April and November.

In Rensselaer, the bridge touches down close to an approximately 45-acre Amtrak engine rail maintenance yard and north of the Albany-Rensselaer Amtrak station. Much of the shoreline near the bridge in Rensselaer is heavily wooded; the area north of the bridge is planned for redevelopment as part of the Kiliaen's Landing project. The City of Rensselaer intends to extend the Rensselaer Riverwalk Trail from its existing 0.3-mile segment near the Dunn Memorial Bridge farther north along the eastern shore of the Hudson River, passing beneath the Livingston Avenue Bridge.

In Albany, the bridge touches down near Corning Riverfront Park, which is owned and operated by the City of Albany. This is an active recreational area with a bicycle path, community rowing facilities and a boat launch in the immediate vicinity of the bridge. The bicycle path, which is part of the regional Mohawk-Hudson Bike-Hike Trail, and an off ramp of I-787, which provides vehicular access to the park, pass underneath the Livingston Avenue Bridge. In addition, NYSDOT is currently undertaking the Albany Skyway project in this area, which will convert the U.S. Route 9 ramp that extends from Quay Street to Broadway into a pedestrian promenade closed to traffic. Several parking lots owned by the State of New York are also beneath and near the bridge.

The bridge is a historic structure that is eligible for listing on the National Register of Historic Places (NR-eligible). FRA and NYSDOT, in consultation with the New York State Historic Preservation Office (SHPO), have determined that the Project would result in an adverse effect on the Livingston Avenue Bridge, which would be demolished as part of the Project.

On the west side of the river west of the bridge abutment, the two-track west approach is on a berm that passes beneath a viaduct carrying eight lanes of

Interstate 787 (I-787) and then passes across a series of five additional bridges over Water Street, Centre Street-Erie Boulevard, a CP freight line (and unbuilt location of Montgomery Street), Colonie Street and Broadway, and North Pearl Street. This stretch of track, including the bridges and the earthen berm between them, is NR-eligible and was historically referred to as the Albany Railroad Viaduct.

A 2008 study prepared by the Capital District Transportation Committee and NYSDOT, the Hudson River Crossing Study, recommended implementation of a bicycle/pedestrian crossing as part of future work on the Livingston Avenue Bridge. A long abandoned and closed seven-foot wide timber deck maintenance walkway exists on the south side of the bridge. The Hudson River Crossing Study identified the bridge as a desired trail link between Albany and Rensselaer, with potential for regional commuter use as well as recreational use. The Livingston Avenue Bridge was also identified as a potential bike route in the 2009 City of Albany Bicycle Master Plan, Albany 2030 Plan, and the July 2011 Final Draft City of Rensselaer Local Waterfront Revitalization Program. The Capital District Transportation Committee included this bridge in its 2010-2015 TIP (Transportation Improvement Program) with a notation that “this project includes pedestrian accommodations.”

1. Stakeholders

The following is a list of potential stakeholders.

Public

Albany Port District Commission
Albany Rowing Center
Albany Irish Rowing Club
Albany Yacht Club
Arbor Hill Concerned Citizens
Arbor Hill Neighborhood Association
Bridge Line Historical Society
C. Springer Welding Works and Marina
Capital District Transportation Committee
Captain JP Cruise Line
Coeymans Marine Towing
Council of Albany Neighborhood Associations
Dutch Apple Cruises
Historic Albany Foundation
Hudson River Pilots
Hudson River Riverkeeper
Livingston Avenue Bridge Coalition
National Railway Historical Society Mohawk and Hudson Chapter
New York Central Historical Society
North Albany Shaker Neighborhood Association
North End Neighborhood Association

NYS Marine Transportation
Partners for Albany Stories
Rensselaer Polytechnic Institute
Shaker Rowing Association
Trinity Institution-Homer Perkins Center
University of Albany Boat House
Other local marine users
Local residents in Albany and Rensselaer who live within 1,000 feet of the project site
Owners of affected properties

Federal Agencies

Federal Railroad Administration*
United States Coast Guard**
United States Fish & Wildlife Service
United States Army Corps of Engineers**
United States Environmental Protection Agency
National Marine Fisheries Service

* Lead Federal Agency

** Cooperating Agencies. FRA will invite potential cooperating Federal agencies.

State Agencies

NYS Department of Environmental Conservation
NYS Office of General Services (Owner of riverbed and parking lots under and near the bridge in Albany)
NYS Department of State (NYSDOS)
NYSDOS Division of Coastal Resources
NYS Office of Parks, Recreation and Historic Preservation
Hudson River Valley Greenway

Municipal and County Government

Albany Department of Planning and Development
Albany Department of Recreation
Albany Department of General Services (includes engineering division, parks, and streets)
Albany Fire Department
Albany Police Department
Rensselaer Planning Department
Rensselaer Historian
Rensselaer Fire Department
Rensselaer Police Department
City of Troy
County of Albany
County of Rensselaer
Town of North Greenbush

Local Elected Officials

Charles E. Schumer, U.S. Senator for New York
Kirsten Gillibrand, U.S. Senator for New York
Paul Tonko, U.S. Representative, District 20, New York
Daphne V. Jordan, New York State Senator, District 43
Neil D. Breslin, New York State Senator, District 44
John McDonald III, New York State Assembly Member, 108th District
Mayor Kathy Sheehan, City of Albany
Mayor Michael Stammel, City of Rensselaer
Joyce Love, City of Albany Common Council, Ward 3 representative
Kelly Kimbrough, City of Albany Common Council, Ward 4 representative
Jahmel Robinson, City of Albany Common Council, Ward 5 representative
Dave Gardner, City of Rensselaer Common Council, Second Ward Alderperson
Bryan Leahey, City of Rensselaer Common Council, Third Ward Alderperson

Rail

CSXT
Amtrak
Canadian Pacific

Transportation Agencies/ Planning Organizations

Capital District Regional Planning Commission
Capital District Transportation Authority
Capital District Transportation Committee

Business and Non-Governmental Organizations

Albany Bicycle Coalition
Center for Economic Growth
Chamber of Commerce (Albany)
Chamber of Commerce (Rensselaer County)
Empire State Passengers Association
North Albany Industrial Area
NYS Bicycle Coalition
Parks & Trails New York
Scenic Hudson
Troy Bike Rescue

2. Potential Concerns

Based on the bridge's setting and the issues identified at the beginning of this section, the following topics may be concerns during public involvement and agency review:

- Provision of bicycle and pedestrian access on the Livingston Avenue Bridge
- Effects to historic resources, including the Livingston Avenue Bridge and the Albany Railroad Viaduct

- Boating, especially concerning boaters' access on the river during bridge construction
- Visual impacts, given the bridge's prominence on the Hudson River
- Potential impacts during construction of the Project

Public Involvement Objectives

1. Anticipated Level of Public Involvement

This Project is expected to have a high level of public interest. There is high public interest in improving passenger rail, especially west of Albany in New York State. The Livingston Avenue Bridge is a critical link in both maintaining and improving passenger rail service west of Albany. The high attendance at previous public meetings for the Empire Corridor Project Tier 1 EIS (approximately 400 attendees at scoping meetings) indicates a high level of interest in high speed rail service. The Livingston Avenue Bridge has been cited as a vital link for a regional bicycle trail system. The bridge also touches down near the Corning Riverfront Park in Albany, an active recreational area with organized boating programs as well as a multi-use pathway that passes under the bridge. In fall 2011 a bicycle/pedestrian access advocacy group, the Livingston Avenue Bridge Coalition, was organized. The group has worked to build political and public support for multimodal access on the bridge. Resolutions supporting bike and pedestrian access have been supported by the City of Albany, City of Rensselaer, Rensselaer County, Hudson River Valley Greenway, Friends of the Mohawk-Hudson Bike-Hike Trail and the New York League of Conservation Voters.

2. Communication Methods, Public Education and Outreach

This *Public Involvement Plan* has several components that will be used to inform the public about Project developments and to ensure that all stakeholders are given an opportunity to participate in the Project. These components will be tailored as appropriate so that the outreach process can remain flexible in developing project needs and opportunities.

- At least one **public informational meeting** will be held to both give and receive information. The format of this meeting will be an informal open house designed to gather community viewpoints. This open house format will feature information boards, displays and a slide presentation. The format will allow the public ample opportunity to speak directly, one-on-one, to members of the project team. Members of the team will be on hand to explain the displays and answer questions and stakeholders will be encouraged to provide input for consideration as the Project continues. There may also be opportunities for interactive participation (such as inviting attendees to put comments on maps.)

Before the public informational meeting, the Project team will review the material to be presented and the objectives of the meeting with FRA.

- **Informational materials** will be developed to meet communication objectives. Listed below are the materials anticipated to be used in the Livingston Avenue Bridge Project.
 1. **FAQs (*Frequently Asked Questions*)** are an effective tool to address specific questions the public has raised. Well-developed FAQs written in an easy-to-read style indicate the study team has heard public concerns and has grasped community issues. FAQs can cover a broad spectrum of topics in one document. FAQs will be developed for the Project website.
 2. **Fact Sheets and Handouts** are effective at conveying Project details, especially if graphics are used to visually illustrate information. It is expected fact sheets and handouts will be prepared for the public meetings.
 3. **Slide presentation** will be developed for the public information meeting as a communication tool for the meeting and potentially the project website.

- **Other meetings, briefings, and day-to-day contacts.** The team will hold meetings with groups of stakeholders as appropriate. Meetings may be with:
 - Local community residents, associations, and interests, including individuals and commuters;
 - Federal, state, regional, and local agencies;
 - Regulatory agencies;
 - County and regional planning, transportation, and other departments;
 - Cooperating and participating agencies;
 - Consulting parties (in accordance with Section 106 of the National Historic Preservation Act of 1966);
 - Businesses and proposed developers;
 - Media briefings (in coordination with NYSDOT's Office of Communications, Office of Major Projects and Rail Projects Group).

- A **Project website** has been developed by NYSDOT in collaboration with the bridge design consultant so that the public can easily learn about the Project and provide comment. This site has an overview of the Project, summaries of meetings and presentations, project reports and developments and information on the status of the project. Visitors can add themselves to the contact list on the website and submit comments via e-mail to the NYSDOT Project Manager. The website will be updated regularly. The website is located at the following address: <https://www.dot.ny.gov/livingstonavebridge>

- A **Project contact list** has been developed and will be continually updated. This list allows the Project team to provide notification of upcoming meetings and provide Project updates to stakeholders and interested members of the public. Communication will be done as much as possible by email for cost effectiveness and efficiency. When email addresses are not available, information will be sent via US Postal Service.
- A **record of public comments** will be kept to ensure meaningful consideration of public knowledge and opinion. All emails and comments, submitted either through the website or in writing, will be responded to directly by the NYSDOT Project Manager. A report of all comments received will be distributed to and reviewed by the Project team on a monthly basis. This report will summarize key points of information and will categorize comments by topic area. Individual comments that require a more timely review and response will be distributed as received. Additionally, public comment on the Environmental Assessment will be logged. Responses to the comments will be made in the final EA.

3. Environmental Justice

A 1994 Presidential Executive Order directed every Federal agency to make environmental justice part of its mission by identifying and addressing the effects of all programs, policies, and activities on minority populations and low-income populations. Environmental justice requires special outreach where there is potential for disproportionate impact on minority and/or low income communities. The goal is to involve the potentially affected public in developing transportation projects that fit harmoniously within their communities without sacrificing safety or mobility. Areas near the Livingston Avenue Bridge in both Albany and Rensselaer have environmental justice populations, based on U.S. Census data. NYSDOT will make efforts to reach these residents through targeted outreach.

4. Limited English Proficiency Individuals

Federal Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency*, dated August 11, 2000, requires implementation of reasonable steps to ensure meaningful access to services and activities to individuals who do not speak English as their primary language and who have limited ability to read, speak, write, or understand English. These individuals are considered to have limited English proficiency (LEP). Public outreach for the Project will be consistent with Executive Order 13166. To provide accessibility for LEP populations, NYSDOT will offer translation services for public meetings upon request by LEP populations where feasible.¹

¹ Based on U.S. Census data, in neighborhoods in the vicinity of the Project site, fewer than 5 percent of residents are LEP individuals.

5. Americans with Disabilities Act Compliance

The Americans with Disabilities Act of 1990 prohibits discrimination based on disability and requires that public activities be made accessible to those with disabilities. All public meetings will be accessible as required by the Americans with Disabilities Act. All electronic communications will comply with Section 508 of the Rehabilitation Act of 1973, as amended, which “require[s] Federal agencies to make their electronic and information technology accessible to people with disabilities.” All notices announcing public meetings will provide instructions for requesting other special accommodations (e.g., translations or captioning).

Action Steps

The Project team will continue to share knowledge with stakeholders through the tools described earlier and to reassess the strategies needed to ensure an effective public involvement process.

1. Responsibilities

A public outreach team will be formed to provide timely and consistent information to the public. This team is also charged with responsibility for listening to public concerns.

For a public involvement process to be successful, public input and concerns must be shared with all Project team members so that feedback and input are appropriately integrated into the engineering and environmental elements of the Project. All team members, including the consultant team, play an integral role in the public outreach effort and will be kept abreast of outreach developments to ensure that public concerns are considered and addressed. Under the direction of the NYSDOT Public Information Officer, the consultant team will assist the Department with the preparation of presentations for public meetings, development of outreach tools, formulation of strategies, and coordination tasks with Project stakeholders. FRA's involvement is crucial to the development of all public involvement processes and materials.

All requests from elected officials and media regarding the Project will be directed to the NYSDOT Office of Communications, and the Consultant Team will function in a support role to NYSDOT.

2. Purpose and Expected Outcome

All outreach activities, such as meetings and open houses, will have a stated purpose and goal, developed in coordination with FRA. These are discussed at internal Project team meetings with the goal of making each activity as effective as possible. Activities are described in the Public Involvement Objectives section.

3. Outreach to Date

Outreach to several interested groups has already taken place:

- On September 30, 2010 a discussion of the Project took place at the offices of the Capital District Transportation Committee (CDTC) that included representatives of the CDTC, Albany County, the City of Rensselaer, the New York Bicycling Coalition, the Capital District Transportation Authority, the City of Albany Engineering and select members of the outreach team. All present were encouraged to provide input into the process.
- On June 22, 2011 representatives of the City of Rensselaer and the City of Albany planning departments met with members of the design team to

receive a briefing on the status of the Livingston Avenue Bridge Project and to solicit input.

- On July 6, 2011 the NYSDOT, Director, Office of Major Projects and the NYSDOT, Director, Rail Projects Group briefed the CDTC Planning Committee of the status of projects associated with the High Speed Intercity Passenger Rail Service Development on the Empire Corridor including the Livingston Avenue Bridge Project.
- On August 5, 2015, a coordination meeting was held with the State Historic Preservation Officer (SHPO) at the Peebles Island offices of the New York State Office of Parks, Recreation and Historic Preservation (OPRHP). The NYSDOT Cultural Resources Coordinator and Project Manager and consultant managers attended. Coordination topics included rehabilitation, reuse, and relocation of the existing bridge as well as replacement alternatives.
- A Threat and Vulnerability Assessment (TVA) and Preliminary Hazard Analysis (PHA) were conducted in coordination with local, state and Amtrak emergency services to solicit their input on the TVA/PHA process. The Final TVA/PHA documents were submitted to NYSDOT on May 4, 2018.
- The consultant team, in conjunction with NYSDOT, prepared a Navigation Report that solicited input from the local users of the Hudson River in the vicinity of the Livingston Avenue Bridge Project. The purpose of this report was to ascertain the current uses and future needs for the LAB from the riverine stakeholders. The Final Navigation Report was submitted to NYSDOT on July 29, 2018.

Public outreach activities for the Livingston Avenue Bridge will continue as design progresses.

4. Schedule

Public involvement activities are in progress and will include a public information meeting when the Environmental Assessment is available for review and comment. The purpose of this meeting will be to inform the public about the Project and listen to concerns. A more detailed schedule for public involvement will be provided as Project details are defined.

Implement, Monitor and Update PI Plan

1. Implementation and Monitoring

The *Public Involvement Plan* will be in place and implemented throughout the planning, design and construction phases. While the Project may be subject to schedule or scope changes, the *Public Involvement Plan* will remain focused on creating and maintaining two-way communication between the Project sponsors and the public, thereby obtaining meaningful communication with Project stakeholders.

Although implementation is important, periodic evaluation and constant monitoring of the plan's effectiveness are essential to reaching its objectives.

2. Documentation

A Public Involvement Record will be maintained throughout the Project that includes every public comment received, and corresponding responses by Project members. Project documentation will meet all state and Federal requirements.

This Project's documentation and updates procedures include the following routine tasks:

- All Project correspondence – letters, emails, and telephone calls will be considered part of the Project record.
- Mail will be stamped with received dates and routed to the Project team as appropriate.
- The original submittals will be scanned and then mailed to NYSDOT Project Manager Mark Jakubiak and a copy will be filed in chronological order in the Project Office. Scanned copies will be placed on the NYSDOT server.
- All incoming comments submitted to the Livingston Avenue Bridge website are considered Project correspondence. The NYSDOT Project Manager will respond to e-mails once a week in coordination with FRA as appropriate. Copies of the comments and the responses will be sent to the Public Involvement Database Manager.

3. Public Involvement Plan Updates

Strategies for outreach will be developed, refined, and reassessed throughout the Project to ensure that the public involvement process is effective and provides stakeholders a voice during Project development. Individual plans

targeting specific populations are anticipated, and the elements of the plan will undergo frequent evaluations with the goal of improving the process.