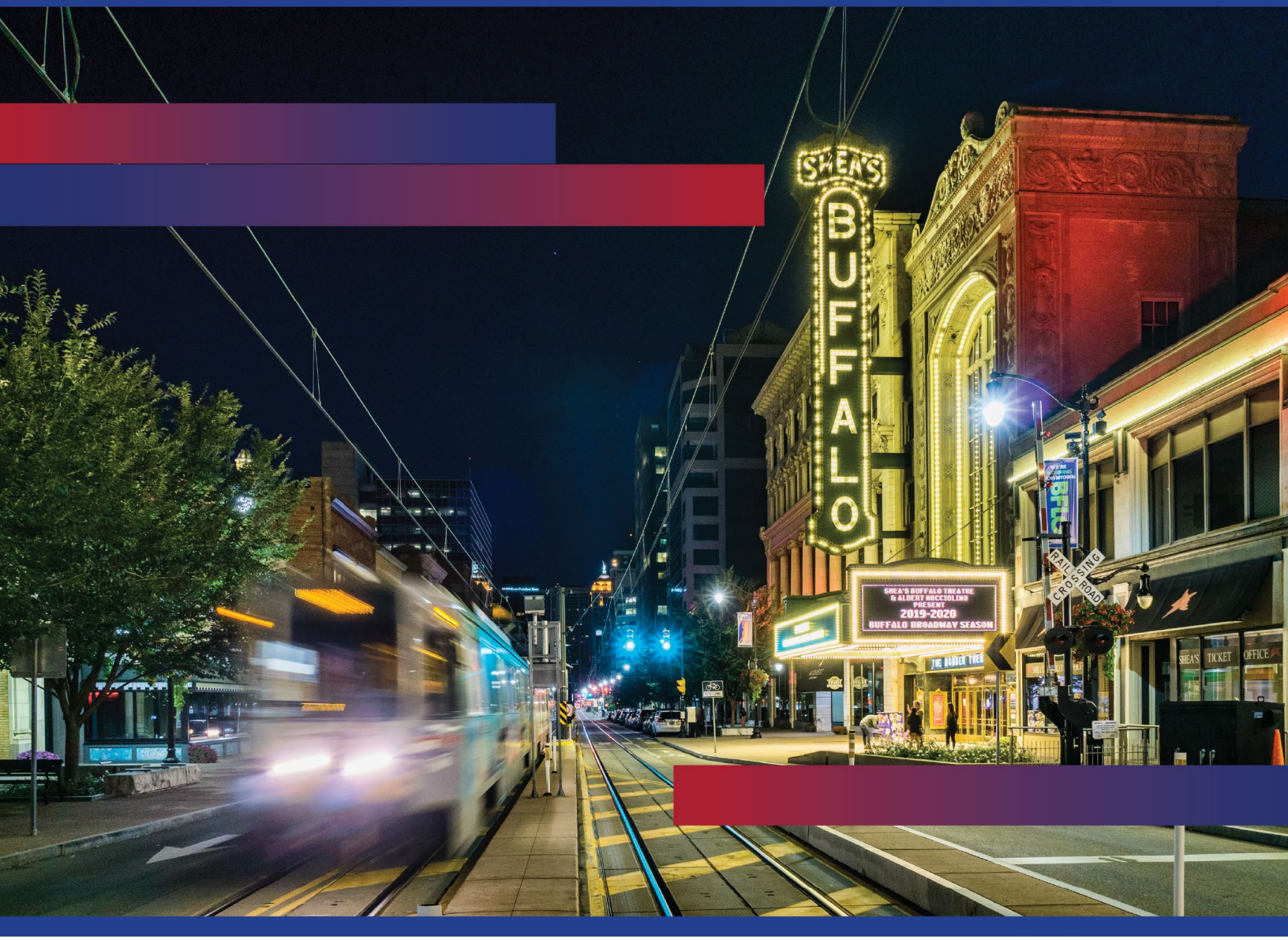
Buffalo-Amherst-Tonawanda Corridor Transit Expansion Project

Final Environmental Impact Statement
Record of Decision



U.S. Department of Transportation
Federal Transit Administration

NFTA-METRO

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Acronyms / Abbreviations

BRT ..... Bus Rapid Transit
DEIS ..... Draft Environmental Impact Statement
EIS ..... Environmental Impact Statement
FTA ..... Federal Transit Administration
GBNRTC ..... Greater Buffalo-Niagara Regional Transportation Council
LPA ..... Locally Preferred Alternative
LRT ..... Light Rail Transit
Metro ..... Niagara Frontier Transit Metro System, Inc.
Metro Rail ..... Metro Light Rail Transit Line
mph ..... Miles per Hour
MUTCD ..... Manual on Uniform Traffic Control Devices for Streets and Highways
NEPA ..... National Environmental Policy Act
NFTA ..... Niagara Frontier Transportation Authority
NYSDOT ..... New York State Department of Transportation
Project ..... Buffalo-Amherst-Tonawanda Corridor Transit Expansion
ROD ..... Record of Decision
SEQR ..... State Environmental Quality Review Act
STOPS ..... Simplified Trips-on-Project Software
SUNY ..... State University of New York
TSP ..... Traffic Signal Priority
UB ..... University at Buffalo

Record of Decision

1.1 INTRODUCTION

The Federal Transit Administration (FTA) issues this combined Final Environmental Impact Statement and Record of Decision (ROD) for the proposed Buffalo-Amherst-Tonawanda Corridor Transit Expansion Project ("Transit Expansion" or the "Project") by Niagara Frontier Transit Metro System, Inc. (Metro), and finds that the requirements of the National Environmental Policy Act (NEPA) of 1969 (42 United States Code (U.S.C.) §§ 4321et seq.) have been satisfied pursuant to 23 Code of Federal Regulations (CFR) 771.127. FTA conducted a thorough and independent review of the Project analyzing the environmental effects of the construction and future operation of the Project alternatives considered. In addition, this ROD makes findings and meets the legal requirements regarding the following:

- The U.S. Department of Transportation's (U.S. DOT) Efficient Environmental Reviews for Decision-Making (23 U.S.C. §139),
- Section 4(f) of the U.S. DOT Act of 1966,
- Section 106 of the Historic Preservation Act of 1966,
- FTA's Environmental Impact and Related Procedures (23 CFR 771)[1], and
- FTA's Interim Final Rule: Environmental Impact and Related Procedures (July 3, 2025).

On January 20, 2025, President Trump signed Executive Order (EO) 14148, Initial Rescissions of Harmful Executive Orders and Actions, and EO 14154, Unleashing American Energy. The EOs revoked EO 13990, Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis (January 20, 2021), and EO 14008, Tackling the Climate Crisis at Home and Abroad (January 27, 2021). On January 21, 2025, President Trump signed EO 14173, Ending Illegal Discrimination and Restoring Merit-Based Opportunity, which revoked EO 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (February 11, 1994). Subsequently on January 29, 2025, Secretary Duffy signed a Memorandum for Secretarial Offices and Heads of Operating Administrations, titled Implementation of Executive Orders Addressing Energy, Climate Change, Diversity, and Gender. Then, on February 25, 2025, the Council on Environmental Quality (CEQ) published an Interim Final Rule removing CEQ's NEPA implementing regulations, effective April 11, 2025 (90 Fed. Reg. 10610). As a result of these actions, FTA has not included impacts or analyses related to climate change, greenhouse gas emissions, or environmental justice in this ROD. Any reference to climate change, greenhouse gas emissions, or environmental justice in the FEIS are

[1] FTA's Environmental Impact and Related Procedures: *https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/NEPA_reg_clean%281%29.pdf*

put forth to satisfy state and local requirements. Social, economic, and community impacts were considered where applicable in accordance with 23 CFR part 771.

As discussed above, President Trump signed EO 14154 – Unleashing American Energy and CEQ published an IFR removing the CEQ NEPA implementing regulations. Subsequently, on February 19, 2025, CEQ issued a memorandum, Implementation of the National Environmental Policy Act, which acknowledged that the Fiscal Responsibility Act of 2023, known as the Building United States Infrastructure through Limited Delays and Efficient Reviews (BUILDER) Act of 2023, amended NEPA to clarify that EISs must analyze and disclose the "reasonably foreseeable environmental effects of the proposed agency action." CEQ encouraged Federal agencies to "analyze the reasonably foreseeable effects of the proposed action consistent with Section 102 of NEPA, which does not employ the term 'cumulative effects;'[…and the agencies should consider] 'reasonably foreseeable' effects, regardless of whether or not those effects might be characterized as 'cumulative.'"

On July 3, 2025, FHWA, FRA, and FTA published a joint IFR revising the NEPA implementing regulations at 23 CFR part 771. The IFR modifies the joint regulations implementing NEPA to remove cross-references to the CEQ regulations, and to include "reasonably foreseeable" before the terms "impact" and "effect" to reflect the amendments to NEPA included in the BUILDER Act of 2023.

Accordingly, relying upon the NEPA requirements, as revised by the BUILDER Act of 2023, and 23 CFR Part 771, as revised in July 2025, this ROD for the Project takes into account reasonably foreseeable effects that result from the proposed action. This ROD considers reasonably foreseeable effects that have a rational link to the Project in terms of geographic and temporal proximity, and that are sufficiently likely to occur. Any reference to cumulative or indirect effects in the FEIS are put forth to satisfy state and local requirements.

1.1.1 Cooperating and Participating Agencies

The Niagara Frontier Transit Metro System, Inc. (Metro), the joint lead agency and Project Sponsor, is responsible for implementing the Project through final design and construction. Metro is also responsible for implementing the measures to avoid, minimize, or mitigate potential impacts as described below in "Summary of Environmental Consequences," of this ROD. Cooperating and Participating Agencies for the Project are listed in Table 1.

Table 1. Cooperating and Participating Agencies

Agency		Accepted Role	Responsibilities
Project Sponsor	Niagara Frontier Transit Metro System, Inc. (Metro)	Project Sponsor and Joint Lead Agency	Plan and design project; conduct environmental review process; facilitate opportunity for public and agency involvement
Federal Agencies	Federal Transit Administration (FTA)	Federal Lead Agency	Manage environmental review process; conduct independent review of environmental impact statement; prepare NEPA decision document; financing and funding
	Federal Highway Administration	Cooperating Agency	Consultation on potential impacts to the national highway system
	U.S. Environmental Protection Agency	Cooperating Agency	Consultation related to the Clean Air Act and Section 309 concurrence
	U.S. Department of Interior, Office of Environmental Policy and Compliance	Cooperating Agency	Consultation related to Section 4(f) of the U.S. DOT Act as an agency with jurisdiction, Section 106 of the National Historic Preservation Act of 1966
Federal Agencies	U.S. Army Corps of Engineers	Cooperating Agency	Consultation related to the Section 404 Clean Water Act; 33 USC 408 (Section 408); Section 10 of the Rivers & Harbors Act of 1899
	U.S. Fish & Wildlife Service	Cooperating Agency	Consultation on Endangered Species Act compliance
State Agencies	Empire State Development	Cooperating Agency	Provided funding support for completion of the NEPA assessment
	New York State Department of Transportation	Cooperating Agency	Consultation on potential impacts to the state roadway and highway system
	New York State Department of Environmental Conservation	Cooperating Agency	Consultation related to New York State environmental permits
	New York State Office of Parks, Recreation and Historic Preservation – State Historic Preservation Office	Cooperating Agency	Consultation related to the Section 106, National Historic Preservation Act; Section 4(f), U.S. Department of Transportation Act
	Dormitory Authority State of New York (DASNY)/ State University of New York	Cooperating Agency	Consultation related to University at Buffalo campus
Local and Regional Agencies	Erie County Public Works	Cooperating Agency	Consultation related to the transportation right-of-way
	Greater Buffalo Niagara Regional Transportation Council (GBNRTC)	Participating Agency	Consultation related to traffic modeling and forecasting
	Erie County Department of Environment and Planning	Participating Agency	Consultation related to planning and development
	City of Buffalo	Participating Agency	Consultation related to ongoing and planned development within the project study area and other topics as needed
	Town of Amherst	Participating Agency	Consultation related to ongoing and planned development within the project study area and other topics as needed
	Town of Tonawanda	Participating Agency	Consultation related to ongoing and planned development within the project study area and other topics as needed

FEDERAL TRANSIT ADMINISTRATION DECISION

FTA has determined, pursuant to FTA's Environmental Impact and Related Procedures (23 CFR Part 771) and the U.S. DOT Efficient Environmental Reviews for Decision-Making (23 U.S.C. §139), that the requirements of NEPA are satisfied for the Project. This ROD memorializes FTA's review of the No Build Alternative, Light Rail Transit (LRT) Build Alternative, and Bus Rapid Transit (BRT) Build Alternative, described below in Chapter 1, "Introduction," of the Final Environmental Impact Statement (FEIS).

FTA weighed and balanced the potential environmental effects associated with the two Build Alternatives against those associated with the No Build Alternative. Based on thorough and careful consideration of the potential short-term and long-term benefits and reasonably foreseeable impacts of the Build Alternatives; mitigation of impacts; and public and agency comments, FTA determined that while in the short-term, the No Build Alternative would have potentially fewer impacts on the environment than the two Build Alternatives, the beneficial effects that the LRT Build Alternative and BRT Build Alternative would have on transportation, improvements to the public good, and creation of new publicly accessible open space outweigh the potential adverse impacts that could occur because of its construction and operation.

Metro has identified the LRT Build Alternative as the Locally Preferred Alternative (LPA) because it best satisfies the purpose and need of the Project as compared to the other alternatives by providing high-quality transit service that would serve transit dependent riders (30 percent more than BRT), provide a faster travel time, and not require a transfer at University Station. According to Metro the LRT Build Alternative would best address the goal of mitigating the growth of traffic congestion by resulting in a higher forecasted share of automobile trips shifting to transit trips (as compared to BRT) and result in over 11 million fewer forecasted automobile miles travelled annually (as compared to the No Build). According to Metro, the LRT Build Alternative would best address the goal of increasing the effectiveness of the regional transit system by resulting in the forecasted greatest increase in system ridership and system revenue (as compared to BRT). According to Metro, the LRT Build Alternative would best address the goal of supporting sustainable future economic growth by attracting the greatest increase in economic development and redevelopment (as compared to BRT) according to the Transit-Oriented Development 2019 Final Report prepared by NFTA Metro and GBNTRC.[2]

FTA also completed a Section 4(f) Evaluation in accordance with Section 4(f) of the U.S. DOT Act of 1966 and its implementing regulations. The Section 4(f) Evaluation is included in Chapter 5, "Section 4(f) Evaluation," and Appendix D, "Section 4(f) Evaluation," of the FEIS.

[2] Metro Transit Expansion Draft Environmental Impact Statement, Chapter 1 Purpose and Need

1.2 BASIS OF DECISION

FTA considered various documents in making its decision, which include the July 2025 Draft Environmental Impact Statement (DEIS) (the DEIS can be found, in full, in Appendix A of the FEIS); the FEIS; the Section 4(f) Evaluation (FEIS Chapter 5 and Appendix D); responses to comments from public agencies, interested organizations, and the general public received on the DEIS (FEIS Appendix C); as well as technical memoranda, correspondence, and other supporting documents.[3]

This ROD provides background on the development of the Project; describes the three alternatives FTA considered; discusses the public opportunity for comment on the DEIS; identifies the LRT and BRT Build Alternatives; documents compliance with applicable Federal environmental laws, regulations, and executive orders; explains the basis for FTA's decision; and sets forth the commitments, required as part of the decision, to provide mitigation to minimize harm. The DEIS (published in July 2025), the FEIS, and this ROD are part of the environmental record for the Project. The brief descriptions of components of the environmental record included in this ROD provide a summary of the basis for the decision that the environmental record fully substantiates.

1.2.1 NEPA Process

Table 2 shows key steps and milestones of the NEPA process for the Buffalo-Amherst-Tonawanda Corridor Transit Expansion Project.

Table 2. Key NEPA Steps and Milestones

Date	Key Step or Milestone
2012	Metro and GBNRTC initiated an Alternatives Analysis process to evaluate high-quality public transit service alternatives between Downtown Buffalo, Buffalo's Main Street Metro Rail Corridor, and the Town of Amherst.
June 12, 2017	The GBNRTC Technical Advisory Committee and Steering Committee concurred with the LRT Build Alternative as the defined LPA and subsequently included in GBNRTC's Moving Forward 2050 Update (May 2023 Long Range Transportation Plan).
2018	Metro initiated a review of the environmental, socioeconomic, and fiscal impacts of the LPA in accordance with the State Environmental Quality Review Act (SEQR).
January 24, 2019	A Draft Scope for the SEQR environmental analysis was issued on January 24, 2019, followed by a 45-day public comment period.
January 24, 2019, to March 10, 2019	A 45-day public comment period was conducted on the Draft Scope for the SEQR environmental analysis.
January 2020	Metro released the SEQR DEIS (DEIS).
February 2020 to April 2020	Public comments were received during the SEQR DEIS 60-day public comment period.
February 2020 to April 2020	During the comment period for the SEQR DEIS, FTA indicated support to serve as lead agency for the development of the federal environmental analysis of the Project under NEPA.

[3] Publicly available documents are accessible through the project website (*https://www.nftametrotransitexpansion.com*)

Date	Key Step or Milestone
August 30, 2021	FTA, in coordination with Metro, issued a Notice of Intent (NOI) to prepare an EIS in accordance with NEPA, the Fixing America's Surface Transportation Act, SEQR, and Article 8 of the New York State Environmental Conservation Law and its implementing regulations.
August 30, 2021, to October 14, 2021	The NOI invited public comment, during a 45-day public scoping period, on the environmental impacts that may be associated with the Project and the alternatives being considered for evaluation.
July 25, 2025	FTA, in coordination with Metro, made available the DEIS and Draft Section 4(f) Evaluation for public review at the Buffalo-Amherst-Tonawanda Corridor Transit Expansion Project website.
August 19, 2025	FTA, in coordination with Metro, held a formal DEIS and Draft Section 4(f) Evaluation Public Hearing at the Sweet Home Middle School.
July 25, 2025, to September 8, 2025	Interested individuals, elected officials, agencies, and organizations were invited to submit comments during the formal DEIS and Draft Section 4(f) Evaluation public comment period.
December 29, 2025, to January 29, 2026	Consultation, in accordance with Section 106 of the National Historic Protection Act of 1966, was completed.
January 30, 2026	FTA executed the combined FEIS/ROD.

FTA initiated the formal NEPA process by publishing a Notice of Intent (NOI) to prepare an EIS in the Federal Register on August 30, 2021. The NOI announced the beginning of FTA's Scoping process and environmental review. The Scoping process ended on October 14, 2021.

Public and agency coordination are integral aspects of the NEPA process. FTA and Metro coordinated with Cooperating and Participating Agencies that have jurisdiction by law or have special expertise related to the Project (described in Table 1). FTA and Metro conducted outreach with the Cooperating and Participating Agencies throughout the environmental review process, notifying them of important events and developments, and requesting agency review of technical documents related to the development of the DEIS and FEIS.

FTA conducted consultation in accordance with Section 106 of the National Historic Preservation Act of 1966 and afforded an opportunity for the Section 106 Consulting Parties to review a Draft Section 4(f) Evaluation prior to the publication of the DEIS. FTA consulted with the Section 106 Consulting Parties throughout the development of the DEIS and FEIS and requested agency review of technical analyses related to historic and cultural resources and the Section 4(f) Evaluation.

FTA and Metro provided information to the public early in the NEPA process and continued to solicit public feedback throughout the process using public meetings to present information and solicit comments associated with Project milestones. These milestones are summarized in Table 3.

Table 3 Public Outreach

Date	Outreach Events
December 6, 2018	A public open house was held at Sweet Home Middle School in the Town of Amherst to provide the results of the LPA.
February 12, 2019	A public scoping meeting for the SEQR EIS was held at Sweet Home Middle School in the Town of Amherst to provide input on the Project's purpose and need, its objectives, the potential alternatives under consideration, and the environmental analysis methodology.
June 11, 2019	A public workshop was held in Hayes Hall at the University at Buffalo (UB) South Campus, to present various station design concepts, ridership projections, and traffic analysis results.
February 2019 to August 2019	Eight pop-up events were held at local events, centers of activity, or other locations where the intended audience for a project may congregate. These events included a table with Project SEQR information.
February 2019 to September 2019	Metro attended and provided Project SEQR information and opportunities for input at seven community meetings and events hosted by neighborhood, business, and civic organizations within the Project corridor.
September 24, 2019	A public workshop was held at Sweet Home Middle School in the Town of Amherst, to present concept design plans, updated station design concepts, traffic analysis results, and preliminary environmental analysis and impacts.
February 2020	Two public hearings were held to provide an opportunity for the public and local agencies to comment on the SEQR DEIS.
September 15, 2021	FTA, in coordination with Metro, held two public NEPA scoping meetings for the Project using Zoom Webinar video conferencing.
January and February 2024	Metro conducted public "listening sessions" and a public survey to solicit public input on current transportation challenges, weekly travel destinations, how to improve transit service in the Towns of Amherst and Tonawanda, and concerns related to the Project.
August 19, 2025	FTA, in coordination with Metro, held a formal DEIS and Draft Section 4(f) Evaluation Public Hearing at the Sweet Home Middle School.
July 25, 2025, to September 8, 2025	Interested individuals, elected officials, agencies, and organizations were able to submit comments during the formal DEIS and Draft Section 4(f) Evaluation public comment period.

1.2.2 Purpose and Need

Metro operates a 6.4-mile light rail transit line called Metro Rail that provides service along Main Street in Buffalo, New York, from KeyBank Center in Downtown Buffalo to the State University of New York, University at Buffalo (UB) South Campus. Metro is proposing the Buffalo-Amherst-Tonawanda Corridor Transit Expansion (Project) to expand high-capacity transit service from the current terminus at Metro Rail University Station on the UB South Campus to Tonawanda and Amherst, New York, including connections to the UB North Campus.

Improvements to transit service in the Greater Buffalo region have been considered for over 50 years. The concept for Metro Rail evolved in the 1960s and 1970s as one segment of a proposed 43-mile network of rapid-transit rail lines across the region. Plans were developed for a 14-mile rail line running between downtown Buffalo and north of the planned UB North Campus in Amherst. Due to funding constraints, the Metro Rail alignment that opened in 1985 is a 6.4-mile rail line terminating at the UB South Campus.

The existing Metro Rail serves a diversity of activity centers and land uses. These range of activity centers and land uses include recreation, family activities, and dining at the waterfront to the urban commercial center of downtown Buffalo, the Buffalo Niagara Medical Campus (BNMC), the UB campuses and other colleges, established residential neighborhoods, and emerging commercial and employment centers in Amherst. College enrollment in the metropolitan area has grown over 300 percent from 1960 to 2022[4].

Derived from agency input, the purpose of the Project is to link established and emerging activity centers (e.g., UB campuses, BNMC, the Buffalo central business district, employment and retail centers, and the Buffalo waterfront) along the existing Metro Rail line in Buffalo with existing and emerging activity centers in Amherst and Tonawanda by providing fast, reliable, safe, and convenient transit. The Project would serve existing Metro riders; attract new transit patrons; improve regional connections between Buffalo, Amherst, and Tonawanda; and support transit-oriented development and affordable housing opportunities. In addition, the Project would:

- Improve mobility along the Project corridor by increasing transportation options and accessibility in communities throughout the Greater Buffalo region.
- Better connect the three UB campuses by providing improved mobility options that include a "one-seat ride" between campuses without requiring a transfer.
- Improve the operating efficiency of the transit network by providing convenient and seamless connections for transit patrons between activity centers within competitive travel times.
- Support local and regional land use planning and transit-oriented development as outlined in the GBNRTC and NFTA Metro Comprehensive Transit-Oriented Development Plans.
- Provide mobility options by serving transit-dependent populations, thereby improving opportunities for participation in the regional workforce and overall economy.
- Help relieve parking constraints and capacity issues on the BNMC, UB campuses, Project Corridor, and downtown.

As reported in the GBNRTC 2019 Comprehensive Transit-Oriented Development Plan, the existing and proposed Project Corridor is expected to experience faster population growth (an increase of 5.8 percent versus 1.3 percent for the region) and employment growth (an increase of 13.3 percent versus 12.5 percent for the region) than the balance of the region between 2015 and 2040. This growth will increase the demand for work trips and non-work trips, including shopping, medical services, and entertainment. As jobs and population increase, transportation issues and challenges will need to be addressed. The Project seeks to serve these increased travel needs along the corridor, ensuring residents have mobility options and continued access to employment opportunities, in Buffalo, Amherst, and Tonawanda.

[4] U.S. Census of Population and Housing: 1960. Final Report PHIC (1)-19.

The need for increased mobility and transit service that the Project would serve has three main components: (1) serve existing and future travel demand generated by recent and future regional development; (2) provide high-quality regional transit service; and (3) improve service for transit-dependent populations.

1.2.3 Alternatives Considered

The identification of potential alternatives was initiated in 2010, as documented in the Metro Strategic Assessment, examining available rights-of-way and major arterial corridors as possible locations for major transit investments. The 2010 assessment evaluated four existing corridors from the previous 2001 Strategic Assessment: Northwest to Tonawanda/Niagara Falls (Tonawanda Corridor), Northeast to Amherst/UB North Campus (Amherst Corridor), East to Airport area (Airport Corridor), and South to Southtowns (Southtown Corridor).

Six additional corridors (Bailey Avenue, Broadway, Delaware Avenue, Elmwood Avenue, Hertel-Fillmore, and Seneca Street) were identified for assessment. The 10 corridors were reviewed based on their market intensity, development potential, travel patterns, and existing ridership. The corridors were also compared to modern light rail transit and bus rapid transit peer systems across the United States to determine if corridor conditions were within similar ranges. Out of the 10 corridors, five scored well in all categories and were identified as good candidates for further study, including the Amherst Corridor (*i.e.*, the Project Corridor).[5] The Amherst Corridor is the proposed Project that is the subject of this EIS.

In 2012, GBNRTC initiated an Alternatives Analysis process to evaluate high-quality public transit service alternatives between Downtown Buffalo, Buffalo's Main Street Metro Rail Corridor, and the Town of Amherst. The goal of the Alternatives Analysis effort was to improve public transit access between key activity centers in Buffalo and Amherst, to provide sufficient information to support the recommendation of a LPA, and to provide the information necessary for GBNRTC to adopt the LPA as part of the region's fiscally constrained long-range transportation plan.

The Amherst-Buffalo Alternatives Analysis involved a three-tiered approach that established screening methodology and selection criteria to evaluate mode and alignment alternatives throughout the Project Corridor. A Steering Committee, a Technical Advisory Committee, and a public participation plan were established to help guide the study and solicit input and feedback from community stakeholders. The study evaluated 36 alternatives including rail and bus transit modes. After reviewing the technical results of the Alternatives Analysis and considering feedback from the Project Steering and Technical Advisory Committees and the public, Metro recommended the Niagara Falls Boulevard LRT Build Alternative to advance as the LPA. During meetings with the Technical Advisory Committee and Steering Committee, the

[5] NFTA-Metro. June 2010. Metro Strategic Assessment.

consensus was to move forward with the environmental process using the refined LPA. Concurrence of the refined LPA was approved by the GBNRTC Policy Committee on June 12, 2017, and subsequently included in GBNRTC's Moving Forward 2050 Update (May 2023 Long Range Transportation Plan).

As a result of this evaluative process, three alternatives were identified for analysis in the DEIS and FEIS: the No Build Alternative, in which Metro would continue to operate existing Metro Bus service within the Project corridor; the LRT Build Alternative; and the BRT Build Alternative.

1.2.3.1 No Build Alternative

Under the No Build Alternative, Metro would continue to operate the existing Metro Rail system between University Station and Canalside Station, including the new Delaware, Lackawanna and Western Railroad (DL&W) Station. Metro will continue to operate Metro Bus service in the study area, and UB will continue to operate the Stampede bus service between the North and South Campuses. The No Build Alternative also includes projects that are already committed to and planned by other agencies and entities.

1.2.3.2 LRT Build Alternative

The LRT Build Alternative is an approximately 7-mile extension of Metro Rail, Metro's existing electric-powered LRT system. The LRT extension would be primarily at grade, except for two segments. One is a 0.8-mile underground segment from the existing Metro Rail University Station (which is currently underground) to Niagara Falls Boulevard where the LRT Build Alternative would exit the tunnel and operate at grade level. The other is a 0.3-mile underground segment at the intersection of Maple Road and Sweet Home Road. At this location, the LRT Build Alternative would operate under the Maple Road and Sweet Home Road intersection then continue adjacent to Sweet Home Road under the I-290 Interstate overpass. Ten stations are proposed (two with park-and-ride facilities) and an overnight storage and light maintenance facility located near the proposed I-990 Station and northern termini or end of the line.

1.2.3.3 BRT Build Alternative

The BRT Build Alternative would provide electric-powered transit service north from the existing Metro Rail University Station for approximately seven miles along the same at-grade alignment as the LRT Build Alternative, except for the underground portion from University Station along Kenmore Avenue and onto Niagara Falls Boulevard and the segment at the intersection of Maple and Sweet Home Roads. The BRT Build Alternative would have the same number of stations in the same locations; however, a transfer would be required between the existing Metro Rail University Station and the BRT service. A new BRT vehicle storage and maintenance facility would also be required at the proposed I-990 Station and northern termini or end of the line.

1.2.4 Summary of Potential Environmental Impacts and Measures to Avoid Minimize and Mitigate Impacts

Metro has selected the LRT Build Alternative for implementation after considering the purpose and need; the potential short-term and long-term benefits and impacts on the human and natural environment; and public and agency comments. Metro developed an opinion of probable cost for each Project Build Alternative. The opinion of probable cost is expressed as a range given the preliminary nature of the Project's design. The LRT Build Alternative's opinion of probable costs is between $1,580 million and $1,940 million in 2025 dollars. The LRT Build Alternative's opinion of probable costs is between $2,010 million and $2,470 million in 2032 dollars.

The No Build Alternative would not expand high-capacity transit service from the current terminus at Metro Rail University Station on the UB South Campus to Tonawanda and Amherst, including connections to the UB North Campus. The BRT Build Alternative provides high-capacity transit service but does not best serve the Project's goals as compared to the LRT Build Alternative. The LRT Build Alternative best meets the following Project goals:

- Providing high-quality transit service to the Buffalo-Amherst-Tonawanda Corridor by serving transit dependent riders (30 percent more) with a faster travel time that does not require a transfer at University Station.
- Mitigating the growth of traffic congestion with a forecasted higher share of automobile trips shifting to transit trips (11 million fewer automobile miles travelled annually).
- Increasing the effectiveness of the regional transit system with a greater forecasted increase in system ridership and system revenue.
- Supporting sustainable future economic growth.

Potential environmental benefits and impacts are detailed in Chapters 1 through 4 of the FEIS and in Chapters 1 through 5 of the DEIS (Appendix A of the FEIS).

Table 4, of the ROD provides a summary of the potential benefits and impacts associated with the LPA, as well as a summary of measures to avoid, minimize, or mitigate those impacts.

Table 4, of the ROD outlines Metro's mitigation commitments to minimize impacts are required under 23 CFR Part 771 for implementing the LRT Build Alternative. With these measures incorporated, FTA has determined that all reasonable steps to prevent or reduce environmental harm have been taken. Any changes to the LPA that differ from the ROD must be reviewed according to 23 CFR 771.129 and 771.130, and, if necessary, approved in writing by FTA before Metro proceeds.

Mitigation measures and commitments will be implemented in accordance with the FEIS and ROD. Should there be any differences in the language of the mitigation measures and

commitments from those presented in the FEIS and its appendices, the list of mitigation measures in Table 4, of the ROD supersedes those found in the FEIS and its appendices.

Metro will incorporate these mitigation measures and commitments into the LRT Build Alternative's design, specification, and contract documents, as appropriate. FTA requires that Metro establish a mitigation and commitment monitoring program to track progress in accomplishing the mitigation measures and maintaining the commitments during the appropriate design, construction, and operation action periods.

Table 4 Summary of Effects Associated with the LRT Build Alternative and Measures to Avoid, Minimize, or Mitigate Impacts

Beneficial Effects or Anticipated Impacts	Measures to Avoid, Minimize, or Mitigate Impacts	Anticipated Timeframe
Transportation		
▪ Four intersections adversely impacted during the weekday PM peak period. ▪ Five intersections adversely impacted during the Saturday midday peak period. ▪ Expected to affect a minimal number of existing private parking spaces because of roadway widening along Niagara Falls Boulevard. Most of these affected parcels are commercial for commercial uses that have additional property that could be used for relocating affected spaces. ▪ Expected to enhance existing pedestrian and bicycle facilities sidewalks, crosswalks, bicycle lanes, and median refuge areas for pedestrians. ▪ Expected to enhance vehicle, bicycle, and pedestrian safety provisions by minimizing conflicts between automobiles, bicyclists, and pedestrians. ▪ Expected to have a greater reduction in traffic crash fatalities and injuries annually as compared to the BRT Build Alternative.	▪ Strategies include an investment in embedded track along Niagara Falls Boulevard and Maple Road that allows automobiles to make left-turn movements across the track alignment at designated locations. ▪ The project will mitigate future traffic congestion/growth by the expected mode shift from automobile travel resulting in a reduction in vehicular volumes. ▪ New signal technologies will improve traffic LOS. ▪ Metro will compensate those affected by these parking effects. ▪ Invest in additional public parking at Project park-and-ride facilities.	▪ During Project Engineering, Construction, and Operations.
Property Acquisitions and Displacements		
▪ 192 total real property interests. ▪ 14 full acquisitions of real property interests. ▪ 178 partial acquisitions of real property interests. ▪ 15 displacements. ▪ 3.83 acres temporary construction easement.	▪ As part of the preparation procedure for the Acquisition Stage Relocation Plan, site occupants will be interviewed to determine their specific relocation needs. ▪ The acquisition and relocation assistance program will be conducted in accordance with the Uniform Relocation Assistance (URA) and Real Property Acquisition Policies Act (RPAPA) of 1970). ▪ All site occupants will be provided an information booklet and fully informed of all benefits to which they may be entitled. ▪ No site occupant will be required to move from his or her property without at least 90-day written notice. ▪ Comparable replacement housing will be offered to all residential occupants. ▪ For displacements: – Relocation assistance and just compensation is appropriate as a mitigation measure in accordance with the URA, which establishes a policy for the fair and equitable treatment of	▪ During Project Engineering and Construction Planning.

Beneficial Effects or Anticipated Impacts	Measures to Avoid, Minimize, or Mitigate Impacts	Anticipated Timeframe
	persons displaced as a result of federal and federally assisted programs (49 CFR part 24.1). – Relocation assistance will be offered to all relocated persons without discrimination. – During relocation, care will be taken to move displaced businesses to a similar area in terms of traffic counts and demographics. – Metro, in coordination with the Town of Amherst, will provide informational resources, permitting support, and points of contact for displaced business owners to find suitable sites for relocation. – Metro will assist potentially displaced residents and businesses providing outreach and counseling related to government assistance programs, technical support on assistance applications, transportation to inspect new housing / business locations or for those requiring paratransit services. This assistance will be provided at a location that is easily accessible by those affected. – Metro will hire a compliant relocation agent to assist in this outreach.	
Land Use		
▪ The LRT Build Alternative proposes the construction of power substations in support of LRT operations. The proposed substations would result in a Project impact as they are not consistent with existing study area land uses.	▪ Metro will design the substations using aesthetic treatments to be compatible with existing surrounding land use and municipal zoning requirements. ▪ Metro will consider incorporating substations into the proposed station design.	▪ During Project Engineering.
Socioeconomic Conditions		
▪ No adverse impact to population, housing supply, employment, government, student population, or Transit-Oriented Development.	▪ None required	▪ Not applicable
Neighborhoods and Communities		
▪ Community cohesion would be impacted by the impediment to pedestrians created by the construction of ballasted track along Niagara Falls Boulevard and Maple Road.	▪ The LRT Build Alternative impact will be mitigated, as proposed in Chapter 3, “Transportation”, through construction of embedded track which is flush with the roadway removing any physical barrier.	▪ During Project Engineering.

Beneficial Effects or Anticipated Impacts	Measures to Avoid, Minimize, or Mitigate Impacts	Anticipated Timeframe
Visual Quality		
▪ New LRT visual elements consistent with existing transportation uses.	▪ Project will consider context sensitive visual design of trackway and stations. ▪ Project will coordinate with neighbors, visual elements near Sweet Home Middle School, UB, Skinnersville Cemetery, and Amherst Government and Library Complex, and ensure visual design of trackway and stations that emphasizes area identity.	▪ During Project Engineering.
Historic and Cultural Resources		
▪ No adverse effects to built historic properties. ▪ No adverse effects to archeological resources.	▪ None required	▪ Not applicable
Parklands and Recreational Resources		
▪ No adverse impacts.	▪ None required	▪ Not applicable
Geology, Soils, and Prime Farmlands		
▪ Geological impacts resulting from construction of the tunnels on UB South Campus and the underground segment at Maple Road and Sweet Home Road.	▪ Direct Contractor to execute sequential excavation method protocols for tunnel excavation and controlled blasting as defined by the final construction plans, including development of a monitoring program/mitigation plan. ▪ Direct Contractor to properly treat, manage, and dewater groundwater encountered during deep excavation activities in accordance to state and federal regulations. ▪ Direct Contractor to execute safety protocols associated with the potential to encounter hydrogen sulfide gas encountered during excavation. ▪ Direct Contractor to properly treat and manage contaminated soils in accordance with state and federal regulations. ▪ Require the Contractor to develop and implement a Dust Control Plan that includes pro-active measures to prevent discharge of dust into the atmosphere. Require sediment and erosion controls and stormwater maintenance facilities to be implemented in accordance with all applicable state and federal permit requirements.	▪ During Project Engineering and Construction.
General Ecology and Wildlife		
Ecological: ▪ Approximately 38 acres of land would be affected in the study area.	Ecological and Wildlife: ▪ Areas disturbed during construction that are not part of the permanent project footprint will be revegetated, in accordance with a Landscape Restoration Plan, to the greatest extent practicable with plant species indigenous to Western New York.	▪ During Project Engineering and Construction.

Beneficial Effects or Anticipated Impacts	Measures to Avoid, Minimize, or Mitigate Impacts	Anticipated Timeframe
▪ The conversion of currently disturbed ecological communities from one community type to another would not result in adverse effects. Wildlife: ▪ Wildlife in study area would not be expected to be displaced or otherwise affected by the operation of the LRT Build Alternative. ▪ Existing species would be allowed to naturally re-populate the corridor and adjacent areas once construction has been completed. Invasive Species: ▪ Net benefit by the removal of existing invasive species and replacement with native species whenever possible. Threatened and Endangered Species: ▪ The Project would remove approximately 60 trees (1 acre) during construction. ▪ Northern long-eared bat and tricolored bat finding of may effect, not likely to adversely effect. ▪ Peregrine falcon finding of no effect.	Invasive Species: ▪ NYSDOT policy will be followed; design and construction will include specifications to address the management of invasive species, including using a restorative seed mix. Threatened and Endangered Species: ▪ The removal of trees will be limited to the winter hibernation period (November 1 to March 31) when northern long-eared bat and tricolored bat would not be present.	
Water Resources		
Freshwater wetlands: ▪ 0.036 acres of wetlands affected by at-grade alignment. Surface waters: ▪ Project would require a new bridge over Bizer Creek resulting in the loss of approximately 225 linear feed to daylight exposure and associated riparian habitat. ▪ Relocation of human-made drainage swales along I-990 and the northern portion of John James Audubon Parkway. Stormwater: ▪ Net increase in impervious cover because of Project construction. Groundwater: ▪ Stormwater pollution effects to groundwater quality. ▪ Groundwater collected at the tunnels and effects to groundwater quality and potential drawdown of the water table.	Freshwater wetlands: ▪ During final design avoidance, minimization, or mitigation measures will be completed. ▪ Effects to waters will be mitigated in accordance with federal and state regulations, including a one-for-one replacement of wetland losses that exceed 0.10 acre. Surface waters: ▪ During final design avoidance, minimization, or mitigation measures will be completed. ▪ Effects to surface waters will be mitigated in accordance to federal and state regulations and aquatic communities will be restored or will adapt to their localized habitat changes. Stormwater: ▪ Water quality treatment and increased stormwater runoff flows and volumes will be mitigated via new permanent stormwater management practices and detention practices that meet the requirements of the NYSDEC Stormwater Management Design Manual.	▪ During Project Engineering and Construction.

Beneficial Effects or Anticipated Impacts	Measures to Avoid, Minimize, or Mitigate Impacts	Anticipated Timeframe
	▪ Replace modify or improve the private stormwater basins at the Boulevard Mall Sweet Home Middle school and at the UB North Campus that are impacted by the project. Groundwater: ▪ Water quality treatment and increased stormwater runoff flows and volumes will be mitigated via permanent stormwater management practices. ▪ Groundwater collected at the tunnels will be treated prior to being discharged into the drainage system. ▪ Potential settlement impacts and development of settlement mitigation plans will be further assessed during preliminary and final design.	
Noise		
▪ At Receptor 10c, which represents Lockwood Memorial Library on the UB North Campus, operation of the surface tracks would result in LRT Build Alternative generated noise that would exceed the FTA thresholds for moderate impacts but not the threshold for severe impacts. The incremental change from existing noise levels at Receptor 10c would be 6 dBA, which would be considered a readily noticeable difference. The LRT Build Alternative's total noise level of 62 dBA would be moderate and generally consistent with a noise-sensitive use. ▪ At Receptor 13a, operation of the surface tracks would result in an LRT Build Alternative noise exposure (i.e., LRT Build Alternative generated noise) that would exceed the FTA threshold for moderate impacts but not the threshold for severe impacts. This receptor represents residences along the east side of John James Audubon Parkway between Dodge Road and the Amherst Police station. Of these receptors, those within 172 feet of the surface tracks and embedded track at grade crossings would experience noise exposure in the moderate impact category and noise level increments (i.e., the difference from existing noise levels) between 4 and 8 dBA. Such noise levels would be perceived as readily noticeable as compared to existing levels at these receptors. Consequently, the LRT Build Alternative would result in an adverse impact at approximately 16 residences within 172 feet of the surface tracks along John James Audubon Parkway between Dodge Road and the Amherst Police station.	▪ A new fleet of rail vehicles to reduce noise resulting from steel train wheels contacting the steel track configuration. ▪ Rail skirts on LRT vehicles ▪ An investment, quarterly, in rail greasers on the track to reduce the friction between the rail vehicle wheels and the track. ▪ Signals to be used at the entrance or exit of tunnel portals that produce a level not greater than 83 dBA at a distance of 50 feet. ▪ Reduced speeds north of the proposed Ellicott Station and no warning bells at-grade crossings. ▪ During final design of the LRT Build Alternative, horizontal alignment shifts will be considered to further reduce noise impacts. Specifically, along John James Audubon Parkway, an alignment shift west (closer to the travel lanes) will be considered.	▪ During Project Engineering, Construction, and Operations.

Beneficial Effects or Anticipated Impacts	Measures to Avoid, Minimize, or Mitigate Impacts	Anticipated Timeframe
Vibration		
▪ Receptor 3 represents Alan Hall on the UB South Campus, which contains a music performance hall and is consequently sensitive to ground-borne noise. The predicted ground-borne noise levels at this receptor would constitute the potential for an adverse impact. ▪ Receptor 5 represents residences on Kenmore Avenue at Niagara Falls Boulevard that would be within 140 feet of underground track. The predicted vibration and ground-borne noise levels at this receptor would constitute the potential for an adverse impact at these residences. ▪ Receptor 6 represents residences on Niagara Falls Boulevard that would be within 165 feet of at-grade track. The predicted vibration and ground-borne noise levels at this receptor would constitute the potential for an adverse impact at these residences. ▪ Receptor 17 represents Baird Hall on the UB North Campus, which contains two multiuse rehearsal halls and a music performance hall and is consequently especially sensitive to ground-borne noise. The predicted ground-borne noise levels at this receptor would constitute the potential for an adverse impact at this building. ▪ Receptor 23 represents residences along the east side of John James Audubon Parkway between Dodge Road and the Amherst Police Station that would be within 160 feet of at-grade track. The predicted vibration and ground-borne noise levels at this receptor would constitute the potential for an adverse impact at these residences. ▪ Receptor 27 represents residences at The Station Buffalo, located within 160 feet from the at-grade track. The predicted vibration and ground-borne noise levels at this receptor would constitute the potential for an adverse impact at these residences.	▪ Further study of potential vibration impacts will be undertaken during final Project design to determine necessary mitigation measures including the following: – Relocating potentially sensitive research or equipment to buildings that are farther from the final alignment of the LRT Build Alternative. – Using specialized isolated construction or isolation tables for continued use of sensitive equipment and research in cases where relocation is not possible. – Using specialized resilient bedding of track and rail utilizing floating slabs and resilient ballast bedding in the area adjacent to highly sensitive equipment/activities. ▪ During final Project design, Metro will incorporate LRT Build Alternative mitigation measures like resilient fasteners and resiliently supported rail ties to dissipate vibration energy from the rail system before it enters the ground, minimize vibration, and eliminate discontinuities in main rail sections (e.g., rail sections without crossovers, changes, etc.). ▪ The LRT Build Alternative will utilize all-new vehicles with wheels that are as close to perfectly round as is practical. Metro will implement a program of preventative maintenance, including rail grinding, rail head grinding, and wheel truing, on the rail vehicles and tracks. ▪ Metro will implement preventative maintenance to keep systems at "like-new" condition and reduce vibration from the LRT Build Alternative.	▪ During Project Engineering, Construction, and Operations.
Air Quality		
▪ No adverse impacts. ▪ Expected to reduce emissions as a result of a forecasted reduction in annual automobile vehicle miles traveled.	▪ None required	▪ Not applicable
Energy		
▪ No adverse impacts.	▪ None required	▪ Not applicable

Beneficial Effects or Anticipated Impacts	Measures to Avoid, Minimize, or Mitigate Impacts	Anticipated Timeframe
▪ LRT Build Alternative operations and patronage reduces energy consumption. – -70,445 roadway network energy consumption (mmBtu/year) – +9,981 transit operations energy consumption (mmBtu/year) – -60,464 net energy consumption (mmBtu/year)		
Hazardous Materials		
▪ 5 sites impacted by Project construction with hazardous waste or contaminated materials present.	▪ Require the Contractor to properly remove, contain, and transport the materials in accordance with the applicable regulations defined in 40 CFR 260-282, 300-355, and 6 NYCRR Part 370 Series. In addition, the contractor will be required to clean its vehicles to prevent off-site contamination.	▪ During Project Engineering and Construction.
Utilities		
Utility Supply and Usage: ▪ The LRT Build Alternative would require the placement of electrical substations for rail operations. Utility Infrastructure: ▪ Construction would impact utility infrastructure along the Project Alignment. However, Project impacts along John James Audubon Parkway north of Ellicott Creek will be minimized considering the alignment utilizes the northbound travel lanes and follows the existing road alignment.	▪ Where feasible, possible utility conflicts will be minimized during final design. ▪ Mitigation techniques will include relocation, removal, and protection (e.g., pipe casing). ▪ To minimize scheduling conflicts and coordination issues during construction, the necessary utility relocations will occur before major construction activities begin.	▪ During Project Engineering and Construction.
Construction Effects		
Transportation: ▪ Transit, Pedestrian and Bicycle Interruptions. ▪ Traffic Interruptions. ▪ Parking displaced by property easements. Acquisitions and Displacements: ▪ Temporary activities include construction staging, materials stockpiling, and hauling of dirt and materials within final Temporary Construction Easements (TCEs). Land Use: ▪ Temporary activities include construction staging, construction access, temporary changes to access, and temporary parking loss. Economic Impacts:	Transportation: ▪ Direct Contractor to maintain safe pedestrian traffic and to maintain public access to intersecting roads, residences, business establishments, adjacent property, bus stops, pedestrians, and bicyclists. ▪ Where sidewalks, walkways, trails or shoulders must be temporarily closed to facilitate construction, safe pedestrian and bicycle passage shall always be maintained on one side of the roadway, unless other temporary pedestrian accommodations are provided in the contract documents. ▪ Refine the construction staging plan to reduce the need for street closures and detours.	▪ During Project Engineering and Construction.

Beneficial Effects or Anticipated Impacts	Measures to Avoid, Minimize, or Mitigate Impacts	Anticipated Timeframe
▪ Temporary activities include construction staging, construction access, and temporary parking loss, access restrictions, loss of landscaping, loss of business signage, traffic congestion, noise, dust, and aesthetic disruptions. Community Facilities: ▪ Temporary activities include access restrictions, increased traffic congestion, lane closures, and detours. Visual Resources: ▪ Temporary activities include removal of vegetation (including existing landscaping), presence and movement of construction machinery, equipment, building materials, temporary roads and access ways, construction cranes, temporary construction fences, construction screens, signage, and construction site lighting. Historic and Cultural Resources: ▪ Ground disturbances as a result of the construction of Project tunnels, alignment, stations, and other ancillary or supporting Project infrastructure. Parks and Recreational Resources: ▪ Temporary disturbances to parks and recreational facilities because of the construction of Project tunnels for the LRT Build Alternative, alignment, stations, and other ancillary or supporting Project infrastructure. Geology, Soils, and Prime Farmlands: ▪ Construction for underground Project segments (LRT Build Alternative only), at-grade alignment configurations, proposed stations, storage and light maintenance facility, and supporting systems and infrastructure. Ecology, Wildlife, and Water Resources: ▪ Temporary construction activities will include tunneling (LRT Build Alternative only), construction of the Project alignment, and construction of Project stations, construction of a bridge across Bizer Creek, and other ancillary or supporting Project infrastructure that would result in short-term and long-term impacts to natural resources. Noise: ▪ LRT Build Alternative construction activities would include tunneling, construction of the Project alignment, and construction of Project stations, and other ancillary or supporting Project	▪ Direct Contractor to shuttle construction workers from remote parking sites to construction areas, when reasonable. Acquisitions and Displacements of Property and Parking: ▪ Property owner compensation will be performed in accordance with federal, state and local requirements. Land Use: ▪ Apply contractor incentives as practical, to minimize construction durations. ▪ Require that temporary construction lighting avoid glare that affects traffic on the roadway or that causes annoyance or discomfort for adjacent residences, when reasonable. ▪ Coordinate with emergency service providers as well as schools and hospitals near the construction zone to minimize the impact of construction activities on their operations. ▪ Require that there are no short-term temporary lane and/or shoulder closures during major holidays and major events. Economic Impacts: ▪ Provide timely construction information regarding construction zones/road closures/detours to the public, public agencies, and emergencies services. ▪ Direct Contractor to install temporary business signs to identify business entrances and to direct customers to affected businesses. ▪ Develop a strategic marketing plan to help reduce impacts to businesses during construction. Community Facilities: ▪ Provide construction incentives to minimize construction durations. ▪ Require that temporary construction lighting to avoid glare that affects or causes annoyance or discomfort for facilities adjoining the alignment, when reasonable. ▪ Coordinate with emergency service providers as well as schools and hospitals near the construction zone to minimize the impact of construction activities on their operations. ▪ Require that there are no short-term temporary lane and/or shoulder closures during major holidays and major events. Visual Resources: ▪ Direct Contractor to minimize removal of existing vegetation, where applicable. In the event of vegetation removal for construction, the	

Beneficial Effects or Anticipated Impacts	Measures to Avoid, Minimize, or Mitigate Impacts	Anticipated Timeframe
infrastructure that would result in construction related noise impacts. Vibration: ▪ LRT Build Alternative construction activities will include tunneling, construction of the Project alignment, and construction of Project stations, and other ancillary or supporting Project infrastructure that would result in construction related vibration impacts. Air quality: ▪ Construction of underground and at-grade alignment configurations, proposed stations, storage and light maintenance facility, and supporting systems and infrastructure. ▪ Traffic disruption rerouting, and temporary shutdown of traffic as a result of construction activities. Hazardous Materials: ▪ Construction activities that result in transport, removal and remediation, accidental spills, and discovery of previously unidentified hazardous or contaminated materials. Utilities: ▪ Construction activities that result in the relocation or replacement of existing utilities.	Contractor will replace the vegetation and return conditions equivalent to previous conditions. ▪ Require that temporary construction signage shall be installed. Historic and Cultural Resources: ▪ The Project will continue to survey for the presence of archaeological resources in advance of Project construction. ▪ Implement all stipulations specified in the Project's Memorandum of Agreement and the unanticipated discoveries plan if required. Parks and Recreational Resources: ▪ Provide construction incentives to minimize construction durations. ▪ At Gateway Park, direct Contractor to follow all stipulations required by Metro and the Town of Amherst as it relates to returning the park to existing conditions (if not improved) after Project construction is complete. ▪ Direct Contractor to minimize removal of existing vegetation, where applicable. In the event of vegetation removal for construction, the Contractor will replace the vegetation and return conditions equivalent to existing conditions. ▪ Require that temporary construction lighting shall be designed, installed, and operated to avoid glare that affects park and recreational users or that causes annoyance or discomfort, when reasonable. ▪ Direct Contractor to maintain safe public access to park and recreational resources, when reasonable. Where sidewalks, walkways, or shoulders must be temporarily closed to facilitate construction, safe pedestrian passage shall be maintained on one side of the roadway, unless other temporary pedestrian accommodations are provided in the contract documents. ▪ Direct Contractor to include specific provisions for pedestrian and bicycle access to Ellicott Creek Trail during construction of the Project Alignment along John James Audubon Parkway. Where applicable and practical, this will include information on available detours, trail alternatives, and signage. Geology, Soils, and Prime Farmland: ▪ Direct Contractor to execute Sequential Excavation Method protocols for tunnel excavation and controlled blasting as defined by the final construction plans, including monitoring program.	

Beneficial Effects or Anticipated Impacts	Measures to Avoid, Minimize, or Mitigate Impacts	Anticipated Timeframe
	▪ Direct Contractor to properly treat, manage, and dewater groundwater encountered during deep excavation activities in accordance to state and federal regulations. ▪ Direct Contractor to execute safety protocols associated with the potential to encounter hydrogen sulfide gas encountered during excavation. ▪ Direct Contractor to properly treat and manage soils associated with tunnel construction, contaminated soils, and groundwater in accordance with state and federal regulations. ▪ Require the Contractor to develop and implement a Dust Control Plan that includes pro-active measures to prevent discharge of dust into the atmosphere. In areas not subject to traffic, apply products and materials including vegetative cover, mulch, and spray adhesives on soil surfaces to prevent airborne migration of soil particles. In areas subject to traffic, apply products and materials including water sprinkling, polymer additives, barriers, windbreaks, and wheel washing. ▪ Require sediment and erosion controls and stormwater maintenance facilities to be implemented in accordance with the 2010 Western New York Stormwater Coalition Stormwater Management Plan as well as applicable state and federal permit requirements. Ecology, Wildlife, and Water Resources: ▪ Direct Contractor to conduct tree clearing during the winter hibernation period for northern long-eared bat and tricolored bat. ▪ Direct Contractor to conduct tree clearing during, as much as possible, outside the migratory bird nesting season: ▪ Tree removal will be timed, as much as possible, to occur outside the migratory bird nesting season, which occurs generally from April 1–September 15 and as early as March 1 for some species. ▪ If tree removal must occur during the nesting season, two biological surveys will be conducted: one 15 days before and a second 72 hours before the construction. The surveys will be performed by a biologist and survey reports will document the presence or absence of any protected bird in TCE and any other such habitat within 300 feet of the construction work area. If a protected bird were found, surveys will be continued to locate any nests. If an active nest were located, construction within 300 feet of the nest will be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting.	

Beneficial Effects or Anticipated Impacts	Measures to Avoid, Minimize, or Mitigate Impacts	Anticipated Timeframe
	▪ Avoidance measures will be incorporated into the design of the project, where feasible. If construction were to require removal of a protected tree, a permit will be required in accordance with applicable local codes and ordinances. ▪ After construction is complete, trees will be planted that are at least three inches in diameter and three to four feet in height. Planted trees will be maintained such that 90 percent are in good condition after 6 months and irrigation will be carried out until the tree is established. ▪ Direct Contractor to revegetate disturbed areas in accordance with a Landscape Restoration Plan to include native plant species. ▪ Disturbed areas not used for transportation infrastructure will be revegetated with species indigenous to Western New York to the extent practicable in accordance with a landscape plan. ▪ Direct Contractor to use netting to capture construction debris and avoid its potential to fall within waterways. ▪ Require erosion and sediment controls in accordance with the 2016 New York State Standards and Specifications for Erosion and Sediment Control (“Blue Book”). ▪ Require a Stormwater Pollution Prevention Plan that will meet the requirements of State Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Construction Activity (GP-0-25-001). ▪ Direct contractor to follow the requirements of the NYSDOT Highway Design Manual, Chapter 8 Highway Drainage, specifically Inlet protection at existing stormwater inlets, sediment controls to prevent erosion and sediment from leaving the construction sites, dust control measures, spill prevention and containment measures, stabilized construction entrance/exits, and vegetative measures to stabilize exposed soils ▪ Constructing the tunnel segments will require dewatering of groundwater. Monitoring wells were installed along the tunnel segments, as well as geotechnical subsurface soil conditions identifying the water table levels. The Project will be designed to protect adjacent structures from changes in groundwater flow and elevation. ▪ Yearly water table measurements will occur through final design and construction to continue to monitor relative pre-construction conditions to minimize changes in the water table levels.	

Beneficial Effects or Anticipated Impacts	Measures to Avoid, Minimize, or Mitigate Impacts	Anticipated Timeframe
	▪ During construction, design requirements will limit the amount of dewatering as a protection measure, utilizing the yearly water table measurements. ▪ Depending on the volume of ground water to be removed during construction, groundwater will be removed via dewatering utilizing one of these methods: existing dewatering systems present within the existing Metro Rail system, centrifuges, filter presses, drying beds, sludge lagoons, or gravity and low-pressure devices. The groundwater will be pumped into the local sewer system or to a nearby water body under the State Pollutant Discharge Elimination System (SPD) permit. ▪ Dewatering of groundwater will be tested, treated, and disposed in accordance with applicable local, State, and Federal regulations. ▪ Direct Contractor to document and execute best management measures to protect surface waters, such as turbidity curtains, cofferdams, and temporary piping or diversion of waterways for any in-water construction activities, as necessary, to maintain stream flow and minimize increases in suspended sediment. ▪ Require that new culverts intended to convey surface water have a minimum width of 1.25-feet x bankfull and will be embedded or three sided (open bottom) to allow for passage of aquatic organisms and small terrestrial species. Provisions for wildlife passage will be incorporated in the culvert design where practicable. ▪ Require measures to reduce and avoid temporary fill placement in wetlands. Should temporarily fill placement be unavoidable, these impacts will be included within the Section 401 and 404 permits and an Article 24 “Freshwater Wetlands” permit will be obtained from the USACE and NYSDEC. ▪ Require the Contractor to include erosion and sediment control practices during construction to protect wetlands within the Project study area. ▪ Require post-construction stabilization of the stream banks near in-water construction activities. The disturbed areas will be stabilized with erosion control matting (to prevent sediment from entering the creek) and planted with native riparian and upland vegetation (to prevent invasive species from colonizing and to further stabilize the embankment). ▪ Wetlands that would be temporarily affected will be restored subsequent to construction following a soil and landscape restoration plan. Restoration measures will include restoring the grade to pre-	

Beneficial Effects or Anticipated Impacts	Measures to Avoid, Minimize, or Mitigate Impacts	Anticipated Timeframe
	construction (or better) conditions and seeding and planting native species, where applicable. ▪ The contractor will implement standard environmental protection practices for water quality. ▪ The contractor will schedule and conduct their work to minimize soil erosion, not cause or contribute to a violation of water quality standards and prevent sedimentation on lands adjacent to or affected by the work. Noise: ▪ During Project final design and final construction plans, develop noise criteria and monitoring plan for noise impacts from tunneling to sensitive receptors to ensure there are no detrimental impacts. ▪ Coordinate work operation to coincide with time periods that will least affect neighboring residences and businesses. Normal work hours will be scheduled between 6:00 a.m. and 9:00 p.m. Nighttime, Saturday morning, and Sunday construction activities will be limited to 70dBA Lmax at 50' in Noise Sensitive Areas when reasonable (schools, places of worship, medical facilities, residential areas). ▪ Implement temporary construction noise abatement measures that will include shrouds or other noise curtains, acoustic fabric, soundproof housings, physical barriers, and/or enclosures to reduce noise from pile drivers, compressors, generators, pumps, and other loud equipment when reasonable. ▪ Restrict the use of impact and drilling equipment including pile drivers, jackhammers, hoe rams, core drills, direct push soil probes (e.g., Geoprobe), pavement breakers, pneumatic tools, and rock drills when reasonable. ▪ Require motorized construction equipment to be equipped with an appropriate well-maintained muffler and require silencers to be installed on both air intakes and air exhaust when reasonable. ▪ Require all construction devices with internal combustion engines to be operated with engine doors closed and with noise-insulating material mounted on the engine housing that does not interfere with the manufacture guidelines. ▪ Direct Contractor to transport construction equipment and vehicles carrying rock, concrete, or other materials along designated routes that will cause the least disturbance to noise sensitive receptors when reasonable.	

Beneficial Effects or Anticipated Impacts	Measures to Avoid, Minimize, or Mitigate Impacts	Anticipated Timeframe
	▪ Require self-adjusting or manual audible back up alarms for vehicles and equipment used in areas adjacent to sensitive noise receptors. ▪ Direct Contractor to use pre-auguring equipment to reduce the duration of impact or vibratory pile driving when reasonable. Vibration: ▪ Project final design and construction plans will develop a Blast Management Plan detailing blasting sequences, operations, safety protocol, mitigation, and monitoring efforts. ▪ Project final design and construction plans related to tunneling will develop vibration criteria and monitoring plan for vibration impacts to existing structures within 25-feet of construction activities. Coordinate with UB to avoid blasting proximate to Allen Hall during use of the performance space in that building. ▪ Coordinate work operation to coincide with time periods that will least affect neighboring residences and businesses. Normal work hours will be scheduled between 6:00 a.m. and 9:00 p.m. ▪ Restrict the use of impact and drilling equipment including caisson drilling, jackhammers, hoe rams, core drills, direct push soil probes (e.g., Geoprobe), pavement breakers, pneumatic tools, and rock drills when reasonable. ▪ Direct Contractor to transport construction equipment and vehicles carrying rock, concrete, or other materials along designated routes that will cause the least disturbance to vibration-sensitive receptors when reasonable. Air quality: ▪ Direct Contractor to protect sensitive receptors including hospitals, schools, daycare facilities, building fresh air or ventilation intakes, elderly housing, and convalescent facilities from impacts of diesel exhaust fumes. As practical and feasible, the Contractor will: – Use Tier IV rated construction equipment – Ensure that diesel powered engines are located away from building air conditioners and windows. – Minimize exposure of sensitive receptors in close proximity (50') to diesel exhaust, in terms of both concentration and time. – Limit idling time for diesel powered equipment to three consecutive minutes for delivery and dump trucks and all other diesel-powered equipment with limited exceptions.	

Beneficial Effects or Anticipated Impacts	Measures to Avoid, Minimize, or Mitigate Impacts	Anticipated Timeframe
	▪ Before construction and as site preparations are being made, direct Contractor to complete the following activities as warranted to minimize fugitive dust emissions: – Minimize land disturbance – Use watering trucks to minimize dust – Cover trucks when hauling dirt – Stabilize the surface of dirt piles if they are not removed immediately – Use windbreaks to prevent accidental dust pollution – Limit vehicular paths and stabilize temporary roads – Pave all unpaved construction roads and parking areas to road grade for a minimum length of 50 feet from where such roads and parking areas exit the construction site, to prevent dirt from washing onto paved roadways. ▪ During construction, the Contractor shall perform the following to minimize fugitive dust emissions: – Implement an OSHA-compliant Health and Safety Plan (HASP) for each construction site or a HASP for the entire Project. – Cover trucks when transferring materials. – Use watering trucks or dust suppressants such as calcium chloride on unpaved traveled paths. – Minimize unnecessary vehicular and machinery activities and enforce onsite speed limits. – Minimize dirt track-out by washing or cleaning trucks before leaving the construction site. An alternative to this strategy is to pave a few hundred feet of the exit road just before entering the public road. ▪ After construction, the Contractor shall perform the following to minimize fugitive dust emissions: – Revegetate any disturbed land that is not used. – Remove unused material. – Remove dirt piles. – Revegetate all vehicular paths created during construction to avoid future off-road vehicular activities. ▪ Direct Contractor to use solar powered digital signs, including arrow panels and portable variable message signs when reasonable. ▪ Implement an ambient air quality monitoring program during construction that will be overseen by Metro. The program will identify the locations and durations of ambient air quality monitoring and	

Beneficial Effects or Anticipated Impacts	Measures to Avoid, Minimize, or Mitigate Impacts	Anticipated Timeframe
	protocols to address any exceedances of National Ambient Air Quality Standards should they be observed. ▪ Develop and execute a Construction Traffic Management Plan. ▪ Establish aggressive completion and/or milestone dates to minimize construction durations. ▪ Refine the construction staging plan to reduce the need for street closures and detours. ▪ Implement capacity and safety enhancements early in construction phase to reduce the impacts of later phases of the Project. ▪ Direct Contractor to shuttle construction workers from remote parking sites to construction areas, when reasonable Hazardous Materials: ▪ Require the development of a detailed Site Investigation (i.e., Phase II ESA)[6] and Soil Management Plan[7]. ▪ Direct Contractor to develop a Field Organic Vapor Monitoring Plan[8]. ▪ Direct Contractor to develop a Project Health and Safety Plan. ▪ Direct Contractor to submit native construction materials for the appropriate testing in accordance with 6 NYCRR Part 360 series. ▪ For the removal and remediation of contaminated sites, the Contractor will be required to properly remove, contain, and transport the materials in accordance with the applicable regulations defined in 40 CFR 260-282, 300-355, and 6 NYCRR Part 370 Series. In addition, the contractor will be required to clean its vehicles to prevent off-site contamination. ▪ Require the Contractor to manage discharge of hazardous or contaminated materials or accidental spills during construction according to 40 CFR Part 61, sub-part M and Part 763, 29 CFR 1910.1001, and 12 NYCRR Part 56 and 6 NYCRR Parts 610-614 regulations. ▪ During final design and before start of construction activities an Unanticipated Contamination Discoveries Plan will be developed.	

[6] Detailed Site Investigation (a.k.a., Phase II ESA) - A Phase II Environmental Site Assessment is the second stage of a phased contaminated land assessment.

[7] Soil Management Plan – A soil management plan addresses excavation, handling, and disposal of contaminated soil. This is also known as a Contaminated Material Handling Plan and can be found under Section 205 - Contaminated Soil in NYSDOT's Standard Specifications

[8] Field Organic Vapor Monitoring Plan specifications can be found under Section 205 - Contaminated Soil in NYSDOT's Standard Specifications.

Beneficial Effects or Anticipated Impacts	Measures to Avoid, Minimize, or Mitigate Impacts	Anticipated Timeframe
	Utilities: ▪ Develop a utility relocation plan during final design and require contractor to advance utility relocation or replacement before construction. ▪ Require Contractor to replace utilities in-kind if not improved from existing conditions, as warranted.	
Reasonably Foreseeable Effects		
▪ No adverse effects after proposed mitigation.	▪ Invest, as practical, in transportation mitigation measures to help mitigate the degradation in LOS. ▪ Update traffic analyses and validate impact during Project Engineering. ▪ Temporary construction impacts to natural resources will be mitigated and include a variety of measures such as revegetation of impacted areas with species indigenous to Western New York to the extent practicable and in accordance with a landscape plan developed for the Project. The ecological communities that are currently present are characterized by disturbance and are of low ecological value. ▪ Temporary construction and long-term Project impacts to water resources will be mitigated and include measures such as adhering to federal and state regulations, including negotiations with the permitting agency, which may include replacement of wetland losses that exceed 0.10 acre.	▪ During Project Engineering and Construction.
Commitment of Resources		
▪ No adverse impacts after proposed mitigation.	▪ Natural and human-made resources will be expended in the construction and operation of the Project. ▪ The use of land is the most basic of irretrievably committed resources, as the development of both the Project requires the commitment of land for new physical elements related to the construction of the Project. However, the Project will use land already used for urban development and transportation right-of-way and thus will not be further committing land resources to these uses. ▪ The irreversible clearing and grading of vegetation within the Project alignment and other directly affected areas as well as modification to topography. The loss of vegetation is considered an irreversible commitment of resources, though replacement vegetation will be included in the Project. Soil or rock removed during tunneling or used to modify the grade of the Project alignment or other directly affected areas will be irretrievably committed for the lifetime of the Project.	▪ During Project Engineering, Construction, and Operation.

Beneficial Effects or Anticipated Impacts	Measures to Avoid, Minimize, or Mitigate Impacts	Anticipated Timeframe
	▪ Building materials used in the construction of the Project (steel, concrete, glass, etc.), and energy in the form of gas and electricity consumed during their construction and operation, will also be irretrievably committed for the life of the Project or beyond. ▪ None of these irreversible or irretrievable commitments of resources are considered significant.	
Section 4(f)		
▪ With respect to the Project, the Federal Transit Administration (FTA) finds the following: ▪ The LRT Build Alternative and BRT Build Alternative would not alter any of the characteristics that qualify the UB South Campus for listing in the NRHP in a manner that would diminish its integrity of location, design, materials, workmanship, setting, feeling, and association. As a result, the LRT Build Alternative and BRT Build Alternative would have no adverse effect on the UB South Campus. SHPO concurred with the Project's no adverse effect finding for built historic properties. Therefore, no mitigation for built historic properties is required and FTA concludes a de minimis finding for this Section 4(f) use. ▪ The LRT Build Alternative and BRT Build Alternative would require partial right-of-way acquisition on parcels near the Decatur Road-Niagara Falls Boulevard intersection in the Lincoln Park Village. This acquisition represents a small fraction of the overall historic district and occurs on parcels identified as having resources with diminished integrity. This change to Lincoln Park Village's integrity of design and materials is not adverse. No other changes would occur to Lincoln Park Village's aspects of integrity as a result of Project implementation. The Project would not alter any of the characteristics that qualify Lincoln Park Village for inclusion in the NRHP in a manner that would diminish its integrity of location, design, materials, workmanship, setting, feeling, and association. As a result, the LRT Build Alternative and BRT Build Alternative would have no adverse effect on Lincoln Park Village. SHPO concurred with the Project's no adverse effect finding for built historic properties. Therefore, no mitigation for built historic properties is required and FTA concludes a de minimis finding for this Section 4(f) use.	Metro will coordinate with the Town through a memorandum of agreement on the following: ▪ Metro will make efforts to reduce the impact of construction on the current bus routes and riders at this intersection. ▪ Any hazardous materials which Metro caused or causes to be located at or within the public rights-of-way near the park site will be remediated during construction to the extent practicable. ▪ Metro will consider the potential transfer to the Town of Amherst of properties located directly adjacent to Gateway Park that are acquired during the construction process. ▪ Metro will work with the Town to explore ways to incorporate a variety of additional active and passive recreational opportunities at the park site. ▪ The substation at Gateway Park will be located underground. ▪ The design and location of any necessary above ground infrastructure related to the light rail will be coordinated and agreed upon by the Town and Metro, which agreement shall not be unreasonably withheld. ▪ As requested in the September 24, 2025 letter, Metro will evaluate potential opportunities following Project construction to implement enhancements to Gateway Park that align with the Town's long-range park planning goals. This may include identifying opportunities to incorporate additional active and passive recreational resources to the site, improving the park's accessibility, and expanding the site's footprint to accommodate additional users and amenities. ▪ Metro will minimize impacts on Ellicott Trailway by coordinating with the Town to notify the community and define reasonable detour routes. Following relocation, the trailway bridge will remain at the new location for public use.	▪ During Project Engineering, Construction, and Operation.

Beneficial Effects or Anticipated Impacts	Measures to Avoid, Minimize, or Mitigate Impacts	Anticipated Timeframe
▪ While the LRT Build Alternative and BRT Build Alternative would be located outside the Marvin Gardens historic property boundary, minor changes to Marvin Gardens' integrity of materials would occur through the acquisition of less than 0.01 acres along Brighton Road to facilitate right turns onto Niagara Falls Boulevard. The Project would not alter any of the characteristics that may qualify Marvin Gardens for inclusion in the NRHP in a manner that would diminish its integrity of location, design, materials, workmanship, setting, feeling, and association. As a result, the LRT Build Alternative and BRT Build Alternative would have no adverse effect on Marvin Gardens. SHPO concurred with the Project's no adverse effect finding for built historic properties. Therefore, no mitigation for built historic properties is required and FTA concludes a de minimis finding for this Section 4(f) use. The LRT Build Alternative and BRT Build Alternative would occur within the historic property boundary of the UB North Campus and would introduce new transit-related infrastructure. However, the Project would not alter any of the characteristics that may qualify UB North Campus for inclusion in the NRHP in a manner that would diminish its integrity of location, design, materials, workmanship, setting, feeling, and association. As a result, the LRT Build Alternative and BRT Build Alternative would have no adverse effect on UB North Campus. SHPO concurred with the Project's no adverse effect finding for built historic properties. Therefore, no mitigation for built historic properties is required and FTA concludes a de minimis finding for this Section 4(f) use. ▪ During construction of the LRT Build Alternative, Gateway Park would be closed for approximately 12 months. The undertaking would require excavation in the park for cut-and -cover tunnel construction and use of the rest of the park for construction staging activities (equipment and materials storage; preparation of precast structural segments; rail utilities (air, water, electricity); mixing and processing slurry for excavation and post-excavation slurry treatment). Following construction, the LRT Build Alternative will require a permanent underground easement below the park, which also constitutes a 4(f) use of Gateway Park. Metro will minimize impacts on the park by		

Beneficial Effects or Anticipated Impacts	Measures to Avoid, Minimize, or Mitigate Impacts	Anticipated Timeframe
restoring the surface of the park to its pre-construction condition following construction. Once completed, no LRT Build Alternative infrastructure would reach the surface of the park as it will be approximately 30 feet below the park surface. The Town of Amherst will retain ownership of the park minus the subsurface easement. FTA concludes a de minimis finding for this Section 4(f) use. ▪ During construction of the LRT Build Alternative and the BRT Build Alternative, Metro would require temporary use of the Ellicott Creek Trailway. To facilitate construction of a new transit bridge deck for either the LRT Build Alternative or BRT Build Alternative, Metro would relocate, slightly to the southeast of the current location, the existing pedestrian bridge across Ellicott Creek using the existing piers remaining from a former section of the John James Audubon Parkway northbound lanes bridge. Metro would also reconstruct the trailway connection under the bridge. The relocation of the Ellicott Creek Trailway pedestrian bridge would take approximately two weeks. During the relocation, the trailway river crossing would not be open for use. Metro will coordinate with the Town of Amherst, to notify the community and define reasonable detour routes. Following Project construction, the trailway would be restored to pre-construction conditions and open for public use. FTA concludes a de minimis finding for this Section 4(f) use. ▪ No designated recreation areas or wildlife and waterfowl refuges are within the Project study area. Therefore, the Project would not result in the use of any such resources.		

1.3 PUBLIC OUTREACH AND OPPORTUNITIES TO COMMENT

On July 25, 2025, the Notice of Availability was published in the Federal Register and the DEIS was made available for public review and comment through the Federal Register and the Project website (www.nftametrotransitexpansion.com). The public was invited to comment July 25, 2025, through September 8, 2025. FTA and Metro provided the public numerous methods to comment on the DEIS, including providing oral testimony at the August 19, 2025, Public Hearing, recording comments on a comment card available at the Public Hearing, submitting comments online at the Project website *www.nftametrotransitexpansion.com*, emailing comments to *transitexpansion@nfta.com*, calling and leaving comments via voicemail at (716) 855-7382, and mailing comments to the Niagara Frontier Transportation Authority, 181 Ellicott Street, Buffalo, New York 14203; Attention: Jeffery Amplement.

Substantive comments received during the public comment period were responded to and are incorporated within Appendix C, "Public and Agency Comments" of the FEIS. Chapter 3, "Supplementary Analyses" of the FEIS describes the revised analyses in response to public comments. Revised analyses include those related to Historic and Cultural Resources and the Project Opinion of Probable Cost. For more information on public and agency comments received on the DEIS, refer to Chapter 4, "Public and Agency Outreach and Coordination" and Appendix C, "Public and Agency Comments" of the FEIS.

1.4 PROJECT IMPLEMENTATION, MONITORING, AND ENFORCEMENT

Following issuance of the ROD, FTA and Metro will continue to coordinate with Project stakeholders, including but not limited to, the Federal Highway Administration, the U.S. Environmental Protection Agency, the U.S. Department of Interior – Office of Environmental Policy and Compliance [U.S. National Park Service], U.S. Army Corps of Engineers, U.S. Fish & Wildlife Service, NYS Empire State Development, NYS DOT, NYS Department of Environmental Conservation, NYS Office of Parks, Recreation and Historic Preservation – State Historic Preservation Office, Dormitory Authority State of New York (DASNY)/State University of New York, Erie County Public Works, GBNRTC, Erie County Department of Environment and Planning, City of Buffalo, Town of Amherst, and Town of Tonawanda.

1.5 DETERMINATIONS AND FINDINGS OF OTHER LAWS

1.5.1 Section 106 of the National Historic Preservation Act of 1966

FTA completed consultation in accordance with Section 106 of the National Historic Preservation Act of 1966 ('Section 106') and its implementing regulations (36 CFR Part 800), which requires Federal agencies to consider the impacts of their undertakings on historic properties. Section 106 regulations require that FTA identify historic properties listed in or eligible for listing in the National Register of Historic Places (NRHP) within the Area of Potential Effects (APE); assess effects to historic properties; avoid, minimize, or mitigate any

adverse effects; and consult with the relevant State Historic Preservation Officer, and other consulting parties.

Through the Section 106 process, FTA determined, with NYSHPO concurrence, that the Project would not result in adverse effects to historic properties, cultural resources, and archeological resources.

1.5.2 Section 4(f) Determination (49 U.S.C. 303; 23 CFR 774)

Section 4(f) of the U.S. DOT Act (49 U.S.C. 303, as implemented by 23 CFR 774) protects publicly owned parks, recreation areas, wildlife, and waterfowl refuges, and publicly or privately owned significant historic sites. Section 4(f) prohibits an operating administration of the U.S.DOT, including FTA, from approving a project that uses public parks and recreational lands; wildlife refuges; and public or private historic properties listed or eligible for listing in the NRHP unless it is determined that there is no feasible and prudent avoidance alternative to avoid the use, and the project includes all possible planning to minimize harm to the resources, or the impacts meets the requirements for a de minimis impact. The Section 4(f) Evaluation is incorporated within Appendix D of the FEIS. The Project would result in use of the following Section 4(f) properties:

- University at Buffalo South Campus
- Lincoln Park Village
- Marvin Gardens
- University at Buffalo North Campus
- Gateway Park
- Ellicott Creek Trailway

However, impacts associated with the Project would not adversely affect the activities, features, and attributes that qualify these properties for protection under Section 4(f). Therefore, after considering measures to minimize harm (such as any avoidance, minimization, mitigation, or enhancement measures), the FTA has determined that, pursuant to 23 CFR 774(b), the impacts associated with uses of each of these Section 4(f) properties would be *de minimis*. As a result, a discussion of avoidance alternatives is not required. Letters of concurrence from the agencies with jurisdiction over these Section 4(f) properties are included in Appendix D of the FEIS.

1.5.2.1 Coordination with Agencies with Jurisdiction

Pursuant to 23 CFR 774 in the case of historic properties under Section 4(f), the official with jurisdiction is the NYSHPO for the State wherein the property is located. In addition, when the Section 4(f) property is a National Historic Landmark, the National Park Service is also an official with jurisdiction over that resource for 4(f) purposes. The Draft Section 4(f) Evaluation

was sent to the U.S. Department of the Interior (DOI) and National Park Service (NPS) for a 30-day agency review on March 14, 2025. NYSHPO was also provided a copy at this time as well. The Draft Section 4(f) evaluation was made available to the public and other parties on July 25, 2025, during the 45-day review of the DEIS. DOI/NPS provided comments on the Draft Section 4(f) Evaluation on September 5, 2025.

1.5.3 Transportation Conformity

The LRT Build Alternative is subject to transportation conformity regulations under 40 CFR Part 93 Subpart A. The area's Metropolitan Planning Organization, the GBNRTC, is responsible for overseeing transportation conformity. The GBNRTC has included the LRT Build Alternative within its currently adopted Long Range Transportation Plan.

1.5.4 Section 7 of the Endangered Species Act

Section 7 of the Endangered Species Act (ESA) and its implementing regulations (50 CFR Part 402) require Federal agencies to consult with the U.S. Fish and Wildlife Services (USFWS) to ensure that their actions are not likely to jeopardize the continued existence of threatened or endangered fish, wildlife, or plant species or result in the destruction or adverse modification of designated critical habitat for any such species.

Pursuant to the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action" (16 U.S.C. § 1536 (c)), on November 24, 2025, FTA obtained a list of such species from USFWS's Information for Planning and Consultation (IPaC) system. The list identifies northern long-eared bat (*Myotis septentrionalis*; endangered species), tricolored bat (*Perimyotis subflavus*; proposed endangered species), salamander mussel (*Simpsonaias ambigua*; proposed endangered species), and monarch butterfly (Danaus plexippus; proposed endangered species) as the federally listed species with the potential to occur within the one-half mile radius surrounding the Project area. The IPaC system does not identify any critical habitats within the one-half mile radius surrounding the Project area.

The Project's commitment to cut trees only during the winter tree cutting window (November 1 to March 31) will limit impacts to the northern long-eared bat and tricolored bat. The Project "may affect, not likely to adversely effect" the tricolored bat, northern long-eared bat, and salamander mussel. There will be "no effect" on monarch butterfly.

1.5.5 Permits and Approvals

Metro will be the primary applicant responsible for all necessary permits, including but not limited to local, Federal, and New York State permits. While some permits will be obtained by the General Contractor, the Engineer of Record will also obtain permits. Metro will serve as the main point of contact for communication with the relevant agencies.

Design will continue to evolve as the Project moves toward implementation and Metro is committed to updating all Project traffic data, traffic patterns, and analyses to ensure an accurate evaluation of the Project's impact on study area traffic. Metro also commits to further coordination with NYSDOT. Future coordination is expected to include a series of meetings focused on individual analysis topic areas and will provide the opportunity to share and discuss all EIS information and data in great detail. This coordination will seek input from NYSDOT that will guide future design efforts and refine design concepts that address NYSDOT concerns. Metro will pursue NYSDOT approval and necessary permits to construct the project.

Metro will ensure that the Final Engineering design adheres to the mitigation measures identified in the FEIS and the requirements of the ROD. FTA will continue to monitor the implementation of mitigations during construction oversight. Metro will also be responsible for integrating the environmental commitments identified in the ROD into the final engineering design and for incorporating environmental controls into the contract documents based on the completed Final Engineering. Additionally, through the Transportation Management Plan, the final design and construction sequencing will be planned to minimize disruption to businesses and residents.

1.6 CONCLUSION

FTA has carefully considered the Project record including the DEIS, FEIS, and associated technical reports and analyses; the Section 4(f) Evaluation; and the mitigation measures required, including comments offered by agencies, stakeholders, and the public throughout the environmental review process. Based on this consideration, Metro determined that approval of the Project is in the best interest of the public. FTA further has determined that appropriate commitments to avoid, minimize, and mitigate impacts are defined in this ROD and will be implemented by Metro, the Project Sponsor, during the engineering, design, construction, and operational phases of the Project.

Pursuant to 23 CFR 771.129, Metro must consult with FTA prior to requesting any major approvals or grants to establish whether or not the approved FEIS/ROD remains valid for the requested federal action.

U.S. Department of Transportation
Federal Transit Administration

NFTA-METRO

Record of Decision

Buffalo-Amherst-Tonawanda Corridor Transit Expansion Project

Prepared by:

Federal Transit Administration
U.S. Department of Transportation

Pursuant to:

The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. § 4321et seq.); the Federal Transit Administration's Environmental Impact and Related Procedures Rule (23 CFR Part 771); Efficient Environmental Reviews for Project Decisionmaking (23 U.S.C. § 139); Section 4(f) of the U.S. Department of Transportation Act of 1966 (49 U.S.C. § 7401); Section 106 of the National Historic Preservation Act of 1966 (36 CFR Part 800); the Clean Air Act of 1970, as amended (42 U.S.C. § 7401 et seq.); the Clean Water Act of 1972 (33 U.S.C. §§ 1251-1387); and the Endangered Species Act of 1973 (50 CFR Part 17).

In conclusion:

The Federal Transit Administration carefully has considered the Project's record, including the Draft Environmental Impact Statement, the Final Environmental Impact Statement, and associated technical reports and analyses; the Section 4(f) Evaluation; the mitigation measures that the Niagara Frontier Transportation Authority (NFTA) will be required to implement, including the commitments made pursuant to Section 106 of the National Historic Preservation Act of 1966; and the comments offered by agencies, stakeholders, and the public throughout the federal environmental review process. The Federal Transit Administration issues this Record of Decision for NFTA's proposed Buffalo-Amherst-Tonawanda Corridor Transit Expansion Project, finding that the requirements of NEPA (42 U.S.C. §§ 4321et seq.) have been satisfied pursuant to 23 Code of Federal Regulations 771.127.

Michael L. Culotta
Regional Administrator
Federal Transit Administration
Region II

January 30, 2026
Date