

# Scoping Information Packet



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## Acronyms

AA .....	Alternatives Analysis
CEQ .....	Council on Environmental Quality
EIS .....	Environmental Impact Statement
FTA .....	Federal Transit Administration
GBNRTC.....	Greater Buffalo Niagara Regional Transportation Council
LPA.....	Locally Preferred Alternative
LRT .....	Light-Rail Transit
NEPA .....	National Environmental Policy Act
NFTA.....	Niagara Frontier Transportation Authority
SEQR.....	State Environmental Quality Review Act
UB .....	University at Buffalo



# 1 Introduction

## **Invitation to Comment and Notice for the Buffalo-Amherst – Tonawanda Transit Expansion Project NEPA Scoping Period: August 30, 2021 to October 14, 2021**

The Niagara Frontier Transit Metro System, Inc. (Metro), a wholly-owned subsidiary of the Niagara Frontier Transportation Authority (NFTA) is proposing to expand high quality transit in the Buffalo-Amherst-Tonawanda Corridor. The build alternatives being considered include a light-rail transit (LRT) extension and a bus rapid transit (BRT) system. Both alternatives would essentially follow the same alignment and would be primarily at-grade. Ten stations, two with park & ride facilities and an overnight storage and light maintenance facility are proposed for both alternatives. Metro intends to seek financial support for the project from the United States Department of Transportation, including FTA funding. The Project is included in the Greater Buffalo and Niagara Regional Transportation Council's (GBNRTC) 2050 long-range plan as regionally significant.

The Federal Transit Administration (FTA), serving as lead federal agency, and Metro, the Project Sponsor and joint lead agency, are preparing an Environmental Impact Statement (EIS) to evaluate the Proposed Project in accordance with the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. § 4321 et seq.), Council on Environmental Quality's (CEQ) NEPA-implementing regulations (40 CFR §§ 1500-1508), and the FTA's Environmental Impact and Related Procedures (23 CFR §771). It is anticipated that the EIS will address, as applicable, the guidelines and methodologies established under the New York State Environmental Quality Review Act (SEQRA).

To determine the scope, content and significant issues to be addressed in the EIS, FTA and Metro are conducting agency and public "scoping." Scoping is "an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action" (40 Code of Federal Regulations [CFR] 1501.7). This scoping information packet is intended to help interested parties understand the scoping process, provide pertinent information about the Project and establish an early and open process for obtaining public and agency input.

This NEPA Scope describes:

- The Scoping process
- The Purpose and Need for the Proposed Project
- Alternatives that were identified and screened out
- Topics to be addressed in the EIS
- Next steps

FTA and Metro are inviting all interested parties to be involved in decisions about this project. To learn more, or get involved, interested parties can attend a scoping meeting, obtain information on the project website, or submit comments according to the procedures outlined in Section 2.

## 2 Scoping Process

Scoping provides an opportunity for the public to learn more about the Proposed Project and to provide valuable input as it enters into the NEPA environmental review phase. NEPA scoping builds upon the initial scoping that was conducted in 2019 that focused on the project purpose and need and long-list of project alternatives and focuses on the framework for the EIS that will be prepared for the proposed project.

FTA and Metro have concluded that the Proposed Project has the potential to result in significant environmental effects and an EIS is needed, as required by NEPA. A scoping notice for the EIS has been published in the Federal Register. Notices and project information display advertisements announcing upcoming public scoping meetings have been placed in publications serving the neighboring community and areas along the Buffalo-Amherst-Tonawanda corridor.

Notices were placed in the following publications:

- Buffalo News
- Buffalo Criterion
- Niagara Gazette
- Ken-Ton Bee Newspaper
- Amherst Bee Newspaper

Notices and project information were also posted on the project website ([www.NFTAMetrotransitexpansion.com](http://www.NFTAMetrotransitexpansion.com)) and to Metro social media platforms. Notices were also placed on Metro Rail vehicles and Metro Rail stations.

FTA and Metro invite the public, agencies, and tribes to be involved in the EIS process. During the NEPA scoping process, comments are encouraged on the draft purpose and need, potential alternatives, and environmental issues of concern. A list of the Federal, State, and local agencies with which FTA and Metro are coordinating is provided in Section 7.

FTA will also be initiating government-to-government consultation under Section 106 of the National Historic Preservation Act with the Seneca Nation.

### Public Comment Period and Community Meetings

The comment period for NEPA scoping extends from August 30, 2021 to October 14, 2021 at 4:00 p.m. During this period, FTA and Metro will hold two virtual public scoping meetings to inform and obtain input from the public. The public scoping meetings will be held on:

- September 15 from 1:00 p.m. to 2:30 p.m. (Virtually via ZOOM)
- September 15 from 6:30 p.m. to 8:00 p.m. (Virtually via ZOOM)

For additional language translation services or special needs assistance, please contact the project team prior to September 7, 2021 at: 716-855-7382 or email: [transitexpansion@nfta.com](mailto:transitexpansion@nfta.com).

#### HOW TO COMMENT

Comments may be provided at any point during the scoping period through:

- Registering to speak at a virtual public scoping meeting
- E-mailing written comments to Metro at [transitexpansion@nfta.com](mailto:transitexpansion@nfta.com)
- Mailing written comments to  
Metro Transit Expansion Project, c/o Service Planning  
181 Ellicott Street,  
Buffalo, NY 14203
- Submitting written comments via the project website:  
[www.NFTAMetrotransitexpansion.com](http://www.NFTAMetrotransitexpansion.com)

All comments received by October 14, 2021 at 4:00 p.m., no matter their format, will be considered equally.

#### HOW COMMENTS WILL BE USED

After the end of the comment period on October 14, 2021 at 4:00 p.m., Metro (in consultation with FTA) will collect, review, and summarize the comments received and prepare a scoping summary report to share the results of the scoping process. A report summarizing the NEPA scoping process will be shared with the public and agencies.

The comments received during the scoping period will be considered by FTA and Metro to define the scope of the EIS and inform the related technical analyses and environmental resources to be evaluated.

## 3 Purpose and Need

The Proposed Project's primary ***purpose*** is to provide a fast, reliable, safe, and convenient transit ride and link established and emerging activity centers along the existing Metro Rail line in Buffalo with existing and emerging activity centers in Amherst and Tonawanda. The Project would serve existing Metro riders, attract new transit patrons, improve regional connections between Buffalo, Amherst, and Tonawanda, and support redevelopment and other economic development opportunities. Additionally, the Proposed Project would improve livability by increasing mobility and accessibility in communities throughout the region.

The ***need*** for enhanced, equitable, and sustainable, transit service has three main components (Figure 3-1): (1) to serve existing and future travel demand generated by recent, pending, and future regional development; (2) to provide high-quality regional transit service; and (3) to better serve transit-dependent population segments.

**Figure 3-1. Needs**



**Serve existing and future travel demand**



**Provide high-quality regional transit service**



**Improve service for transit-dependent population**

### **3.1 SERVE EXISTING AND FUTURE TRAVEL DEMAND**

The Buffalo metropolitan region is experiencing economic growth and transformation, including over \$1 billion of projects that have been recently completed, are under construction, or are planned for the corridor. As reported in the 2018 Comprehensive Transit-Oriented Development Plan, the existing and proposed Buffalo-Amherst-Tonawanda Corridor Transit Expansion corridor is expected to experience faster population growth (an increase of 5.8% versus 1.3% for the region) and employment growth (an increase of 13.3% versus 12.5% for the region) than the balance of the region.

Such growth, however, will require supporting infrastructure and public facilities and services, particularly regarding transportation. Increasing development will increase the demand for work trips and non-work trips, including shopping, medical services, and entertainment. Expanded transportation options will be especially important for workers to have access to the increasing employment opportunities both in Buffalo and Amherst. As job and population growth occurs, transportation issues and challenges will need to be addressed, and improved public transit and increased transit usage will be an important part of the solutions.

According to GBNRTC's congestion management system, the existing roadway network experiences traffic congestion, particularly during peak periods, and without mitigation, the anticipated level of new development will further increase congestion within the Buffalo-Amherst-Tonawanda corridor. Expanding roadway capacity is not viable because of constraints on available rights-of-way, potential environmental impacts, and concerns that highway investments are not a sustainable, long-term solution and that they do not encourage mixed-use, compact development—all goals of regional and local plans. As such, GBNRTC's adopted metropolitan long-range transportation plan—*Moving Forward 2050: A Regional Transportation Plan for Buffalo Niagara*—includes a transit investment in this corridor.

There is a need for new investments to provide a high-quality, increased transit services in the Buffalo-Amherst-Tonawanda corridor to mitigate the growth of traffic and congestion, to enable and support more sustainable development patterns, and to preserve roadway capacity. As a prime example, BNMC, in planning for its major expansion, has developed an extensive Transportation Demand Management program, including working with Metro to increase transit service opportunities and usage as well as multimodal transportation.

As Buffalo, Amherst, and Tonawanda continue to develop and redevelop, increasing transit service would help to shape and support the patterns of future development. Expanding and enhancing transit service along the Buffalo-Amherst-Tonawanda corridor would promote and support higher

development densities and mixed uses. Such development patterns would support more sustainable growth, possibly leveraging additional economic development and employment opportunities, while minimizing needs to expand roadway and parking capacity.

### **3.3 PROVIDE REGIONAL HIGH-QUALITY TRANSIT SERVICE**

There is a need for faster, more frequent, more convenient, and more reliable regional transit service in the Buffalo-Amherst-Tonawanda corridor. The corridor is served by Metro with three bus routes (Route 34, Route 44, and Route 49) that connect with the Metro Rail University Station. Buses on these routes operate in mixed traffic with frequent stops making it difficult to achieve an optimal level of high-quality transit service. Also, the length of the routes increases travel times, and riders are subject to the same delays as are motorists due to traffic congestion. Additionally, travel by bus is often affected by the region's winter weather, with frequent ice and snow conditions. These conditions can make bus travel during winter difficult and time consuming. Moreover, while these bus routes serve various retail centers, office parks, and multifamily residential complexes in Amherst, they do not serve several other major corridors including Main Street, Bailey Avenue, Maple Road, Sweet Home Road, and Audubon Parkway.

In addition to local bus service, UB provides Stampede shuttle bus service between its campuses exclusively for the UB community. Stampede riders transfer to or from bus service to reach destinations within Amherst and Tonawanda, resulting in at least a two-seat transit trip. These riders incur the inconvenience of a "travel time penalty" affecting the desirability of transit beyond the UB campuses.

Providing high-quality transit would improve travel times of current riders and attract additional transit riders. These additional riders could include persons who would otherwise drive to and park at University Station or who are dropped off there.

In sum, the existing bus service underserves the major commercial and retail activity centers and corridors in Amherst and does not provide a connection to Buffalo without requiring a transit mode transfer. Increased transit service along the Buffalo-Amherst-Tonawanda corridor would improve access both for city residents traveling to suburban activity centers and suburban residents traveling to city activity centers. A high-quality, high-capacity, and convenient public transit service would improve travel for current riders and attract new riders. Such a service would increase travel options for all travelers in this important corridor.

### **3.4 IMPROVE SERVICE FOR TRANSIT-DEPENDENT POPULATIONS**

The limited transit service in the Buffalo-Amherst-Tonawanda corridor especially affects the mobility and access of transit-dependent population segments. Transit-dependent population segments refer to people who cannot drive due to financial or physical reasons. Such segments include the elderly, disabled, low-income, and students. GBNRTC's 2017 Onboard Survey found that most transit riders using NFTA transit services are transit dependent: 84 percent of riders do not have access to a vehicle, 58 percent can be classified as low income, and 57 percent of riders in the region do not have a valid driver's license.<sup>1</sup>

Transit dependency for the Buffalo-Amherst-Tonawanda corridor was assessed to better understand and visualize transit needs. The study area for this analysis is defined as ¼ mile from the Buffalo-Amherst-Tonawanda Corridor Transit Expansion alignment and ½ mile from proposed stations. The transit dependency index (TDI) was calculated using the following formula:

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<sup>1</sup> Greater Buffalo-Niagara Regional Transportation Council. 2017. "Niagara Frontier Transportation Authority Onboard Survey." <https://www.gbnrtc.org/surveys/>.

$$\text{TDI} = \text{Population Density} \times (\text{housing units without a vehicle} + \text{senior citizens} + \text{children ages 18 and under} + \text{individuals below poverty})$$

The results of the TDI relative to the study area were grouped into four categories: very low, medium, high, and very high (Figure 3-2). The populations with the highest dependency are in the northern and southern sections of the study area north of both UB campuses.

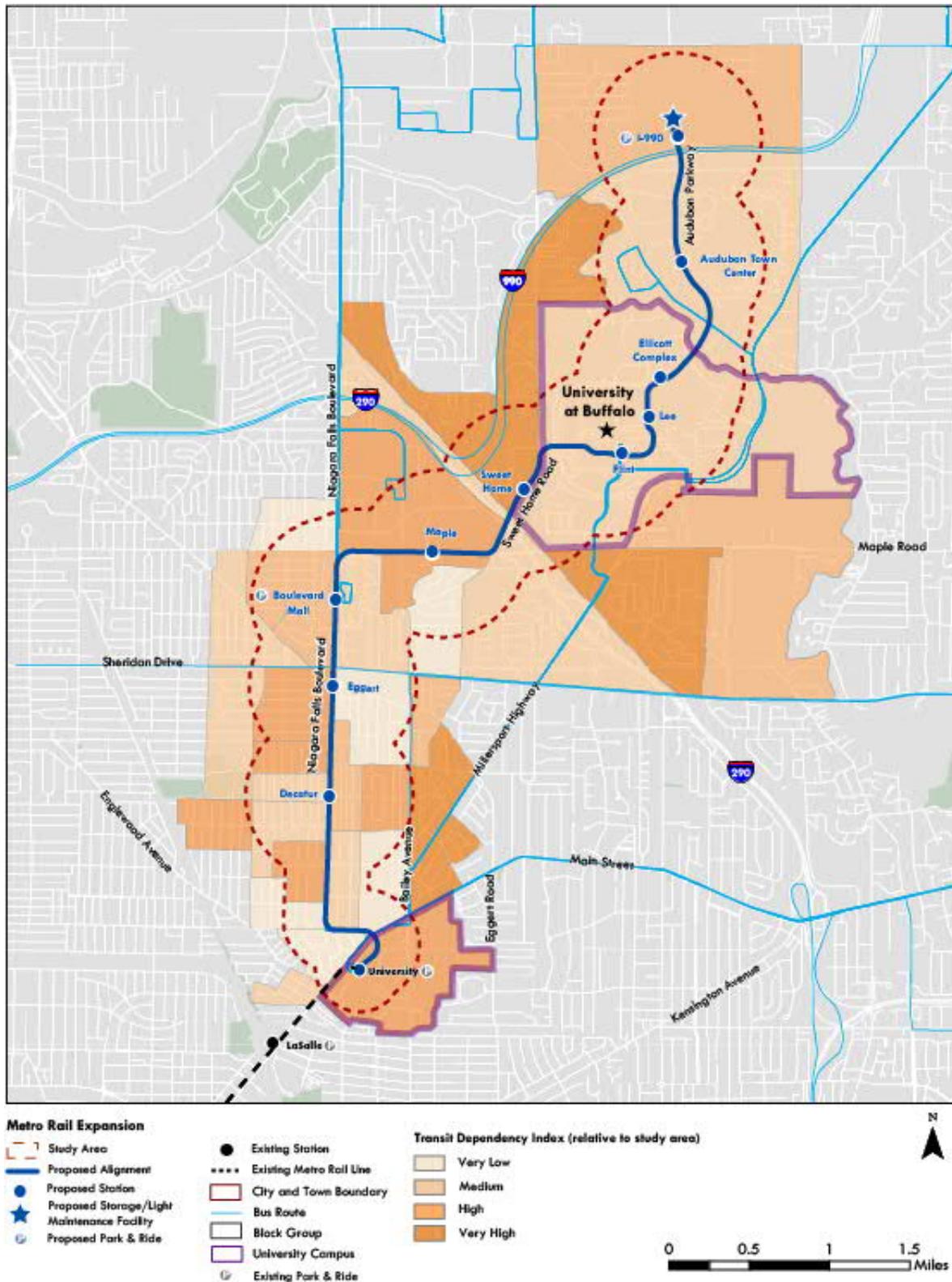
Figure 3-3 presents commute-to-work data for the study area. The study area was grouped into the same four categories: very low, medium, high, and very high. In comparing the areas with the highest percentage of residents who commute to work by transit to the areas that have the highest TDI, the choice not to commute to work by transit, could be a result of the limited available transit options.

The lack of quality transit service in the corridor involves both residential origins and key trip destinations, including work and other trip purposes. The study area has many senior-living complexes, facilities serving people with disabilities, low-income housing complexes, apartment complexes, and student housing. The current Metro Rail and Metro Bus routes serve some but not all of these locations. For example, current bus routes provide some service to the UB North Campus and the Weinberg Campus, but for the most part, the residents of the many housing complexes in this area do not have transit options.

The transit-dependent populations in the study area are adversely affected by limited connectivity, and the unreliability of the existing transit services. There is a need to extend the reach of a high-quality transit service in order to increase the access for corridor residents to employment opportunities, health care, shopping, and entertainment throughout the corridor.

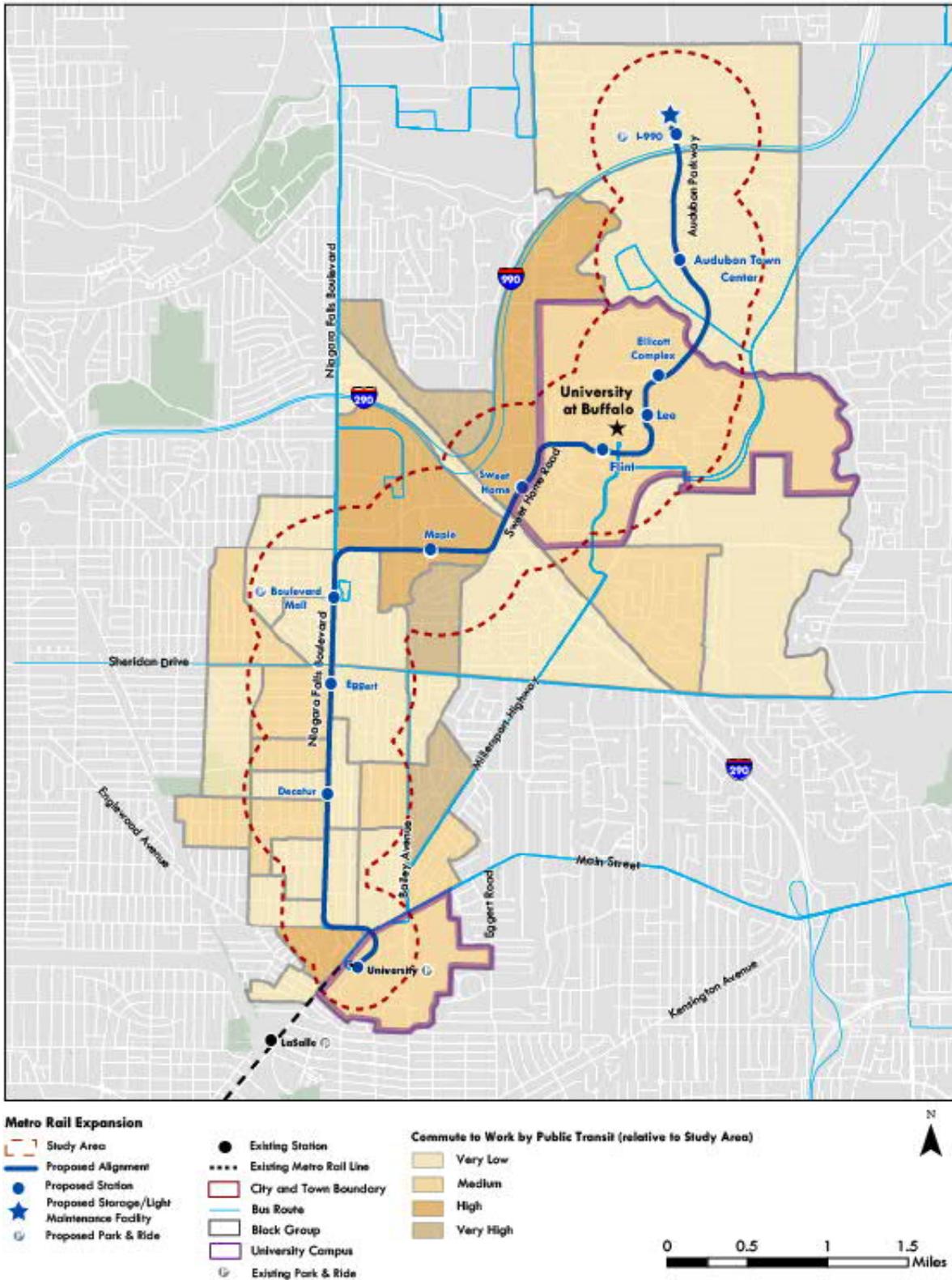
Limited connectivity of the existing transit services affects the transit-dependent populations in the study area by limiting where in the city they can reasonably travel. Lack of transit options affects the ability of residents to access employment and other opportunities, and to travel to and from work or for non-work purposes. The Buffalo-Amherst-Tonawanda Corridor Transit Expansion would increase the study area population's access to high-quality transit and employment opportunities in Amherst and Buffalo along with improved access to health care and educational facilities and retail destinations. Moreover, with a growing aging population and with a rising number of students, increased transit service would help the region respond to the travel challenges faced by transit-dependent populations and to changing demographic trends.

**Figure 3-2. Transit Dependency Index within the Study Area**



Source: Erie County and U.S. Census Bureau, 2019

**Figure 3-3. Commute to Work within the Study Area**

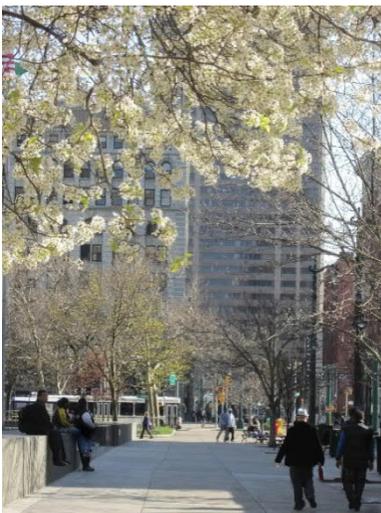


Source: Erie County and U.S. Census Bureau, 2019

## 4 Project Alternatives

High-quality transit service in the Greater-Buffalo region has been considered for nearly 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 Amherst to north of the planned UB North Campus. The rail line was scaled back to a 6.4-mile rail line terminating at the UB South Campus. This line opened in 1985 and continues to operate as the existing Metro Rail.

The existing Metro Rail serves a diversity of activity centers and land uses, ranging from the waterfront to the urban center of downtown Buffalo and the Buffalo Niagara Medical Campus (BNMC), to the large and expanding UB campuses and other colleges, to older established residential neighborhoods and emerging commercial and employment centers.



**Downtown Buffalo**



**Canalside**

In 2010, Metro updated its 2001 Strategic Assessment. The review examined available rights-of-way and major arterial corridors as possible locations for major transit investments. The study identified four corridors as candidates for future major investment. The Buffalo-Amherst-Tonawanda Corridor Transit Expansion corridor was recommended as a candidate for further study.

### 4.1 ALTERNATIVES ANALYSIS

Metro and the Greater Buffalo-Niagara Regional Transportation Council (GBNRTC) initiated the Amherst-Buffalo Alternatives Analysis (AA) in fall 2012. The overall goal of the Amherst-Buffalo AA was to evaluate a range of high-quality transit service alternatives to improve transit access between key activity centers in Buffalo and Amherst, provide enough information to support the recommendation of a Locally Preferred Alternative (LPA), and enable GBNRTC to adopt the LPA as part of the fiscally constrained portion of the long-range transportation plan.

The Amherst-Buffalo AA involved a three-tiered approach that established screening methodology and selection criteria. A Project Steering Committee, Project Advisory Committee, and a robust public participation plan were established to help guide the study. Community stakeholders also provided input and feedback. During the study, four public information meetings were held as well as over 75 staff-level meetings and presentations to community organizations and stakeholders.

At the onset of the study, 36 alternatives were identified as part of a long list for Tier 1 analysis. The long list consisted of four modes (Light-Rail Transit, Bus Rapid Transit, Preferential Bus, and Enhanced Bus) along with three main alignments (Niagara Falls Boulevard, Bailey Avenue, and Millersport Highway). The 36 alternatives were screened based on criteria that considered those that could be reasonably built and would not have a substantial impact on the community or environment. Tier 1 analysis resulted in 15 remaining alternatives to be refined and evaluated in more detail in Tier 2 analysis.

During Tier 2 analysis of the Amherst-Buffalo AA, conceptual level engineering was completed for the remaining alternatives. The alternatives were also subjected to quantitative assessment and compared across modes to determine the best performing alternatives. Tier 2 analysis resulted in seven alternatives to advance to Tier 3 analysis, the final evaluation tier.

Tier 3 analysis of the Amherst-Buffalo AA applied measurable categories of evaluation, including land use, mobility, and cost effectiveness to the remaining seven alternatives. Measurable criteria for each category included travel time, employment and population served, number of activity centers, operating and maintenance costs, capital cost, growth locations served, projected ridership (including UB boardings), and operating revenue. Construction costs were developed for the alignment options (in 2014 dollars) to assist in the selection of an LPA.

After reviewing the technical results of the Amherst-Buffalo AA and considering feedback from the Project Steering and Advisory Committees and the public, Metro recommended the Niagara Falls Boulevard LRT Alternative as the strongest alternative to advance as the LPA. The LPA was generally defined as extending LRT from the existing Metro Rail terminus at University Station, extending underground along Bailey Avenue to a tunnel portal on Eggert Road, continuing at grade on Niagara Falls Boulevard to Maple Road to Sweet Home Road, onto and through UB North Campus to Audubon Parkway, and terminating near the I-990 interchange.

Following the Amherst-Buffalo AA, the adoption of the original LPA in the fiscally constrained Transportation Improvement Program, Metro agreed to a request from stakeholders to study the feasibility of exiting University Station directly to Niagara Falls Boulevard, via Kenmore Avenue, rather than running beneath Bailey Avenue. Under this option, the alignment would travel from University Station underground along Kenmore Avenue and onto Niagara Falls Boulevard where it would surface through a portal just north of Kenilworth Avenue and continue along Niagara Falls Boulevard to a common point at the intersection of Eggert Road and Niagara Falls Boulevard. From here, the alignment would follow the original LPA to the interchange of I-990 and Audubon Parkway.

The evaluation identified that this refined LPA could save approximately \$200 million (in 2014 dollars) in construction costs by reducing the tunnel length from 10,000 linear feet to only 3,400 linear feet. The refined LPA would also eliminate a costly underground station. Another evaluation

factor was travel times, which would be just under 21 minutes from I-990 to University Station for the refined LPA and just under 22 minutes for the original LPA. Even though the travel times are comparable, the refined LPA would have fewer impacts to existing parcels. During meetings with the Technical Advisory Committee and Steering Advisory Committee, the consensus was to move forward with the environmental review of the refined LPA and to eliminate the Bailey Avenue portion of the alignment. This was reviewed by the NFTA Board of Commissioners and with the general public during a meeting held on December 6, 2018.

#### **4.2 STATE QUALITY ENVIRONMENTAL REVIEW ACT**

Metro, as the lead agency, initiated the environmental review process for the Buffalo-Amherst-Tonawanda Corridor Transit Expansion in 2018 and undertook a review of the environmental, socio-economic, and fiscal impacts in accordance with the State Environmental Quality Review Act (SEQRA). The LPA was further refined at the outset of the development of the SEQRA EIS. The SEQR Draft EIS (DEIS) was released in January 2020 and two public hearings were held in February 2020 to provide an opportunity to reach the public and solicit input in response to the DEIS. During the comment period for the SEQR DEIS, FTA requested lead agency participation, requiring that the environmental review be conducted pursuant to the NEPA. The findings of the SEQR DEIS, the written and oral comments received during the SEQR public hearing, and comments received during the SEQR DEIS document public comment period that ended on March 24, 2020, will inform the development of a new DEIS prepared pursuant to NEPA.

#### **4.3 ALTERNATIVES ANALYZED IN THE EIS**

##### **4.3.1 No Build Alternative**

In the environmental review process, the No Build Alternative is used as a starting point to provide a comparison of the Build Alternative in terms of costs, benefits, and impacts. The No Build Alternative includes all highway and transit facilities identified in the fiscally constrained 2018 regional transportation plan for the Buffalo-Niagara region—*Moving Forward 2050*—with the exception of the Buffalo-Amherst-Tonawanda Corridor Transit Expansion.

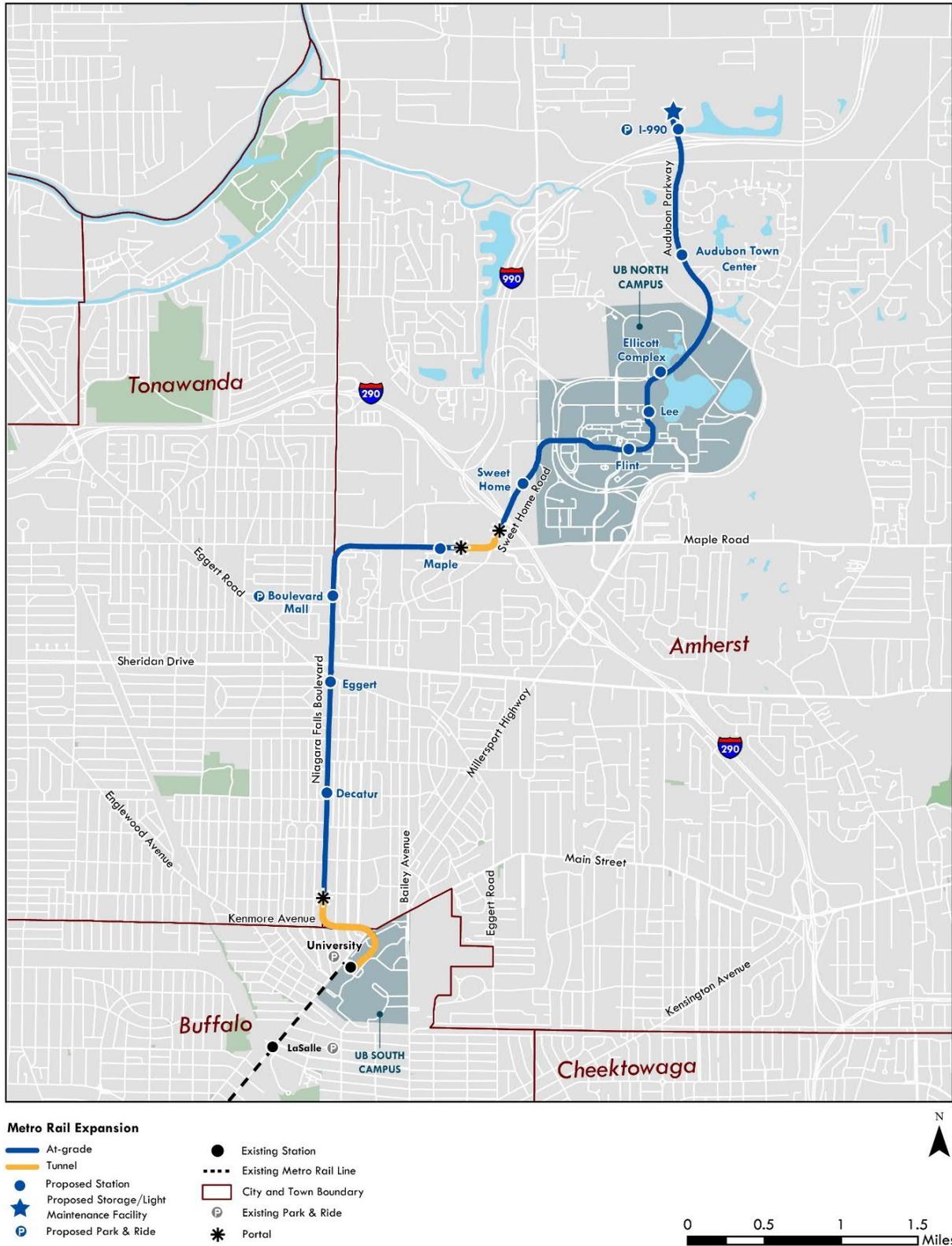
##### **4.3.2 Build Alternatives**

Two build alternatives, a LRT extension and a BRT system have been identified for the Proposed Project. The proposed LRT Build Alternative is an approximately 7-mile extension of Metro's existing light rail transit (Metro Rail) and was developed incorporating public and stakeholder comments from Metro's planning process and SEQR DEIS scoping process. The LRT extension would be primarily at-grade, except for a 0.8-mile underground segment from the existing Metro Rail University Station to Niagara Falls Boulevard and at the intersection of Maple Road and Sweet Home Road. Ten stations are proposed, two with park & ride facilities, and an overnight storage and light maintenance facility located near the end of the line. The trackway would be configured with two tracks – one for northbound service and one for southbound service. The project would generally be within existing roadway right-of-way. Figure 4-1 presents the Metro Rail Expansion, including the underground (tunnel) and at-grade alignment, portal locations, ten stations, two park & ride facilities, and the light maintenance/storage facility.

The proposed BRT Build Alternative would provide transit service north from the existing Metro Rail University Station for approximately 7 miles along the same at-grade alignment as the LRT

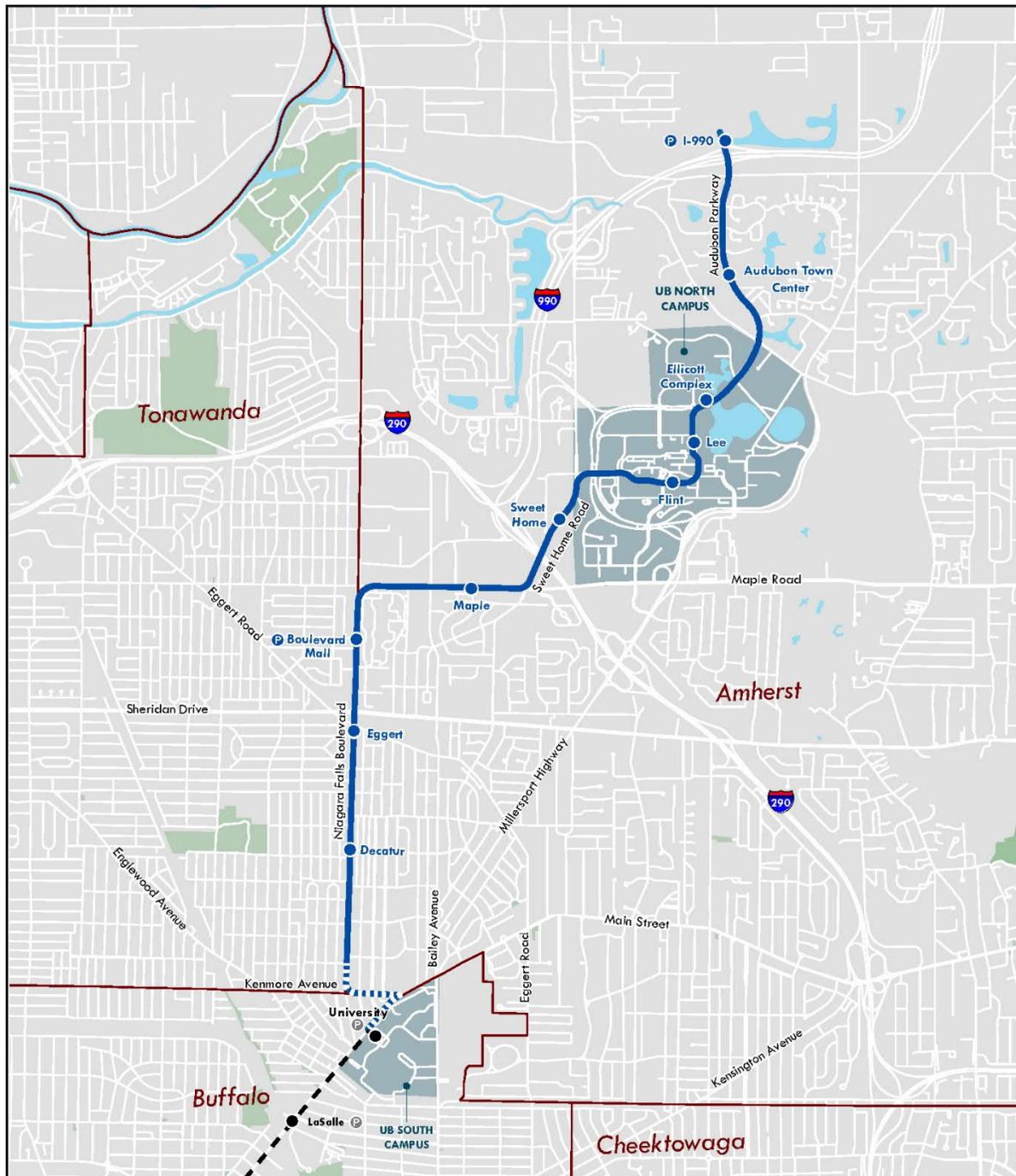
build alternative with the same number of stations in the same locations, however, a transfer would be required between the existing Metro Rail operations at University Station to the BRT service. A new BRT vehicle storage and maintenance facility would also be required.

**Figure 4-1. Buffalo-Amherst-Tonawanda Corridor Transit Expansion LRT Build Alternative**



Source: Erie County, 2019

**Figure 4-2. Buffalo-Amherst-Tonawanda Corridor Transit Expansion BRT Build Alternative**



- Buffalo-Amherst-Tonawanda Corridor Transit Expansion**
- At-grade
  - - - - Mixed-traffic
  - Proposed Station
  - P Proposed Park & Ride
  - Existing Station
  - - - - Existing Metro Rail Line
  - City and Town Boundary
  - P Existing Park & Ride



# 5 Analysis Framework

This section outlines the analytical framework that will be used to complete the DEIS. It describes the reasoning behind the chosen analysis year(s) and outlines the methodology used to establish baseline conditions from which the environmental effects will be analyzed.

The Proposed Project will be evaluated for potential adverse effects to the Project corridor and applicable study areas for all relevant environmental technical categories in accordance with NEPA, as well as the applicable State requirements. The general Project study area is defined as a 1/4 mile on either side of the Buffalo-Amherst-Tonawanda Corridor alignment and a 1/2-mile radius around each proposed station. The DEIS will consider direct and indirect short-term (construction) and long-term (operational) effects of the Proposed Project. Cumulative impacts will be addressed, as applicable.

The DEIS will include both the short-term (construction) and long-term (operational) impacts of the Proposed Project. An analysis year of 2040 will be used, which includes the anticipated year of completion (2030) and a reasonable planning horizon to evaluate long-term environmental consequences.

The DEIS will assess the potential environmental impacts and benefits of the Build Alternatives and the No Build Alternative within the following topic areas. If environmental analysis reveals any significant adverse impacts, the document will identify any reasonable measures to minimize or mitigate those impacts.

**TRANSPORTATION:** A traffic analysis will be conducted to determine the effects of the Proposed Project on existing transit service, vehicular, bicycle, and pedestrian traffic on the local street network, parking, and vehicular and pedestrian safety. The transportation chapter will summarize the existing transit and non-motorized transportation system in the study area and the potential impacts of the Proposed Project, including critical intersections where traffic conflicts could occur.

**PROPERTY ACQUISITION AND DISPLACEMENT:** The Proposed Project could require the purchase of property, potentially resulting in displacement of residential, commercial, or industrial uses. Permanent or temporary easements could also be required for the Proposed Project right-of-way. In addition to acquisition or displacement along the Proposed Action right-of-way, additional areas that could require acquisition include station areas, park-and-ride lots, maintenance facilities, rail yards, and ancillary facilities such as traction power substation locations and signal structures. Individual acquisition parcels will be identified, mapped, and set in the context of neighborhoods, community services, and Environmental Justice populations. Potential easements will also be identified. Procedures and programs related to right-of-way acquisition for the Proposed Action will be consistent and in accordance with applicable federal and state rules and regulations and NFTA's updated Real Estate Acquisition Management Plan.

**LAND USE:** This section will address the potential land use impacts of the Project, considering changes to existing land uses as well as compatibility with existing plans, policies and regulations at local, regional and state levels. Long-term direct land use impacts can occur when property is

converted to a transportation use from another use. This changes a property's land use and can also change land use patterns. Long-term impacts can also occur if the transportation improvements are not consistent with the goals of existing plans and policies. Short-term land use impacts can occur when the effects of construction, such as increases in noise, dust, traffic congestion or access, temporarily affect existing land uses or conflict with adopted plans and policies.

**SOCIOECONOMIC CONDITIONS:** This section will describe existing population, housing, and economic conditions within the study area for the Project. This section will also include a discussion of the potential socioeconomic effects of the Project and its impact on the local economy.

**COMMUNITIES:** This section will describe how the Project would affect the surrounding communities. The analysis considers impacts to neighborhood cohesion, neighborhood quality of life and community facilities. In addition to neighborhoods and community facilities, this analysis considers impacts to transit-dependent populations.

**ENVIRONMENTAL JUSTICE:** This section will consider whether minority populations and/or low-income populations (referred to herein as environmental justice populations) would experience potential adverse environmental or health impacts from the Project and whether such impacts would fall disproportionately on those populations. Federal agencies are required to identify disproportionately high and adverse effects of their actions on environmental justice populations. Where such effects are identified, federal agencies are to identify mitigation for those effects and conduct outreach to the affected populations to seek their input on the impacts and mitigation.

**VISUAL QUALITY:** This section identifies and characterizes the existing visual environment and will consider the potential for the Project to affect visual resources. This section will identify the visual elements associated with the Project, will consider the potential impacts to the visual environment, and will identify potential mitigation measures related to visual quality.

**HISTORIC AND CULTURAL RESOURCES:** This section will outline the regulatory background, methodology, standards, and permit requirements necessary to complete required cultural resources investigations of historic built and archaeological resources. The Project is a federal undertaking subject to review under Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended, and its implementing regulations, 36 CFR Part 800. Section 106 requires federal agencies to consider the effects of their undertakings on historic properties. A historic property is "any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior."

**PARKLANDS AND RECREATIONAL RESOURCES:** This section will describe the effect of the Project on recreation, parklands, and open space resources in the study area. Where adverse impacts are identified, the section will recommend mitigation measures and strategies.

**GEOLOGY, SOILS, AND PRIME FARMLANDS:** This section will describe existing geology and soils in the study area, farmland prevalence within the study area, and potential environmental effects of the Project on these resources. Geology will consider both bedrock (e.g., sandstone, shale, gneiss, etc.) and unconsolidated surficial deposits (e.g., sand, gravel, clay, etc.).

**NATURAL RESOURCES:** This section will evaluate potential effects of the Project to natural resources, which will include the general ecology, flora and fauna, and rare, threatened or endangered species.

**WATER RESOURCES:** This section will review the regional and local hydrogeological conditions, will examine published plans related to water resources, and will assess potential impacts to water resources that could result from the Project. Groundwater resources, surface water resources, and/or wetlands located on or directly adjacent to the Project and other directly affected areas will be identified and described.

**NOISE:** The DEIS will analyze potential noise impacts on sensitive resources such as schools, hospitals, residences, hotels/motels, wildlife/natural areas, and historic structures associated with the Proposed Project. Analysis of noise associated with the Proposed Project will use procedures described in the FTA guidance manual, *Transit Noise and Vibration Impact Assessment* (FTA Report No. 0123, September 2018).

**VIBRATION:** This section will present the results of the operational vibration analysis of the Project. An analysis of vibration impacts during construction will also be included. Analysis of vibration associated with the Proposed Project will use procedures described in the FTA guidance manual, *Transit Noise and Vibration Impact Assessment* (FTA Report No. 0123, September 2018).

**AIR QUALITY:** This section will describe the existing air quality within the study area for the Project and discuss the National Ambient Air Quality Standards and federal regulations protecting air quality. In addition, projected year (2040) air quality conditions will be presented.

**ENERGY:** This section will discuss the energy requirements of the Project in terms of both operational or “direct” and construction or “indirect” energy consumption. The potential for conserving energy and potential mitigation measures will also be discussed.

**HAZARDOUS MATERIALS:** This section will assess the potential for the presence of hazardous materials along the Project corridor and the other directly affected areas. It will examine the potential for exposure to any such hazardous materials associated with the Project and will outline specific measures that would be employed to protect public health, worker safety, and the environment. “Hazardous materials” are generally defined as any substances that pose a threat to human health or the environment.

**UTILITIES:** This section will review the potential long-term, short-term, indirect and cumulative effects on utilities of the Project, based on conceptual engineering plans showing locations where the Build Alternatives could encounter a major utility.

**CONSTRUCTION EFFECTS:** Construction of the Project could cause temporary impacts to the surrounding environment. Some typical short-term construction-related impacts could include air quality, noise and vibration, and contaminated soils and hazardous materials. If properly planned, construction impacts to neighborhoods, businesses, and the natural environment would be minimized. Construction effects are temporary and short-term in duration, but the benefits would be long-term and exceed the traffic, noise, and air quality effects. This section will summarize anticipated construction impacts and mitigation measures for the Project. A qualitative analysis will

be performed to identify construction effects in order to determine where preventive measures to minimize the adverse impacts of construction activities could be warranted.

**INDIRECT AND CUMULATIVE EFFECTS:** This section will present the results of the analysis of indirect and cumulative effects associated with the Project. The analysis will be performed in accordance with the CEQ regulations that implement NEPA.

# 6 Environmental Review Process

The environmental review process, defined and prescribed by state and federal regulations, is required for any project that may significantly affect the environment. The potential social, economic, and environmental impacts (beneficial and adverse) of the Build Alternatives and the No Build Alternative will be evaluated and presented in an EIS. The EIS will be prepared in accordance with the Council on Environmental Quality's regulations for implementing the procedural provisions of NEPA (40 Code of Federal Regulations [CFR] Parts 1500–1508 and the Federal Highway Administration / FTA Environmental Impact and Related Procedures; Final Rule (23 CFR Part 771). The FTA will serve as the lead agency for the EIS, providing final review and approval of both the EIS process and outcomes. By following these procedures, Metro will ensure that construction of the Buffalo-Amherst-Tonawanda Corridor Transit Expansion is eligible for federal funding.

The EIS process facilitates public involvement in the environmental review process by providing the opportunity for public comment during scoping that sets the framework for the DEIS and the DEIS itself when it is published and available for public review. Upon determination by Metro/FTA that the DEIS document is complete and sufficiently analyzes the environmental effects of the Buffalo-Amherst-Tonawanda Corridor Transit Expansion, Metro/FTA will issue a Notice of Completion. Publication of the DEIS and issuance of the Notice of Completion commence the public review period. During this time, the public may review and comment on the DEIS, either in writing or at a public hearing convened for the purpose of receiving such comments.

A public hearing will be held to accept comments on the DEIS, and a written comment period will be provided. After the close of the public comment period on the DEIS, a Final EIS (FEIS) will be prepared. All substantive comments received on the DEIS, at the hearing or during the comment period, become part of the official record and are summarized and responded to in a new chapter of the FEIS, "Response to Comments." NFTA Metro and each involved agency must adopt a set of written findings based on the FEIS prior to taking any discretionary actions subject to the applicable state and federal regulations.

## 6.1 SCOPING

Scoping is "an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action (40 CFR 1501.7)." Scoping is a process, not a single action or event, and it is via this process that the range of potential environmental impacts to be analyzed is determined. Scoping helps to identify potentially significant impacts and sets the stage for further evaluation to develop alternatives to avoid or minimize those impacts. Additionally, scoping identifies issues that are inconsequential and therefore not in need of detailed study, ensuring that the environmental review is focused only on potentially significant impacts.

Scoping occurs early in the environmental review process and helps to inform the public and key stakeholders about the project and how to get involved. During scoping, public input is encouraged to focus on the purpose and need for the project and any potentially significant environmental impacts or benefits that should be studied further in the environmental review process.

# 7 Agency and Public Coordination

Agency and public coordination are an integral component at all stages of planning and project development, including in this NEPA scoping process. Federal regulations require that projects include a comprehensive public involvement program, and Metro is committed to continuing to provide the public an active role in the planning and development of the Proposed Project. The contemplated public and agency participation efforts for this project are in compliance with NEPA and CEQ regulations implementing NEPA (40 CFR §§ 1500-1508), FTA policies and regulations, including 23 CFR §450.318, Section 4(f) of the Department of Transportation Act of 1966, Section 106 of the National Historic Preservation Act of 1966, and Executive Order 12898.

The agency coordination process will include coordination with various Federal, State, and local agencies. Upon initiation of the formal NEPA process, FTA, as the NEPA lead agency for the Proposed Project, will work with Metro to develop an Agency Coordination Plan that will identify Cooperating and Participating Agencies to be informed and involved throughout the environmental review.

A “Cooperating Agency,” according to CEQ regulations (40 CFR §1508.5), means any Federal agency, other than a lead agency, that has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposed project or reasonable alternative. If a State or local agency has similar qualifications, or when the proposed action or reasonable alternatives may have effects on lands of tribal interests, a State or local agency or a tribal government may, by agreement with the lead agency, also become a Cooperating Agency. CEQ regulations also state (40 CFR § 1501.6) that an agency may request the lead agency to designate it a Cooperating Agency.

“Participating Agencies” are those Federal, State, or local agencies, or Federally recognized tribal governmental organizations, with an interest in the project. The standard for “Participating Agency” status is broader than the standard for “Cooperating Agency” status. Therefore, all Cooperating Agencies are Participating Agencies, but not all Participating Agencies are Cooperating Agencies.

FTA and Metro have identified the following local, regional, state and federal agencies to participate in the environmental review process.

## **Local**

- City of Buffalo
- Town of Amherst
- Town of Tonawanda
- Erie County Department of Public Works
- Erie County Department of Environment and Planning

## **Regional**

- Greater Buffalo Niagara Regional Transportation Council

### **State**

- New York State Department of Transportation
- New York State Department of Environmental Conservation
- New York State Office of Parks, Recreation and Historic Preservation – State Historic Preservation Office
- Empire State Development
- Dormitory Authority State of New York (DASNY) / State University of New York

### **Federal**

- Federal Highway Administration
- U.S Environmental Protection Agency
- U.S. Army Corps of Engineers
- U.S. Fish and Wildlife Service

## **7.1 PUBLIC COORDINATION ACTIVITIES**

A variety of outreach activities are planned to further engage the general public, including stakeholders. The activities will be tied to support project development efforts. The following activities are planned:

- **Website** – The project website (*www.NFTAMetrotransitexpansion.com*) will be the primary platform for sharing information with the public and stakeholders about the project and soliciting comments about the project. The website will include project overview, project documents, project schedule, Frequently Asked Questions, a sign-up to join the project mailing list, and a project email address for submission of comments.
- **Social Media** – A social media communication program will be developed, which may include Facebook, Twitter, and other platforms to communicate project updates and direct interested stakeholders to the project website.
- **Contact Database/Mailing List** – A master contact list will be generated and updated throughout the project to generate mailings and email alerts to keep interested parties informed on project updates and upcoming meetings.
- **Stakeholder Briefings** – Meetings and presentations will continue to be held with key stakeholders throughout the course of the project to provide for discussion and exchange of information. Formal meetings with the Steering Committee, Technical Advisory Committee, Stakeholder Advisory Committee, and University at Buffalo Working Group will commence with the initiation of the NEPA environmental review process.
- **Open Houses** – Public open houses will be held to provide project information and gain input at key project milestones.

**7.2 PROPOSED ENVIRONMENTAL REVIEW SCHEDULE**

The following environmental review schedule is being proposed:

Scoping (Public Scoping Meeting, Comment Period) .....	August 30, 2021 – October 14, 2021
Official Notice of Availability of the Draft EIS published in the <i>Federal Register</i> .....	Summer 2022
Public Hearings on Draft EIS .....	Fall 2022
Official Notice of Availability of the Combined Final EIS and Record of Decision published in the <i>Federal Register</i> .....	Winter 2023