

A. INTRODUCTION

The New York City Economic Development Corporation (EDC) proposes new connections (“proposed access modification project” or “Build Alternative”) to the Van Wyck Expressway (I-678) in Willets Point, Queens. The purpose of these new connections would be to provide direct access to the Willets Point Development District (the “District”) and to facilitate traffic circulation in the study area once the District is redeveloped. The Office of the Deputy Mayor for Economic Development, with EDC, the New York City Department of Housing Preservation and Development (HPD), and the New York City Department of City Planning (DCP), has undertaken to rezone, create an urban renewal area, and implement the Willets Point Development Plan (the “Development Plan”) in the District. On September 12, 2008, the Office of the Deputy Mayor for Economic Development issued the Notice of Completion for the Final Generic Environmental Impact Statement for the Development Plan (the “FGEIS”). The New York City Planning Commission (CPC) approved the Development Plan on September 24, 2008, and the City Council approved it on November 13, 2008. The Development Plan calls for the redevelopment of the District, an approximately 61-acre area generally bounded to the east by the Van Wyck Expressway (VWE) and an undeveloped lot owned by the Metropolitan Transportation Authority (MTA), to the south by Roosevelt Avenue, to the west by 126th Street, and to the north by Northern Boulevard. In addition to the FGEIS, four technical memoranda were prepared assessing the environmental impacts of changes to the Development Plan, dated September 23, 2008, November 13, 2008, November 23, 2009, and February 10, 2011.

The approved Development Plan envisions residential and retail space as the core uses in the District. Office, hotel, and convention center uses would complement these main uses and would enhance Flushing and Corona’s roles as regional economic centers. Community facilities and open space would provide amenities and improve the quality of life for residents and visitors. The approved Development Plan also includes new access ramps to and from the VWE at the northeastern corner of the District. This proposed access modification project is the subject of the Willets Point Ramp Environmental Assessment dated March, 2011 (the “EA”).

This Response to Comments summarizes and responds to comments on the EA, which, in accordance with the National Environmental Policy Act (NEPA) examines the potential environmental impacts of the proposed access modification project. Oral and written comments were received during the public meeting held by EDC on June 8, 2011 at the Flushing branch of the Queens Library, at 41-17 Main Street, Flushing, New York from 4:30 PM until 8:00 PM. Written comments were accepted from May 6, 2011 through the end of the public comment period on June 20, 2011.

Section B lists the elected officials, agencies, organizations, and individuals who provided oral or written comments during the public comment period. Section C contains summaries of relevant comments and responses to each. These summaries convey the substance of the comments made, but do not necessarily quote the comments verbatim. Comments are organized

Willets Point Ramp EA Response to Comments

by subject matter. Where more than one commenter expressed similar views, those comments have been grouped and addressed together. A few commenters did not make specific comments related to the EA; those comments were given due consideration but are not itemized herein. Those comments specifically related to the FGEIS for the Development Plan are responded to here for informational purposes, but are not relevant to the EA. Comments that were submitted in writing and the transcript of the June 8, 2011 public hearing are annexed hereto as Appendices F1 and F2, respectively.

B. LIST OF ELECTED OFFICIALS, AGENCIES, ORGANIZATIONS, AND INDIVIDUALS WHO COMMENTED ON THE WILLETS POINT RAMP ENVIRONMENTAL ASSESSMENT

ELECTED OFFICIALS

1. Tony Avella, New York State Senator, 11th District, written submissions dated 6/8/11 (Avella)
2. Joseph Crowley, Member of the U.S. House of Representatives, oral comments delivered by Gillian Connell and written submission dated June 2011 (Crowley)
3. Dan Halloran, Member of the New York City Council, oral comments (Halloran)
4. Julissa Ferreras, Member of the New York City Council, oral comments delivered by Gillian Connell and written submission dated 6/7/11 (Ferreras)
5. Helen Marshall, Queens Borough President, oral comments delivered by Gillian Connell and written submission dated 6/7/11 (Marshall)

ORGANIZATIONS

6. Associated Cultural Resource Consultants, oral comments by Christina Wilkinson on behalf of Paul Graziano and written submission by Paul Graziano, Principal dated 6/8/11 (Associated Cultural Resource Consultants)
7. Bay Terrace Community Alliance, Inc., written submission dated 6/13/11 by Warren Schreiber, President (Bay Terrace Community Alliance)
8. Bowne Park Civic Association, written submission dated 6/14/11 by John Procida and written submission dated 3/31/10 by Wanda Beck Antosh, President (Bowne Park Civic Association)
9. Coalition for Queens, oral comments by Jukay Hsu (Coalition for Queens)
10. Communities of Maspeth and Elmhurst Together (COMET), oral comments by Ivan Mossop on behalf of Rosemarie Daraio, President and written submission by Rosemarie Daraio dated 6/8/11 and resolution dated 5/3/10 (COMET)
11. Juniper Park Civic Association, written submission dated 6/13/11 by Robert F. Holden, President and resolution dated 6/27/10 (Juniper Park Civic Association)
12. Kissena Park Civic Association, oral comments by Carsten Glaeser (Glaeser)
13. Kissena Park Civic Association, oral comments and written submission (undated) by Beverly McDermott, President (Kissena Park Civic Association)
14. Libertarian Party of Queens County, written submission dated 6/14/11 by John Procida,

Chair (Libertarian Party of Queens County)

15. Local 32BJ SEIU, oral comments by Sam Connet and written submission dated 6/8/11 (Local 32BJ SEIU)
16. Malba Gardens Civic Association, written submission dated 6/13/11 by Alfredo Centola, President and resolution dated 5/26/10 (Malba Gardens Civic Association)
17. Mitchell-Linden Civic Association, written submission dated 6/13/11 by Arlene Fleishman, Co-President (Mitchell-Linden Civic Association)
18. Natural Resources Defense Council, oral comments and written submission on 6/8/11 by Christopher Petrizzo on behalf of Mark Izeman, Esq. and written submission by Mark Izeman, Esq. dated 3/5/10 (Natural Resources Defense Council)
19. New York City Building Congress, oral comments by Richard Anderson, President and written submission dated 6/8/11 (New York City Building Congress)
20. New York Hotel & Motel Trades Council, oral comments delivered by Devin Maroney on behalf of Peter Ward, President (New York Hotel & Motel Trades Council)
21. New York League of Conservation Voters, oral comments by Marcia Bystryn, President and written submission dated 6/6/11 (League of Conservation Voters)
22. Queens Civic Associations, oral comments by Anthony Hewu and written submission on 6/8/11 (Queens Civic Association)
23. Queens Economic Development Corporation, oral comments by Seth Bornstein, Executive Director and written submission dated 5/31/11 (Queens EDC)
24. Real Estate Board of New York, oral comments by Michael Slattery and written submission dated 6/8/11 (REBNY)
25. Willetts Point Community of Friends for Small Business and Workers, oral comments by Marco Neira, President (Willetts Point Community of Friends for Small Business and Workers)
26. Willetts Point United, Inc. and Individual Property Owners, oral comments and written submission dated 4/19/11 and 6/15/11 by Michael B. Gerrard of Arnold & Porter LLP (Gerrard)
27. Willetts Point United, Inc. and Individual Property Owners, oral comments and written submissions dated 6/6/11 and 6/8/11 by Brian Ketcham (Ketcham)
28. Willetts Point United, Inc. oral comments by Jake Bono and written submission on 6/8/11 (Jake Bono)
29. Willetts Point United, Inc. oral comments and written submission on 6/8/11 by Len Scarola (Scarola)

INTERESTED PUBLIC

30. Sergio Aguirre, oral comments (Aguirre)
31. David Antonacci, written submission dated 6/15/11, 6/16/11, and 6/17/11 (D. Antonacci)
32. Jerry Antonacci, Crown Container, 126 Place Realty, and 34th Avenue Realty, oral comments and written submission on 6/8/11 (Antonacci)

Willets Point Ramp EA Response to Comments

33. Joseph Ardizzone, oral comments and written submissions on 6/8/11 and undated (Ardizzone)
34. Jack Bono, Bono Sawdust Supply Company, Inc., oral comments and written submission on 6/8/11 (Jack Bono)
35. Audros Charidemou, Cyprian Truck & Auto Repair, oral comments (Charidemou)
36. David Duberstein, oral comments (Duberstein)
37. Charalambos George, oral comments (George)
38. Ben Haber, oral comments and written submission dated 6/8/11 (Haber)
39. Tiffany Moore, oral comments (Moore)
40. Ralph Paterno, oral comments and written submission on 6/8/11 (Paterno)
41. Christopher Petrizzo, oral comments (Petrizzo)
42. William Simpson, oral comments (Simpson)

C. COMMENTS AND RESPONSES

PROJECT PURPOSE AND NEED

Comment 1: The proposed access modification project will only be needed if and when the Willets Point development becomes occupied. Since the condos that were built in Flushing could hardly be sold, the Willets Point development project may not be viable and the ramps may not be needed. (Duberstein)

Response: The City has determined that the proposed access modification project is not necessary for Phase 1 of the Development Plan, as described in the “Technical Memorandum for the Willets Point Development Plan FGEIS, Updated Plan” (Technical Memorandum 4) dated February 10, 2011. The City is fully committed to pursuing the full build-out of the Development Plan. Accordingly, the City is currently preparing to construct infrastructure improvements that will be sized to accommodate the entire development. Interest from the developer community indicates that over time, and as set forth in Technical Memorandum 4, the Development Plan as a whole is viable and will proceed.

Comment 2: The purpose of the proposed access modification project is to allow for access into and out of the proposed Willets Point Development. However, the proposed access modification project is not going to solve the problem of the anticipated overall congestion in the downtown Flushing area, including Willets Point, in light of the planned future developments and expected growth. The proposal should be rejected on the basis that the ramp will facilitate a development which is going to exacerbate traffic congestion in the area. (Haber)

The sole purpose of the proposed access modification project is to enable a large development. (Antonacci)

Response: As stated in the EA, the purpose of the proposed access modification project is to provide direct access to the Willets Point Development District (the “District”) and to facilitate traffic circulation in the surrounding area once the District is redeveloped. The traffic analysis contained in the EA indicates that in the future with the completed Development Plan in place, the proposed access modification project would increase speeds and alleviate queuing that would otherwise occur on the Whitestone Expressway (WE) and Grand Central Parkway (GCP). Without the proposed access modification project, queuing on these roads would result in congestion at other locations in the area. The traffic analyses conducted for the FGEIS and subsequent technical memoranda, and for the EA, indicate that even with the proposed access modification project, a number of locations in the area would experience traffic congestion in the future. In findings issued pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR) with respect to the Development Plan, CPC, the City Council, and the Office of the Deputy Mayor for Economic Development determined that the substantial benefits of the Development Plan outweigh these concerns.

Comment 3: While the ramps are not necessary for Phase 1 of the Development Plan to advance, these new connections would provide direct access via automobile to the Willets Point development district and will facilitate traffic circulation in the study area once the entire district is redeveloped. (REBNY)

The commenter supports the proposed access modification project because it will facilitate the redevelopment or development of Willets Point. (Ferrerias, Marshall, League of Conservation Voters, Local 32BJ SEIU, Crowley, Queens EDC, New York City Building Congress)

Response: Comments noted.

Comment 4: The proposed access modification project would facilitate completion of the approved Willets Point development project, which would have numerous benefits, including environmental remediation, community facilities and public open space, affordable housing, new mixed uses, and new economic activity. (Marshall)

The proposed access modification project is required to allow the Development Plan to proceed when economic conditions allow, resulting in numerous benefits including improved sustainability and quality of life. (League of Conservation Voters)

Response: Comments noted.

Willets Point Ramp EA Response to Comments

Comment 5: The ramps are important because they need to be built before any construction beyond Phase 1 of the Development Plan can occur; and will ultimately result in environmental remediation, affordable housing, and good permanent jobs at Willets Point. (Local 32BJ SEIU, New York City Building Congress)

Response: Comments noted.

Comment 6: The proposed access modification project will provide better access to the site and are crucial to the development of Willets Point. The Willets Point project will result in thousands of new jobs in Queens. As such, it should remain an important priority on the City's economic development agenda. (Queens EDC)

Response: Comment noted.

Comment 7: The proposed access modification project will provide many of the primary points of access to a redeveloped Willets Point. Several hundred vehicles will enter and leave this site at peak hours using these ramps. There is insufficient capacity on the existing road network to accommodate this volume. Also, the economic viability of the redevelopment project depends on more road access to accommodate the several million square feet of development planned for this neighborhood. Without new access, users will be cut off from entering Willets Point, choking the economic vitality of the district. (New York City Building Congress)

Response: Comment noted.

Comment 8: Flushing does not need the proposed access modification project. (Glaeser)

Response: Comment noted. The proposed access modification project would enhance the highway network in and around the District, including highways servicing Downtown Flushing. As shown in Table 12-10 on page 169 of the EA Appendix D, Traffic Report, the evening peak period (the period of highest demand) simulation results show a 31 percent improvement in travel time, 30 percent improvement in vehicle hours traveled, and a 44 percent increase in average vehicle speed in the network.

Comment 9: What is missing from the very incomplete description of "Project Evolution" is the huge amount of community opposition that exists to the Development Plan and, in particular, the extensive documentation that has been provided to EDC, the New York State Department of Transportation (NYSDOT), and the Federal Highway Administration (FHWA) that demonstrates that the analysis for the VWE ramps is fatally flawed and that this project cannot legally be approved by either NYSDOT or FHWA. (Ketcham)

Response: The “Project Evolution” section of the EA briefly describes the approval process for the Development Plan as background information and focuses on the consideration of alternative designs for the proposed access modification project. The purpose of the EA is to serve as the basis for a determination by FHWA as to whether the proposed access modification project would have a significant impact on the environment, not to gauge public support for the Development Plan.

The commenter submitted commentary on a preliminary draft of the traffic analysis for the proposed access modification project in February 2010, which he obtained in response to a New York State Freedom of Information (FOIL) Request. Those comments were duly considered, and where appropriate changes were made in the analysis. No party other than the commenter and counsel for Willetts Point United (WPU) submitted documentation concerning purported flaws in the analysis prior to the issuance of the EA. The purpose of this Response to Comments is to address issues raised by the public concerning potential impacts of the proposed access modification project.

Comment 10: The EA fails to provide a complete assessment of all alternatives needed to evaluate the relative effectiveness of the ramps. (Ketcham)

Response: As discussed on page 1-4 of the EA, four conceptual ramp alternatives for the VWE interchange at Northern Boulevard were developed to assess the relative feasibility of ramp designs and their relative effectiveness in facilitating the movement of traffic into and out of the District and minimizing traffic congestion on surrounding roadways. Two of the alternatives were not developed beyond the conceptual design phase because of safety concerns raised by the New York City Department of Transportation (NYCDOT) and NYSDOT during review sessions held during the conceptual design period. These safety concerns included excessive weaving; numerous decision points in close proximity as a result of extensive signage to align vehicles to the appropriate route; and elimination of local access to the service road, the existing asphalt plant, and/or the existing local access to Northern Boulevard.

The remaining two alternatives, which have ramp configurations that consist of new southbound entrance and northbound exit ramps, include: Alternative A (see Figure 1-4), which proposes a modification of the existing ramps to provide direct access to the District; and Alternative B (see Figure 1-5), which proposed direct access from the District to the southbound VWE.

Both alternatives demonstrate operational improvements throughout the network. However, Alternative B would attract trucks to travel along Roosevelt Avenue and through the local streets of the District because the

proposed new southbound entrance ramp would create a more desirable route for trucks that currently use Queens Boulevard to access the highway system. In addition, Alternative B would require acquisition and demolition of a historic structure – the former Empire Millwork Corporation Building. Demolition of this building under the proposed Alternative B would constitute a “use” of an architectural historic resource under Section 4(f) of the United States Department of Transportation (USDOT) Act of 1966. Alternative A was determined to be a prudent and feasible alternative to Alternative B; therefore, Alternative A was advanced as the preferred alternative for further analysis for the proposed access modification project. The EA compares the proposed access modification project to a no-action alternative to assess the project’s effectiveness.

LAND USE, ZONING, AND PUBLIC POLICY

Comment 11: The proposed access modification project, in combination with other local development projects planned for the area, will have negative impacts on quality of life. Quality of life is premier in the Mayoral PlaNYC. (Glaeser)

Response: The EA assesses the impacts of the proposed access modification project in the context of other development planned for the area, and concludes that the proposed access modification project would not create any significant adverse impacts with respect to noise, air quality, or traffic. PlaNYC specifically identifies Willets Point as an opportunity to facilitate new housing, one of the PlaNYC goals.

SOCIOECONOMIC CONDITIONS

Comment 12: It is unclear how EDC has money for this proposed access modification project when the City’s teachers and fire workers have been laid off. (Charidemou)

Response: This EA appropriately does not discuss the budget allocation process of the City. Funding for the access modification project is anticipated to come from capital funds which the City utilizes for infrastructure and other improvements and not expense funds that support City employee salaries.

Comment 13: EDC has inaccurately denied that the proposed access modification project involves commercial or residential displacement. On the NEPA checklist, EDC indicated that the project does not involve commercial or residential displacement, which is incorrect. The proposed access modification project is inextricably linked to the proposed Willets Point development and all associated adverse impacts. The development is contingent upon approval of the ramps. (D. Antonacci)

Response: The proposed access modification project would not displace any residents or businesses. The EA and attached NEPA checklist appropriately examine

the effects of the action within Federal control and responsibility, which is the proposed access modification project. In reviewing a proposed action under NEPA, the Federal agencies are charged with assessing environmental impacts that are within their ability to avoid or minimize. The displacement of businesses and one residence that would occur as a result of the Development Plan has been considered in the review of that project under the SEQRA and CEQR by the local agencies with control and responsibility for the Development Plan. Those agencies have found that such displacement would not cause a significant adverse impact on socioeconomic conditions in Queens or New York City. FHWA, the Federal agency with approval authority over the proposed access modification project, has no authority to avoid or limit such displacement, and therefore it is not appropriately considered an effect of the proposed access modification project under NEPA.

ENVIRONMENTAL JUSTICE, PUBLIC PARTICIPATION

Comment 14: The EA states on Page 6-6 that “Executive Order 12898 requires federal agencies to work to ensure greater public participation in the decision-making process.” The page on “Public Participation” lists the actions taken to secure public involvement: planning meetings, scoping documents, public hearings, etc. But EDC was simply going through the motions, ticking off the minimum of what USDOT requires in the decision-making process. The only real record of public involvement is the 500 pages of comments included in the Willetts Point FGEIS—500 pages of mostly negative comments. A comparison of these comments with the FGEIS reveals that none of the comments actually resulted in any change to the FGEIS. (Ketcham)

Response: The public was given the opportunity to provide comments on the EA at a public meeting or in written form at any time during the comment period. These comments are the subject of this Response to Comments. FHWA regulations do not mandate a public meeting or hearing concerning an EA. The public comment period for the EA, which lasted from May 6, 2011 to June 20, 2011, was also longer than the thirty day minimum requirement in FHWA’s regulations.

In addition, as described in detail in the EA, the approval of the Development Plan was preceded by multiple opportunities for public comment on the Development Plan (including the proposed access modification project) and the environmental review thereof under SEQRA/CEQR. These opportunities included public hearings before the local Community Board, Queens Borough President, CPC, and City Council. Written comments were also accepted on the Draft Generic Environmental Impact Statement (DGEIS) for the Development Plan. All comments on the DGEIS were duly considered and responded to, and many

were reflected in the FGEIS. These changes included the addition of an analysis of a new alternative to the Development Plan, which would not involve displacement of area businesses, but would provide improvements in infrastructure and municipal services. They also included, among other things, a discussion addressing the potential effects of climate change on the Development Plan in response to comments made by counsel for the entities represented by the commenter.

Finally, the commenter met with City, NYSDOT, and FHWA representatives in February and March 2010 to present his comments on a draft version of the traffic analysis for the proposed access modification project, which he had obtained through a FOIL request. Again, those comments were considered and resulted in changes in the analysis, including, among other things, the addition of assumed background vehicle trips.

Comment 15: Another example of the “public participation” process was the nearly three-year effort by WPU to engage EDC in a dialogue regarding local impacts. In court, EDC promised that the project would not proceed until and unless EDC secured approval of the VWE ramps. Recently EDC attempted to renege on this promise. (Ketcham)

Clearly EDC was just going through the motions to satisfy the check list of so-called “public participation” action items. Real participation simply did not exist as the examples described herein attest. Executive Order 12898 has not been satisfied. (Ketcham)

Public participation in the development of the Willets Point project and the VWE ramps has been meaningless. Public comments on the DGEIS for Willets Point resulted in 500 pages of criticism yet no changes were made to the project. (Ketcham)

Response: Public participation has significantly shaped the Development Plan, of which the proposed access modification is a part. As described in the response to Comment 14, there have been multiple opportunities for public (and in particular the commenter’s) participation in the review processes for the Development Plan and the proposed access modification project. Comments from all parties have been duly considered.

The organization Willets Point United (WPU) did not provide comments on the Generic Environmental Impact Statement for the Development Plan or during the land use review process for the Plan. WPU’s initial public involvement with the Development Plan was as a petitioner in a legal proceeding challenging such approvals, in part on the basis that the SEQRA/CEQR review of the Plan had not considered a scenario in which the proposed access modification project was not approved. Subsequently, the commenter, on behalf of WPU and along with counsel for the

organization, met with City, NYSDOT, and FHWA representatives to present comments on a draft version of the traffic analysis for the proposed access modification project. Those comments were considered and resulted in changes in the analysis.

In an affidavit submitted to the New York State Supreme Court, in the challenge brought by WPU and others, the City stated its intention not to proceed with the Development Plan as conceived without coincident approval and construction of the proposed access modification project, because that was the City's planned course of action at the time. The City's intention to construct the proposed access modification project to support the full build-out of the Development Plan has not changed. That is the reason that the City has continued to pursue approvals for the proposed access modification project from NYSDOT and FHWA. However, since the submission of papers and oral argument in the above referenced court proceeding in the summer of 2009, the City determined that worsening economic conditions made it challenging for developers to finance the acquisition and remediation of the entire 61-acre Willetts Point Development District at one time, as initially envisioned and analyzed in the FGEIS. Therefore, the City decided to proceed with a phased approach that would begin with development of Phase 1 of the overall Development Plan.

Because proceeding with a phased Development Plan that would not include the ramps in the first phase is a modification of the approved Development Plan that was originally analyzed in the FGEIS and three subsequent technical memoranda, the Office of the Deputy Mayor for Economic Development conducted a thorough assessment of the environmental implications of constructing and occupying the Phase 1 development without the ramps in place, before the City decided to proceed in phases. That environmental review is set forth in Technical Memorandum 4, dated February 10, 2011. The environmental review shows that a phased project would not create any significant adverse environmental impacts not previously disclosed in the FGEIS, and that the first phase of development is not dependent on approval and/or construction of the proposed access modification project, because no additional significant adverse impacts would result from proceeding with Phase 1 without the ramps in place. Due to the substantial economic and environmental benefits of the Phase 1 development and the need to prioritize construction of infrastructure necessary to support the Phase 1 development, the City decided that, because no additional significant impacts were identified from the Updated Plan, it is appropriate to move forward with this phase without waiting for the proposed access modification project to be approved.

As described above, the Willetts Point Advisory Committee, composed of elected officials and community representatives, played an important role in

shaping the Development Plan. Public comments received during various public community planning processes, including the Downtown Flushing Framework, PlaNYC and Uniform Land Use Review Procedure (ULURP), informed the content of the Development Plan.

Comment 16: On page 6-6 of the EA, EDC reports “...although no disproportionate adverse impacts on minority or low-income communities in the proposed access modification project study area have been identified...” as if the impacts of the Willets Point project itself (the only reason for the ramps), and the displacement or elimination of more than 2,000 minority jobs doesn’t count. (Ketcham)

EDC has inaccurately denied that the proposed access modification project will result in disproportionately adverse impacts on minority and low-income populations. The proposed access modification project is inextricably linked to the proposed Willets Point development and all associated adverse impacts. The development is contingent upon approval of the ramps. (D. Antonacci)

Response: The environmental justice analysis contained in the EA is intended to fulfill FHWA’s responsibility to consider environmental justice concerns in its implementation of NEPA. The EA appropriately examines the effects of the action within Federal control and responsibility, which is the proposed access modification project. The EA analysis concludes that the proposed access modification project would not have any significant adverse environmental impacts; and therefore, would not have a disproportionate adverse impact on any minority or low-income communities. FHWA, the federal agency with approval authority over the proposed access modification project, has no authority to avoid or limit displacement of businesses that will result from the locally approved Development Plan, and therefore it is not appropriately considered an effect of the proposed access modification project under NEPA.

Moreover, FHWA’s responsibility to consider environmental justice under Title VI of the Civil Rights Act and Executive Order 12898 is confined to its own programs, policies and activities. In this case, the activity being considered by FHWA is the proposed access modification project, not the broader Development Plan, over which FHWA has no jurisdictional authority.

Comment 17: The EA states “In 2004, a Willets Point Advisory Committee, composed of representatives from the local community board and elected officials, was created to aid and advise the City’s planning efforts for the District” (p. 6-5). Although the EA does not say so, the Committee was chaired by Queens Borough President Helen Marshall. In a response to a Records Access Request made pursuant to the New York State Freedom of

Information Law to the Office of the Queens Borough President for records of advice provided by the Committee to EDC pertaining to the Willetts Point development (which includes the proposed access modification project), the Office was only able to produce Power Point slides that apparently were shown by EDC to the Committee, and attendance sheets for those presentations. There is no record that the Committee actually provided any advice to EDC. The implication within the EA that the Committee somehow shaped the City's plan is false and misleading as there is no record that it ever did so. (D. Antonacci)

Response: The Willetts Point Advisory Committee (WPAC) provided substantial advice and significantly shaped the Development Plan, which as the commenter notes includes the proposed access modification project analyzed in this EA. Starting in 2004, WPAC met several times to discuss and refine the Development Plan. Minutes were not taken at these meetings; however, WPAC provided advice to EDC prior to the commencement of ULURP review of the Development Plan.

NATURAL RESOURCES

Comment 18: The materials revealed through FOIL searches show that certain possible configurations of the ramps under discussion might intrude into wetland areas within the jurisdiction of the U.S. Army Corps of Engineers, thereby further federalizing the project. (Gerrard)

Response: As discussed on page 7-3 of the EA, one small freshwater wetland observed within the project study area would likely be filled as a result of the proposed access modification project. However, due to the lack of nexus to waters of the United States, the low ecological value of the wetland, its size, and the surrounding land uses, the U.S. Army Corps of Engineers concurred that the wetland pocket would not fall under its jurisdiction (see Appendix B.4, "Natural Resources Correspondence").

TRANSPORTATION

Comment 19: EDC has prepared all of the documents related to the proposed access modification project and the Willetts Point redevelopment project and those documents contain a whole series of internal contradictions. The original 2008 FGEIS prepared by the City showed that the project with the ramps would cause very difficult gridlock conditions on the VWE. Then the Draft Access Modification Report (AMR) prepared by the City showed no serious traffic problems. The large discrepancies between the AMR and the FGEIS remain unexplained, and now the EA appears to be agreeing with the AMR. There are many technical deficiencies present in the EA that need to be corrected. When and only when a proper traffic analysis is performed will NYSDOT be in a position to actually do its job: examine whether this

project meets the eight criteria established by the FHWA for reviewing proposed access modifications. (Gerrard)

Response:

There are five major elements of traffic analysis that define the process. The combination of the first four lead to the differences perceived by the commenter between the EA and FGEIS analyses.

First, the EA and FGEIS use different methodologies. The EA, in evaluating the proposed access modification project, is a NEPA document and is guided by NYSDOT and FHWA procedures for assessing potential impacts from highway projects. This assessment is more regional in its approach and focused on highway systems. The FGEIS was developed in consultation with NYCDOT and in accordance with the *CEQR Technical Manual*.

Second, because the proposed access modification project looks at the highway system, there were additional data needs than used in the FGEIS. A complete data collection program was developed to record traffic volumes along highway and local roads, which resulted in a new base of traffic for evaluation in the EA.

Third, each methodology used a different growth to forecast the future No Build condition. While the FGEIS used a conservative standard flat rate, as defined in the *CEQR Technical Manual*, the EA, being more regional in nature and focused on the highway system used the regional long-range planning model. The EA's growth method is highly sophisticated, but well defined and is the one used for regional evaluation at the city, state, and federal level. This methodology was developed in consultation with NYMTC, NYSDOT, and FHWA for the development of future traffic growth to assess the potential traffic impacts of the proposed access modification project.

Fourth, the method of traffic analysis between the EA and FGEIS is different. The FGEIS follows the *CEQR Technical Manual*, utilizing a primarily static method of analysis (each traffic signal and roadway segment as a unique element with no relationship to each other). The EA uses a dynamic traffic method, which looks at the interrelationships of adjacent roadway segments (e.g., coordinated traffic signals).

Fifth and lastly, project growth associated with both the Development and other local developments as defined in the FGEIS are the same for both the EA and FGEIS. Therefore, the differences perceived by the commenter are associated with differences in the first four elements.

Comment 20:

EDC low balled the number of auto trips this project will generate, yet based on the agency's own assumptions, the project will generate more than 80,000 car and truck trips daily, 365 days a year. As EDC's own analysis reveals, there is not capacity to accommodate all this traffic, not on local

access roads, not on nearby expressways. Yet, the March 2011 EA reports operating conditions on local roads that are better than reported in the 2008 Willetts Point FGEIS despite carrying 26 percent more Willetts Point trips. There cannot be more trips and lower impacts. (Ketcham)

At no time has EDC explained why the Willetts Point FGEIS and the EA reached such different conclusions in terms of potential traffic conditions. The FGEIS reports that Willetts Point will create gridlock conditions; the March 2011 EA reports relatively free flowing traffic conditions (even with corrections for earlier serious errors). (Ketcham, Kissena Park Civic Association)

Even with corrections to previous errors, the March 2011 EA reports Levels of Service at critical intersections that are better than reported in the Willetts Point FGEIS. For example, the March 2011 EA reports LOS C at the intersection of 126th Street and 34th Avenue and LOS E at 126th Street and Roosevelt Avenue whereas the Willetts Point FGEIS, with a sixth less traffic count, reports severe LOS F for both locations. (Ketcham)

The proposed access modification project is defective and will not be able to ameliorate the massive traffic (80,000 car trips a day) that will be generated by the proposed Willetts Point development. (Scarola, Kissena Park Civic Association)

The project will result in potential traffic impacts. (Ardizzone)

Response:

In regard to trip generation, the response to Comment 19 identifies that both the FGEIS and EA use the same assumptions as to traffic that would be generated by the Willetts Point Development Plan.

In the EA traffic analysis, traffic volumes that would be generated by the Development Plan were taken from the FGEIS and regional volumes were extracted from the BPM in the macro-modeling process, and refined by the addition of traffic generation from other proposed local developments, as described in Appendix B, "Macro-Modeling Report," of Appendix D, "Traffic Report," of the EA. The anticipated development projects in the surrounding area were thus included in the transportation modeling conducted for the EA. The projected future traffic reflected in the EA analysis is, if anything, conservatively high.

The traffic analysis approach and scale for the proposed access modification project is different from the traffic analysis prepared under SEQRA and CEQR for the Development Plan. The EA traffic analysis addresses the potential regional highway effects of modifying connections to an interstate highway. The EA traffic analysis framework utilizes travel demand modeling and microsimulation to understand the potential effects not just in the project area and vicinity, as is typically undertaken in the

SEQRA/CEQR process, but rather a larger area, focusing on the operations of the regional highway system. In comparison, the roads more closely surrounding the District were analyzed in the FGEIS.

Because of the focus on the macro effects of the proposed access modification project, the EA uses different modeling methodologies than were used for the FGEIS. This EA methodology was developed in consultation and approved by NYSDOT and FHWA. This methodology employs an approved process of working from a macro-model that is utilized by NYMTC for regional travel, in conjunction with a microsimulation analysis developed specifically for the Willets Point area and surrounding highways. The EA analysis uses a regional framework to understand the potential effects on the highway system of the proposed access modification project, taking into account supply and demand throughout the entire borough of Queens for 4-hour peak periods in the morning and evening. It also assesses conditions much further into the future than did the FGEIS, by utilizing a design year approach that projects conditions well beyond the estimated time of access modification project completion. Moreover, the EA accounts for temporal and geographic reassigning of trips that would occur in response to the proposed access modification project's effects on traffic. The FGEIS traffic analysis, by contrast, looks at particular 1-hour peak analysis periods in the estimated completion year for the Development Plan, and is based on a highly conservative assumption that there would be no such temporal reallocation or reassignment of trips to avoid or minimize congested travel corridors.

Because of the difference in analysis methodologies, the ultimate results of the analyses are different, including differences in predicted levels of service at certain locations.

The proposed access modification project would ease congestion on the highway network in and around the District. The EA uses a Paramics traffic simulation model to determine LOS and other statistics required by the reviewing agencies. The model has the ability to provide overall network statistics, which allows a true area-wide evaluation. As shown in Table 12-10 on page 169 of the EA Appendix D, "Traffic Report," the evening peak period (the period of highest demand) simulation results show a 31 percent improvement in travel time, 30 percent improvement in vehicle hours traveled, and a 44 percent increase in average vehicle speed in the network in the 2035 Build Alternative as compared to the 2035 No-Build Alternative.

All technical analyses performed for the EA and FGEIS appropriately use hourly or 15-minute period peak demand numbers. Hourly volumes are utilized to determine the capacity of a roadway facility, as this is the industry standard for technical analysis. The analysis for roadway facilities

uses the Highway Capacity Manual (HCM) as the industry standard for determining level of service. This standard is referenced in CEQR, SEQRA, and NEPA guidance for traffic capacity analysis.

The reference to 80,000 daily trips to be generated by the Development Plan does not accurately correspond to those reported in the FGEIS and utilized in the EA. The commenter provides tabular back up from his overall comments (Table 5, Appendix A, “Traffic Data Report,” of Appendix D, “Traffic Report”) and appears to utilize similar data and trip generation factors to the FGEIS in extrapolating a daily number of vehicles. However, he uses an additional factor that is unreported. In addition, he does not account for temporal differences in trip generation factors. Moreover, he double counts the movie theatre square footage as a separate line item without removing its square footage from the gross total for destination retail.

Comment 21: Chapter 1 of the EA briefly describes the project and the justification for the ramps. Chapter 1 emphasizes the need for the ramps to “...create a shift in vehicle patterns throughout the network, which would result in an improved network balance...” in travel patterns in and around Willetts Point and, in particular, siphon off a significant amount of traffic from nearby local access roads and try to squeeze them onto the VWE. This all assumes that the VWE has the capacity to accommodate a large increase in traffic (about 33 percent of Willetts Point traffic). Other than assertions to these traffic changes, there is no convincing evidence that such “improvements” will actually occur and, moreover, it has already been demonstrated that the VWE does not have the capacity to accommodate the traffic diversions assumed by EDC in its EA. (Ketcham)

Response: As shown in Table 9-18 on page 9-22 of the EA, the traffic analysis predicts acceptable levels of service on all VWE segments in the future with the proposed access modification project with the exception of one freeway segment, which would operate at a level of service (LOS) E in the PM peak hour, based on vehicular density. However, this mainline segment would operate at or near the posted speed limit of 50 mph.

The analysis methodology used for the EA is consistent with NYSDOT and FHWA practice and guidance. Existing traffic data was collected and the Paramics model was calibrated to meet FHWA criteria as agreed to in consultation with NYSDOT. The traffic generations and distributions presented in the EA are based on both a macro-model Best Practices Model (BPM) used by the New York Metropolitan Transportation Council (NYMTC) for forecasting regional-level trips and a micro-model (Paramics) simulation to assess the proposed access modification project’s effects on the local and regional highway system. Both the BPM and Paramics utilize

Willetts Point Ramp EA Response to Comments

trip tables and dynamic route choice to determine the best path depending on time of day and traffic conditions.

Comment 22: EDC's claim that Willetts Point will not work without access to the VWE is wrong. The Development Plan will not work even with access to the VWE, and, should access be provided, it is likely that the impact on the surrounding expressway network will be severe and in contradiction to claims made by EDC in the EA. (Ketcham)

Response: As shown in Table 9-17 on Page 9-20, in 2035 with the proposed access modification project in place, the travel times during the evening peak hour along the GCP in the northbound and southbound directions, as well as the WE in the northbound direction, would be notably shorter compared to the future without the proposed access modification project as assessed in the 2035 No Build Alternative. The reductions in average travel times of 2.37, 1.22, and 3.76 minutes, respectively, would result in higher average speeds. Locations along Northern Boulevard and Roosevelt Avenue would also experience decreases in travel time. Furthermore, with the Development Plan and the proposed access modification project in place, as reflected in Table 9-18 on page 9-22 of the EA, all VWE segments would operate at acceptable levels of service with the exception of one freeway segment, which would operate at a LOS E during the PM peak hour, based on vehicular density. However, this mainline segment would operate at or near the posted speed limit of 50 mph. For additional detail, please see the EA's Appendix D, "Traffic Report."

Comment 23: The planned growth for the area should be taken into account when predicting traffic volumes as a result of the proposed access modification project. This growth includes the planned Police Academy and the estimated 5,000-7,000 police officers a day that will utilize the area. (Halloran)

Response: The EA has accounted for the planned Police Academy in its background traffic using the same methodology as the FGEIS, as defined in section 4.3, Willetts Point Background Development Trips in Appendix B, "Marco-Modeling Report," of Appendix D, "Traffic Report." The FGEIS (page 17-28) assumed peak period growth associated with the College Point Police Academy (included in Table 17-9 on pages 17-29 and 17-30) would be minimal and that it was accounted for in the general background growth rate assumed in the No Build Alternative. The EA similarly assumes that the majority of traffic generated by the College Point Police Academy would occur outside of the peak periods. Therefore, during the AM and PM peak periods (the focus of the EA analysis) traffic generated by the College Point Police is assumed to be accounted for in the macro-model (BPM) as general growth for its traffic analysis zone (TAZ).

Comment 24: Clarification has been requested as to the traffic volume model that was used. Based on personal experience, the WE and VWE are already heavily congested during the peak commuter periods. (Halloran)

Response: The traffic model used was based on both a macro-model (BPM) used by NYMTC for forecasting regional-level trips and a micro-model (Paramics) simulation to assess the proposed access modification project and the local and regional highway system. Both the BPM and Paramics utilize trip tables and dynamic route choice to determine the best path depending on time of day and traffic conditions. The BPM has been created and is utilized by NYMTC in its long range planning process. It is calibrated by the Metropolitan Planning Organization (MPO) and used regularly to satisfy FHWA traffic and air quality analysis requirements. For the micro-simulation model, traffic data was collected on a representative weekday in June 2008 to provide existing traffic conditions. A speed and delay study was conducted concurrently with the traffic data collection period. This study was used to calibrate project-specific 2008 Existing Conditions for use in the Paramics micro-simulation morning and evening peak period models. These models and the 2013 and 2035 future models, derived from expansion of the calibrated existing models based on BPM growth, are the basis for the traffic analysis in the EA. This is further explained on page 9-1 of the EA. This methodology is consistent with NYSDOT and FHWA practice and guidance.

In regard to perceived congestion on the WE and VWE, of the 48 mainline segments of these two facilities that were analyzed during the AM and PM peak hours, all but one operates at an acceptable LOS during the 2008 Existing Condition. In the future 2035 Build Alternative, the northbound WE travel times during the evening peak hour would be notably shorter as compared to the 2035 No Build Alternative, with a reduction in travel time of 3.76 minutes. In the southbound direction, travel times would increase less than three seconds. Travel times would also increase in the VWE northbound and southbound directions, 18.3 seconds and less than two seconds, respectively. Table 9-18 on page 9-22 indicates that in the future with the proposed access modification project, all VWE segments would operate at an acceptable LOS with the exception of one freeway segment, which would operate at a LOS E during the PM peak hour based on vehicular density. However, this mainline segment would operate at or near the posted speed limit of 50 mph. Improvements to this mainline segment would incorporate, in consultation with the NYSDOT, current standard ITS components during the final design of the proposed access modification project. This would provide Travel Demand Management (TDM) improvements through existing regional traveling information systems by transmitting traffic information to the local and regional traffic management centers (TMC).

Other adjacent highways (including the WE) would experience improvements in overall density, and hence LOS would be better under the Build Alternative. For details on the individual highway segments, see Table 12.4 in Appendix D, “Traffic Report.”

Comment 25: The existing highways and train facility serving the downtown Flushing area, including Willets Point, are incapable of handling the traffic volumes that will emanate from the Development Plan and the other planned development projects for the area including Flushing Commons, a mixed-use development including the Hyatt Place Hotel, the redevelopment of the former RKO Keith’s Theater site, the Skyview Center, Skyview Park, and other planned residential developments, when combined with existing congestion such as flows from Flushing Meadows-Corona Park and Citi Field. The proposed access modification project is not going to solve the problem of the anticipated overall congestion for the area. The proposed access modification project is going to facilitate a development that is going to worsen traffic congestion in the area. (Haber)

Response: The EA analysis shows that with the proposed access modification project and the traffic volumes forecast to emerge from numerous projects that are planned for the area, local highway segments would operate at acceptable levels of service with the exception of one freeway segment, which would operate at a LOS E during the PM peak hour based on vehicular density. However, this mainline segment would operate at or near the posted speed limit of 50 mph.

The EA has accounted for all planned development projects in its background traffic, as defined in section 4.3, Willets Point Background Development Trips in Appendix B, “Macro-Modeling Report,” of Appendix D, “Traffic Report.” This background traffic includes the FGEIS background projects as noted in Figure 17-11 on page 17-29 and Table 17-9 on pages 17-29 and 17-30 of the FGEIS. All of the planned projects noted by the commenter are accounted for in the background traffic.

In regard to Citi Field in particular, during special events, traffic operations are controlled by the New York Police Department (NYPD) and NYCDOT, which supersede traffic signals and ramp availability. Therefore, in accordance with FHWA and NYSDOT practice, special events were not considered in the analysis for the EA.

The FGEIS analyses accounted for an increase in subway service projected by MTA and concluded that the final build-out of the Development Plan, which in its future baseline also accounted for other planned developments in the area (including Flushing Commons), would not result in any significant adverse subway line-haul impacts. The FGEIS also studied impacts of the Development Plan on station elements at the Willets Point –

Shea Stadium subway station and concluded that the Development Plan, in the context of other planned development, could have significant adverse impacts on one stairway in the station, which could be mitigated by widening the stairway. However, the proposed access modification project would not generate transit trips or affect subway station operations.

Comment 26: The proposed access modification project will result in the elimination of existing access; a movement from Willets Point to Northern Boulevard is being eliminated in lieu of a movement from northbound VWE into the district, as was written in an email by Tom Breslin, FHWA, dated September 30, 2009. It is unclear how the movement from the district to Northern Boulevard is going to be accomplished. This does not improve the traffic network. Modifications of interstate access must address regional traffic needs, not just a localized problem. Other than putting two small red Xs on the map, EDC has not disclosed to the public the proposed access modification project's potential to result in the elimination of existing access. Vehicles wanting to go to Flushing would have to detour all the way to Roosevelt Avenue Bridge, which will be a choke point or they would have to go all the way around the triangle to 126th Street and back onto Northern Boulevard, or back past Citi Field to enter the northbound WE. (Jack Bono)

Response: Although the proposed access modification project would remove direct access from Willets Point Boulevard to Northern Boulevard, access from the District to Northern Boulevard would be provided via alternative routes within the redeveloped District, as required in the Special District zoning text. The EA uses a Paramics traffic simulation model to determine LOS and other statistics required by the reviewing agencies. The model has the ability to provide overall network statistics, which allows a true area-wide evaluation. As shown in Table 12-10 on page 169 of the EA Appendix D, "Traffic Report," the evening peak period (the period of highest demand) simulation results show a 31 percent improvement in travel time, 30 percent improvement in vehicle hours traveled, and a 44 percent increase in average vehicle speed in the network under the 2035 Build Alternative as compared to the 2035 No-Build Alternative.

Comment 27: EDC has been using different assumptions to determine the percentage of project-generated traffic that would use the VWE. The FGEIS assumed that about half of the project-generated traffic would use the VWE (i.e., would be diverted to the ramps); the 2009 AMR assumed 16 percent, and the 2011 EA assumed about one third. The EA reports lower local traffic impacts than the AMR but still claims travel along the VWE is acceptable, contrary to the independent modeling by Brian Ketcham that was submitted to NYSDOT more than a year ago, and in continuing contradiction to what was reported in the FGEIS. How does EDC cut ramp use from half to a third

Willets Point Ramp EA Response to Comments

thereby diverting one-sixth more Willets Point trips back onto local roads and make local traffic that much better? (Ketcham, Gerrard, Kissena Park Civic Association)

Response:

For the assignment of background and District-generated traffic, the EA uses methodology developed in consultation with NYMTC, NYSDOT, and FHWA. The EA, in evaluating the proposed access modification project, is a NEPA document and is guided by NYSDOT and FHWA procedures for assessing potential impacts from highway projects. This assessment, which is more regional in its approach, and focused on highway systems, uses different modeling procedures for assigning traffic than does the FGEIS, as described in the response to Comment 20. To assign predicted traffic volumes to particular routes, the EA procedure uses a methodology developed with reviewing agencies that accounts for temporal and geographic reassigning of trips that would occur in response to the proposed access modification project's effects on traffic, as described further in the response to Comment 20.

While Brian Ketcham submitted a report to NYSDOT in February 2010, setting forth findings of a traffic analysis, he did not provide data files for the actual analysis and therefore the basis for the reported results cannot be confirmed. Similar findings were presented by Mr. Ketcham during a meeting in March 2010. Mr. Ketcham also attached a report of his traffic analysis as an exhibit to comments he submitted during the public comment period for the EA. This report appears to document the same analysis as previously submitted to NYSDOT. Most of his comments regarding the EA (which are summarized in this Response to Comments) are based on the traffic analysis described in both the February 2010 and June 2011 reports.

Comment 28:

The same problem exists with the March 2011 EA that existed when Brian Ketcham's firm compared the FGEIS with the draft AMR. The draft AMR lost 2,000 auto trips in the PM Peak Hour compared with the FGEIS, allowing it to report free flowing conditions on local access roads. With the March 2011 EA, the same problem exists, this time with 1,000 auto trips missing. (Ketcham)

The March 2011 EA is full of mistaken trip generation factors. Trip generation rates, mode split, and vehicle occupancy are among the factors used in estimating trip generation that have been significantly misestimated. The consequence is that trip generation for Willets Point may well be underreported in the EA by as much as 100 percent. At all levels, the City selected inputs to traffic analysis that understate the impacts: trip generation rates and travel behavior, estimates of future travel conditions, estimates of project impacts, and the benefits of the VWE ramps. (Ketcham)

Response: The commenter does not make clear what value for PM auto trips he is using as the basis for the assertion that 1,000 auto trips are “missing” from the EA analysis. Unlike other areas where he has set forth quantitative assertions in tabular form, this comment lacks full quantitative representation. Therefore, it cannot be determined how the commenter arrived at the numbers in the comment.

In the EA, the vehicle trips predicted to be generated by the Development Plan were modified from the previous numbers used in the Draft AMR that was obtained by the commenter in response to a FOIL request. The EA uses the same methodology as the FGEIS, converting person trips to vehicle trips derived from planned square footage by land use type. The FGEIS estimate for total PM auto trips associated with the Development Plan can be calculated by combining the vehicle trips associated with the Development Plan land uses (from Table 17-21 on page 17-50 of the FGEIS) and additional vehicle trips associated with Citi Field Lot B (from Table 17-23 on page 17-52 of the FGEIS). (The FGEIS conservatively analyzed redevelopment of Lot B, though it is not within the District, as associated with the Development Plan.) These tables indicate the PM Development Plan-generated vehicle trips will be 2,581 “in” trips and 3,509 “out” trips for a total of 6,090 vehicle trips. Lot B is forecast to generate 183 “in” trips and 479 “out” trips for a total of 662 vehicle trips. Therefore, the total generated vehicle trips are forecast to be 6,752 during the PM peak hour. The EA uses trip tables derived from the BPM at the regional level, which are passed down to the micro-simulation models. These 6,752 vehicle trips were added directly to the BPM, via the trip tables, to account for the Development Plan.

Comment 29: The VWE does not have the capacity to accommodate the amount of traffic the March 2011 EA is assuming, about 1,000 auto trips in the northbound and southbound directions in the PM peak hour. Demand with the March 2011 configuration would exceed capacity resulting in 6,000 vehicles an hour denied access to the VWE corridor. (Ketcham)

Response: In regard to the EA VWE traffic, on page 9-19 of the Transportation Section, based on the project-specific travel demand model and micro-simulation analyses, the projected 2035 Build Alternative Directional Design Hourly Volume (DDHV) for the VWE would be over 5,400 vehicles in both the northbound and southbound directions. The basis for commenter’s reference to 1,000 auto trips on the VWE is unsupported and thus, it is unclear where the number is derived from. In regard to the EA configuration exceeding capacity by 6,000 vehicles, the commenter is apparently referring to reported results from an analysis he claims to have performed, which cannot be replicated with the information he has provided. The process used in the EA is the macro- and micro-simulation

Willetts Point Ramp EA Response to Comments

models that were both approved by the reviewing agencies and calibrated to existing traffic.

Comment 30: Conditions at the Kew Gardens Interchange (KGI) of the VWE with the GCP present even greater constraints on adding Willetts Point traffic to the VWE, a problem that is ignored in the March 2011 EA. (Ketcham)

NYSDOT personnel have, in internal e-mails, already commented on the damage that Willetts Point traffic will cause to the Kew Gardens interchanges, which is part of a very expansive ongoing rehabilitation. NYSDOT engineers were concerned about 16 percent of the Willetts Point traffic moving along the VWE as was reported in the AMR; now that EDC has doubled this number, one would assume that these concerns are even greater. The same traffic impacts will cause unmitigatable traffic delays along the VWE as well. It should result in the ramp application to be turned down for its obvious degrading impact on this vital highway. (Simpson, Gerrard, D. Antonacci)

Response: The KGI, which is approximately 3.4 miles from the proposed access modification project, is outside both the primary and secondary study areas used for the EA. Therefore, the KGI is not included in the Paramics micro-simulation model. However, its facilities are included in the BPM macro-model. The BPM is a regional model, which was used as a forecast year of 2035 with the addition of the Development Plan and other specific proposed developments added to the predicted regional background growth. Constraints of the KGI on both the VWE and GCP are accounted for in the BPM, as it includes the regional highway network outside of the study area.

At the request of NYSDOT, EDC's consultants performed a technical review of the traffic analysis prepared by NYSDOT for the KGI rehabilitation project and its relationship to traffic analysis for the proposed access modification project. The results of this review are contained in a February 10, 2010 project memorandum provided to FHWA and NYSDOT titled "Willetts Point Access Modification Potential Impact on the Kew Gardens Interchange Reconstruction Project," which is included as Attachment A to this Response to Comments. The conclusion of this memorandum is that the proposed access modification project would not adversely impact the reconstructed KGI.

The comment refers to concerns about "Willetts Point" traffic, which may mean traffic from the Willetts Point Development Plan, the adverse impacts of which would be reduced, not exacerbated, by the proposed access modification project.

Comment 31: The EA states, "The traffic analysis approach and scale for adding a ramp entrance is different from the traffic analysis required under New York

State's...SEQRA...this traffic analysis addresses the potential regional highway effects..." of the project. The reader has to assume that all this has been done but there is no evidence in Chapter 9 or Appendix D of what was actually accomplished using various models and on what basis; there are only limited results that leave out more than they report. The reader is asked to "trust EDC" and its consultants. And, while the materials included in the March 2011 Appendix D have been revised from earlier 2009 draft AMR appendices, it still does not compare with or even mention the traffic impacts reported in the FGEIS and described in considerable detail at the February 19, 2010 meeting with EDC, NYSDOT, and FHWA and in considerable documentation provided to all these agencies. (Ketcham)

Response:

The traffic analysis approach and methodology is well documented in the EA and Appendix D, "Traffic Report." The results of the both the macro-model BPM and the micro-simulation model (Paramics) are highly specialized outputs, and like most models, require significant post-processing to develop useful tables for analysis and reporting purposes and presentation of results. The results of these models and the post-process results are included in the nearly 4,000 page Appendix D, "Traffic Report." In addition, the actual data files for the models have been released to the commenter in response to a FOIL request.

The response to Comment 20 explains the difference between the analysis in the EA and that in the FGEIS, and why the analyses reflect different levels of service at certain locations. The commenter's analysis presented at the February 19, 2010 meeting is summarized as Exhibit 3 of the materials provided by him as comment back up. This exhibit identifies a micro-simulation model based on Synchro, which was apparently limited to the VWE immediately adjacent to the proposed access modification project. Therefore, the results associated with the commenter's analysis do not consider the regional impacts on the highway network. By comparison, the EA analysis includes a micro-simulation, which included both the VWE and GCP and the highways that connect north and south of the proposed access modification project location (WE and Long Island Expressway [LIE]), which allows the EA analysis to appropriately determine access routing via a dynamic route choice. The supporting documentation for the commenter's technical analysis submitted in review of the EA does not appear to reflect either a change in methodology from the February 2010 analysis or an expansion of the boundaries of the model to be more regionally based.

Comment 32:

The Introduction reports how "Background growth was developed (for 2035) using the (NYMTC) Best Practices Model. Chapter 9 fails to discuss or to dispute reports made more than a year ago by WPU that the growth rates used for 2035 vary significantly, underreport future conditions, and fail entirely to account for anticipated growth in population and jobs. (Ketcham)

Response: The EA included two separate data inputs for predicted growth for 2035 traffic. The first is the growth associated with the Development Plan, and the second is the growth associated with the larger region, including other developments in the area. Growth associated with the Development Plan was based on predictions taken from the FGEIS. Growth associated with the regional and local system was based on NYMTC's long range planning process for development (BPM). In addition to NYMTC's growth projections, which are based on socio-economic data (SED) forecasts for the region, traffic generated by local developments identified in the FGEIS was also added to the model.

The analysis utilized the latest BPM available at the time it was undertaken. Detailed discussions were held with NYMTC regarding specific differences between the SED used and subsequent SED updates. Based on these discussions and a sensitivity analysis performed in accordance with FHWA accepted guidance, it was determined that any additional future growth reflected in such updates was already effectively accounted for in the macro-model used for the analysis of the proposed access modification project (e.g., specific development projects that were not reflected in the BPM's anticipated growth at the TAZ level had been added into the model as warranted).

Comment 33: Chapter 9 references Appendix D, "Traffic Report," as a source of more detailed information about the study. In a related matter, Chapter 9 discusses the primary and secondary study area, which is unchanged from the draft 2009 AMR and for which WPU has criticized the failure of EDC to expand the study area to include critical local intersections reported in the FGEIS that would be gridlocked even without the huge amount of new development planned or approved for the Willets Point area (more than 20 million square feet not including the Development Plan). This failure contradicts the earlier assertion in Chapter 9 that this study was to focus on "...a larger (study) area..." Unfortunately, that larger area has not materialized. It continues to focus exclusively on just the surrounding expressways and not the heavily impacted local services roads emphasized in the FGEIS. This seems to be done intentionally to exclude the errors and omissions emphasized by WPU in its critique of the draft AMR. (Ketcham)

Response: The commenter has not identified which intersections should be added to the traffic analysis. The EA traffic analysis study area is larger, but different than, that used for the FGEIS traffic analysis. The analysis locations studied in the FGEIS and the EA are different because the EA focuses on highway sections and nearby intersections most likely to be affected by the traffic changes attributable to the proposed access modification project. The EA study area was developed in consultation with the reviewing agencies and includes both the highway network and local roads (e.g., College Point

Boulevard). The micro-simulation model includes 21 signalized intersections and 54 unsignalized intersections in the traffic study area. It also incorporates vehicular travel patterns from the regional model (BPM) that includes the entire NY metropolitan region. In addition, at the micro-simulation level, the EA study area includes the GCP, which is not included in the commenter's technical analysis, but is a key element in the evaluation of the proposed access modification project, which is the focus of the EA. The FGEIS, consistent with CEQR, defines a study area that focuses on parts of the street network in the area surrounding the District and highway elements that would be affected by traffic generated by the Development Plan.

In asserting that there would be 20 million square feet of local development beyond the Development Plan, the commenter includes developments beyond the 91 developments listed in Table 17-9 on page 17-29 of the FGEIS. Some of that additional development is inferred from conceptual planning studies that have not resulted in any planning actions. In addition, in some cases the commenter makes program assumptions based on preliminary conceptual plans and in other cases revises conceptual development plans without basis, in order to arrive at a highly speculative prediction of future growth. Further, the amount of development that was assumed in the FGEIS and Technical Memorandum 4 to be part of the future condition without the Willetts Point Development Plan totals less than approximately 10 million square feet, instead of double this amount as stated in the comment. This amount of future development conservatively accounts for all proposed development within a large study area and a list of no-build development projects that was developed in consultation with DCP Queens office.

Comment 34: Page 2, top of page, includes a description of the secondary study area including the four interchanges formed by the VWE, the LIE, the GCP, and the WE/Northern Boulevard. On March 30, 2010, WPU had notified EDC of the 2009 Congestion Management Report prepared by NYMTC (there is no actual date on the report itself) that described estimated conditions in 2035 using the same models reported in the March 2011 EA that described severe traffic congestion (potential bottleneck locations) not only at these four interchanges but along the connecting expressways. NYMTC's estimates were made without consideration of the full impact of Willetts Point traffic nor of the other 20 million square feet of new development, all of which would generate about 170,000 more auto trips moving through this area (on top of nearly a million daily auto trips that today currently cripple this set of expressways and interchanges). There is no mention of this communication and the March 2011 EA fails to address this disclosure at all. (Ketcham)

What is revealing is that, contrary to claims by EDC, in the Congestion Management Report, the GCP near the Willets Point project does not exhibit severe congestion levels. Severe congestion does not occur along the GCP, but south of Kew Gardens. (Ketcham)

Response:

The Congestion Management Process (CMP) 2009 Status Report is a NYMTC document that is unrelated to the EA review process. Accordingly, the CMP and the designation of the four interchanges in the report has no bearing on the technical analysis performed in the EA. Moreover, the CMP's criterion for identification as "a potential bottleneck location" is volume to capacity (V/C) over 0.8. Locations identified as potential bottleneck locations do include those noted in the comment during the AM and PM period as defined on pages 33 and 34 of the CMP 2009 Status Report. However, the EA, in Table 19-18 on page 9-22, indicates LOS on the freeways in 2035 would operate at an acceptable LOS D or better with the exception of one segment during the PM peak hour at a midpoint location. As defined in the HCM 2000 (industry standard), LOS Criteria for Basic Freeway Segments (Exhibit 23-2), for the characteristics of the VWE, the maximum V/C at LOS D (acceptable under NYC standards) is 0.85. Based on the different criteria used in the CMP, it is possible that some of these locations would appear as potential bottlenecks areas, even though they have not been characterized as unacceptable LOS in the EA. In addition, the NYMTC CMP 2009 Status Report did not include the full details and benefit of the proposed access modification project, or project as much growth within the District as was reported in the FGEIS. Therefore, NYMTC growth associated with the Development Plan was replaced (in the EA analysis) with growth reported in the FGEIS for uniformity. The calibrated sub-regional model used for the EA traffic analysis does show congestion on the GCP in the 2035 No Build Alternative.

In regard to the assertion of 20 million square feet of new development and 170,000 auto trips, please see the response to Comment 33. In regard to the nearly one million daily auto trips, it is not clear which area the commenter is referring to, or the methodology by which he calculates this value of daily auto trips.

Comment 35:

The real problem with the EA is that it ignores the full impact of the Development Plan, a project that will generate 80,000 car and truck trips a day, 365 days a year, and that, combined with other nearby development, will generate about 170,000 vehicle trips per day (including Willets Point trips) along with 200,000 transit trips (transit is not discussed in Chapter 9 or Appendix D). Because there is no capacity to accommodate 200,000 more transit trips, the figure of 170,000 is a gross understatement. If all 31 million square feet of planned new development actually materializes, traffic impacts will be a great deal worse than reported in the EA. The EA

does nothing to account for the dire project impacts reported in the FGEIS. All the EA does is compare impacts of the addition of the VWE ramps with conditions without the ramps and with the diversion of about a third of Willets Point traffic on the VWE. As detailed in the AMR, traffic impacts from Willets Point will be severe in the No Build Alternative. Because the EA fails to account for all 31 million square feet of planned new development and the accompanying traffic impacts, the EA fails to accomplish disclosing the true impacts of the all of the planned development. (Ketcham)

The City has failed to see the larger regional impact of the proposed access modification project, in terms of consideration of the increasing number of other local development projects in progress and proposed, where volumes of traffic and its ensuing chaos shall result. (Glaeser)

Response:

The 170,000 vehicular trips and 200,000 transit trips per day postulated by Mr. Ketcham are erroneous to the extent that they are based upon his predictions of expected development in the Willets Point area, as explained in the response to Comment 33. In regard to the assertion that the Development Plan will generate 80,000 car and truck trips daily, please refer to the response to Comment 20.

The EA and the FGEIS appropriately perform all technical analyses using hourly or 15-minute period peak demand numbers. Hourly volumes are utilized to determine the capacity of a roadway facility, as this is the industry standard for technical analysis. The analysis for roadway facilities in the EA uses the HCM as the industry standard. This standard is referenced in CEQR, SEQRA, and NEPA guidance for traffic capacity analysis. HCM references hourly capacity on page 2-2 of the HCM 2000 (the most recent manual at time of the EA analysis). Traffic analyses conducted as part of environmental review under NEPA and according to NYSDOT and FHWA practice and guidance address peak hour traffic impacts for typical day conditions, since it is the capacity of roadways and intersections in peak hours that determines whether or not the number of auto trips can be accommodated. Peak hour counts and analyses were conducted on representative, typical days of the year, and the analyses follow NYSDOT and FHWA practice.

In regard to the transit system's capacity to handle the estimated loads, Mr. Ketcham did not provide a transit capacity analysis. Using appropriately performed line haul analyses in accordance with CEQR methodology, the FGEIS predicted sufficient subway capacity at standard subway car loadings in the future with the Development Plan and other proposed development in the area. The FGEIS proposed bus service enhancements to provide adequate capacity to serve the redeveloped District. The EA traffic analysis fully accounts for anticipated growth in the relevant study area.

Growth associated with the District assumed in the EA was based on development and traffic generation projections from the FGEIS, and included trips associated with proposed enhanced bus service. Growth associated with the regional and local system was based on NYMTC's long range planning process for development (BPM). In addition to NYMTC's growth projections, which are based on SED forecasts for the region, manual enhancements were made to include traffic generated by local developments identified in the FGEIS, as defined in section 4.3, Willets Point Background Development Trips in Appendix B, "Macro-Modeling Report," of Appendix D, "Traffic Report." This background traffic includes the FGEIS background projects as noted in Figure 17-11 on page 17-29 and Table 17-9 on pages 17-29 and 17-30 of the FGEIS. Therefore, the increase in vehicular traffic associated with planned projects is included in the traffic analysis.

In accordance with NEPA, the EA considers the impacts of the proposed access modification project in the context of this anticipated future growth. It properly treats such growth as part of the No Build Alternative and not as an impact of the Federal action, which is the proposed access modification project.

Comment 36: The EA underreports existing and potential traffic as a result of the redevelopment of Willets Point. (Glaeser)

The EA continues to under report background traffic growth. The EA asserts it accounts for just 10 million square feet of new development whereas the FGEIS reports 20 million square feet. This additional development will add thousands more auto and transit trips than accounted for in the March 2011 EA. (Ketcham)

There is no evidence that EDC has corrected for the long-term estimation of future traffic volumes without Willets Point traffic, which were underreported in the AMR. By low balling future traffic volumes, intersection Levels of Service are likewise underreported in the EA. The EA does not account for all of Willets Point traffic on local access roads nor does it address the huge differences that still exist between the FGEIS LOS results and those reported in the EA. While the EA reports far more severe operating conditions than earlier reported, it still does not match the more severe conditions reported in the FGEIS. The reason is that the EA does not include all Willets Point traffic that is reported in the FGEIS. The traffic volumes used in the EA LOS calculations are too low and therefore congestion levels are underreported in the EA. (Ketcham)

The EA fails to account for 30 million square feet of additional auto-dependent development in and around Willets Point and underestimates car

ownership in Queens and the actual amount of car trips that Willetts Point will generate. (Ardizzone)

Response:

Growth associated with the District assumed in the EA was based on development and traffic generation projections from the FGEIS. Growth associated with the regional and local system was based on NYMTC's long range planning process for development (BPM). In addition to NYMTC's growth projections, which are based on SED forecasts for the region, manual enhancements were made to include traffic generated by local developments identified in the FGEIS to the extent they were not already accounted for in their respective traffic analysis zones in the BPM.

Thus, the EA has accounted for all known planned local development projects in its background traffic, as defined in section 4.3, Willetts Point Background Development Trips in Appendix B, "Macro-Modeling Report," of Appendix D, "Traffic Report." This background traffic includes the FGEIS background projects as noted in Figure 17-11 on page 17-29 and Table 17-9 on pages 17-29 and 17-30 of the FGEIS.

With respect to the asserted 30 million square feet of auto-dependent development, see the response to Comment 33.

In regard to auto-ownership in Queens, the EA uses a macro-model that is BPM-based. The BPM accounts for auto ownership in the New York metropolitan region with county ownership as a calibration control figure in predicting trip generation associated with growth.

As explained in more detail in response to Comment 20, the EA, in evaluating the proposed access modification project, is a NEPA document and is guided by NYSDOT and FHWA procedures for assessing potential impacts from highway projects. This assessment, which is more regional in its approach, and focused on highway systems, uses different modeling procedures than the FGEIS for forecasting future traffic volumes and predicts different levels of service at particular locations. However, projections of District and background generated trips and vehicles are consistent with generated trips and vehicles in the FGEIS and are fully accounted for in the EA models.

In regard to conditions in the local and regional network in the future with the proposed access modification project, the analysis concludes that in 2035 all VWE segments would operate at acceptable LOS as defined in Table 9-18 on page 9-22 of the EA, with the exception of one freeway segment, which would operate at a LOS E in the PM peak hour, based on vehicular density. However, this mainline segment would operate at or near the posted speed limit of 50 mph. Furthermore, as shown in Table 9-17 on Page 9-20, the travel times during the evening peak hour along the GCP in the northbound and southbound directions, as well as the WE in the

Willetts Point Ramp EA Response to Comments

northbound direction, would be notably shorter compared to the 2035 No Build Alternative. The reductions in average travel times of 2.37, 1.22, and 3.76 minutes, respectively, would result in higher average speeds. Locations along Northern Boulevard and Roosevelt Avenue also would experience decreases in travel time. For additional detail, please see Appendix D, “Traffic Report.”

Comment 37: Tony Avella, New York State Senator in the 11th District, has grave concerns regarding EDC’s ramp proposal and the tremendously negative impact it is expected to have on the surrounding areas of Queens, including both highway and mass transit infrastructure. (Scarola, Avella)

Response: Comment noted. As noted in the EA, the proposed access modification project would not create significant adverse impacts on the highway or mass transit system. The proposed access modification project would have an overall benefit on the traffic network and would not have an effect on transit use.

Comment 38: The proposed access modification project would actually provide limited access and would only cater to vehicles coming up from the south to Willetts Point or going from Willetts Point back to the south. The ramps have nothing to do with enhancing access or reducing traffic from the north of Willetts Point. The ramps will provide no relief for travelers coming from the north and heading toward Willetts Point. Such travelers will sit in the excess traffic created by the development, which the ramps enable, but the ramps will not help them to either reach Willetts Point more efficiently or lessen the traffic in front of them. (Scarola)

The reality is that the area is already congested and the congestion is only going to get worse with the proposed access modification project, regardless of what it says on paper. (Willetts Point Community of Friends for Small Business and Workers)

The VWE cannot accommodate a very large increase in traffic from Willetts Point, and certainly not what has been proposed in the FGEIS or the EA. The assignment of one third of Willetts Point traffic to the VWE will further increase congestion, will not work, and will likely backfire creating far more severe traffic problems on the surrounding expressway network and along local access roads backing into the surrounding residential and commercial communities of downtown Flushing, Astoria, Corona, East Elmhurst, College Point, and Queensboro Hill. The traffic that is prohibited from accessing the VWE from Willetts Point is cumulative. EDC must examine these cumulative effects. The potential severity both locally and region-wide demands that the cumulative analysis of the Willetts Point project be reported. (Ketcham)

The ramps don't work. NYSDOT and FHWA should consider the fact that the ramps don't work and not be swayed by the need for jobs and other benefits associated with the Willetts Point redevelopment project. (Antonacci)

Response:

The transportation section E on page 9-16, describes the shift in travel patterns that would result from the proposed access modification project. This shift would create equilibrium on the highways in a 'box' around the District defined by the expressways and parkway in Table 9-12. The proposed access modification project would reduce overall future congestion (as discussed in section F. Conclusion on pages 9-25 and 9-26).

The shift in traffic patterns induced by the proposed access modification project would have a net positive improvement on the local and regional network. Specifically, in 2035, all VWE segments would operate at acceptable LOS as defined in Table 9-18 on page 9-22 of the EA, with the exception of one freeway segment, which would operate at a LOS E in the PM peak hour, based on vehicular density. However, this mainline segment would operate at or near the posted speed limit of 50 mph. Furthermore, as shown in Table 9-17 on Page 9-20, the travel times during the evening peak hour along the GCP in both the northbound and southbound directions, as well as the WE in the northbound direction, would be notably shorter as compared to the 2035 No Build Alternative. The reductions in average travel times of 2.37, 1.22, and 3.76 minutes, respectively, would result in higher average speeds. Locations along Northern Boulevard and Roosevelt Avenue, including locations north of the District, would also experience decreases in travel time. For additional detail, please see Appendix D, "Traffic Report."

Comment 39:

Studies have shown that the proposed access modification project will bring more traffic to the area (Maspeth, Elmhurst, and the Winfield section of Woodside). The area already experiences the burden of too much traffic of all kinds including diesel railroad, and trucks. (COMET)

Response:

As shown in Chapter 9 of the EA, the proposed access modification project would balance the freeway network, improving travel time and reducing congestion on the GCP. The traffic closest to the referenced neighborhoods would therefore be reduced, not worsened, in the Build Alternative. See the response to Comment 43 for a discussion of area-wide roadway network statistics.

Comment 40:

In contradiction to claims made by EDC, the Willetts Point project, even with the ramps in place, will heavily impact the VWE, surrounding expressways, and the local roadway network, as reported in the FGEIS and reinforced by NYMTC. (Ketcham)

Willets Point Ramp EA Response to Comments

Response: The overall benefits of the proposed access modification project to the local roadway network are discussed in the response to Comment 43, below, and others. The FGEIS and subsequent technical memoranda have fully disclosed the potential impacts of the Development Plan on the VWE. However, the City agencies with approval jurisdiction over the Development Plan found that its substantial environmental and economic benefits outweighed those impacts.

Comment 41: The LIE cuts right through the hearts of both Maspeth and Elmhurst. This road, frequently backed up through these neighborhoods already, will only become more congested with the proposed access modification project, which will cause more congestion on arterial roads and highways. (COMET)

Response: The introduction of the proposed access modification project would have a net positive improvement on the local and regional network. Specifically, with the proposed access modification project in place, the LIE would have no change in LOS as defined in Table 12-14 on page 158 of Appendix D, "Traffic Report," and an increase of less than 1.5 passenger cars per lane per mile, between the No Build and Build Alternatives. Improvements on other roadway segments, as noted in Comment 43, would provide an overall positive net effect.

Comment 42: The process by which EDC conducted its traffic analysis has been shown to be seriously flawed and if the project is approved by NYSDOT and FHWA, based on EDC's studies, the neighborhoods of Maspeth and Elmhurst will suffer from the detrimental effects of poor planning for decades to come. EDC should go back to the drawing board and come up with a solution that does not add to the traffic that already exists in these communities. (COMET)

Response: The proposed access modification project would not increase traffic in Maspeth and Elmhurst, two neighborhoods to the west of the project site. There is no reason to believe that the access modification project would have any effect on traffic in those neighborhoods, as the GCP and a significant distance separates the project site from those neighborhoods.

Comment 43: The commenter is concerned that the project would impair regional mobility by disrupting a key highway like the VWE. (Natural Resources Defense Council)

The proposed access modification project will degrade the highway system and the project should not be approved. (Simpson)

NYSDOT and FHWA should not be concerned with whether the Willets Point redevelopment project be developed. Their only concern should be

whether the ramps will degrade the highway system. The ramps will degrade the highway system and the project should not be approved. (Simpson)

Examination of the material contained in the EA leads to the conclusion that NYSDOT's approval of the ramps would violate its statutory obligation to ensure that new connections to interstate highways do not lead to significant degradation of traffic conditions on those highways. (Gerrard)

Response:

The analysis in the EA shows that area highway conditions would benefit from the proposed access modification project as compared to the No Build Alternative. The transportation section E on page 9-16, describes the shift in travel patterns that would result from the proposed access modification project. This shift would create equilibrium on the highways in a 'box' around the District defined by the expressways and parkway in Table 9-12. The proposed access modification project would reduce overall future congestion (as discussed in section F. Conclusion on pages 9-25 and 9-26).

The shift in traffic patterns induced by the proposed access modification project would have a net positive improvement on the local and regional network. Specifically, in 2035 all VWE segments would operate at acceptable LOS as defined in Table 9-18 on page 9-22 of the EA, with the exception of one freeway segment, which would operate at a LOS E in the PM peak hour, based on vehicular density. However, this mainline segment would operate at or near the posted speed limit of 50 mph. Furthermore, as shown in Table 9-17 on Page 9-20, the travel times during the evening peak hour along the GCP in the northbound and southbound directions, as well as the WE in the northbound direction, would be notably shorter compared to the 2035 No Build Alternative. The reductions in average travel times of 2.37, 1.22, and 3.76 minutes, respectively, would result in higher average speeds. Travel times would also improve at locations along Northern Boulevard and Roosevelt Avenue. For additional detail, please see Appendix D, "Traffic Report."

Comment 44:

The proposed access modification project will cause massive congestion and increased travel time to the area's two major airports, severely impacting access to the airports. (Ardizzone, Simpson)

EDC has received millions of dollars from the Port Authority to conduct traffic studies for the proposed access modification project without telling Port Authority that this project would jeopardize airport access that is central to the Port Authority's core mission. (Simpson)

The project could have a significant effect on the operation of an important segment of the interstate highway system. The VWE is essential access to both LaGuardia and Kennedy Airports and it's a very important part of the mobility network for the New York Metropolitan Area. (Gerrard)

Response: Travel times through the area to the area's two major airports would improve with the proposed access modification project. The transportation section E on page 9-16, describes the shift in travel patterns that would result from the proposed access modification project. This shift would create equilibrium on the highways in a 'box' around the District defined by the expressways and parkway in Table 9-12. The proposed access modification project would reduce overall future congestion (as discussed in section F. Conclusion on pages 9-25 and 9-26).

The shift in traffic patterns induced by the proposed access modification project would have a net positive improvement on the local and regional network. Specifically, in 2035, all VWE segments would operate at acceptable LOS as defined in Table 9-18 on page 9-22 of the EA, with the exception of one freeway segment, which would operate at a LOS E in the PM peak hour, based on vehicular density. However, this mainline segment would operate at or near the posted speed limit of 50 mph. Furthermore, as shown in Table 9-17 on Page 9-20, the travel times during the evening peak hour along the GCP in the northbound and southbound directions, as well as the WE in the northbound direction, would be notably shorter compared to the 2035 No Build Alternative. The reductions in average travel times of 2.37, 1.22, and 3.76 minutes, respectively, would result in higher average speeds. Travel times would also improve at locations along Northern Boulevard and Roosevelt Avenue. For additional detail, please see Appendix D, "Traffic Report."

Comment 45: The ramps will be wholly inadequate to handle increased traffic flow of any kind and the traffic count is exponentially higher than is described in the EA. Traffic in Willetts Point at these critical choke points is already at disastrous levels. This was clearly spelled out in a respected independent traffic engineer's report that has been ignored and vilified by the City's administration. (Associated Cultural Resource Consultants)

Response: Traffic data was collected on a representative weekday in June 2008. A speed and delay study was conducted concurrently with the traffic data collection period. These studies were used to calibrate project specific 2008 Existing Conditions for Paramics micro-simulation morning and evening peak period models. The 2013 and 2035 future models, derived from expansion of the calibrated existing models based on anticipated growth, are the basis for the traffic analysis in the EA. This is further explained on page 9-1 of the EA.

In regard to perceived congestion on the highway roadway network near Willetts Point under existing conditions, Table 9-2 on page 9-4 indicates that all segments of the VWE operate at an acceptable LOS during all analysis periods, except for the southbound mainline segment from westbound WE off-ramp to eastbound WE on-ramp, which operates at a LOS E during the

PM peak hour. As shown in Table 9-3 on page 9-5 of the EA, during the AM peak hour, most study area intersections operate at an acceptable overall LOS D or better, with the exception of College Point Boulevard/Horace Harding Expressway. During the PM peak hour, two intersections operate at an unacceptable overall LOS F: College Point Boulevard/Horace Harding Expressway and College Point Boulevard/LIE Service Road. Both of these intersections are at the far limits of the secondary study area boundary.

In regard to the independent engineer's traffic report, one traffic engineer submitted a report as comments on the EA. This report largely consists of materials submitted to NYSDOT and FHWA in early 2010. Please see the response to Comment 27.

Comment 46: On Page 1, Chapter 9, "Transportation," Introduction, it states under "Purpose and Need" that the ramps would "...facilitate the movement of traffic to and from the Willetts Point Development District...and minimize adverse traffic congestion on nearby roadways." While this may be the context intended by EDC in the EA, it is clearly not true when considering the extreme congestion described in the FGEIS—gridlock on local access roads and gridlock along the VWE. These impacts were validated in the Flushing Commons FEIS. The premise that EDC is now assuming is that the VWE has sufficient capacity to accommodate a third of Willetts Point traffic. The FGEIS demonstrates the VWE cannot accommodate half of Willetts Point traffic and Brian Ketcham's firm has independently demonstrated that the VWE cannot accommodate even one-sixth of Willetts Point traffic. So, yes, any Willetts Point traffic that can be diverted away from local access roads and therefore onto nearby expressways will reduce local impacts if the surrounding expressway network has the capacity to accommodate such diversions. The question EDC, DCP, and DOT never answers is, can local access roads, nearby expressways, and nearby public transit accommodate so large a project as Willetts Point let alone the other 20 million square feet of new development approved or under consideration for the area within a mile or two of Willetts Point? (Ketcham)

Response: The EA uses methodology developed in consultation with NYMTC, NYSDOT, and FHWA as appropriate for assessing the impacts of the proposed access modification project. The EA is a NEPA document and is guided by NYSDOT and FHWA procedures for assessing potential impacts from highway projects. This assessment, which is more regional in its approach, and focused on highway systems, uses different modeling procedures for forecasting future traffic volumes than did the FGEIS. For example, the EA model accounts for temporal and geographic reassigning of trips that would occur in response to the proposed access modification project's effects on traffic, as described further in the response to Comment

Willetts Point Ramp EA Response to Comments

20. As explained in the responses to Comments 27, 32, and 35, the analysis assumed all background growth projected for the area by NYMTC with the addition of trip generation associated with specific development proposals. It concludes that in the future with the proposed access modification project, the highway network surrounding the District would mostly operate at acceptable levels of service and would show marked improvements on some corridors in comparison to the No Build Alternative.

In regard to the 20 million square feet of development in addition to the Development Plan asserted by the commenter, see the response to Comment 33.

Comment 47: The EA contains a critical flaw in the traffic volume data used for travel along the VWE, including further discrepancies between previous and current assumptions. The estimated No Build and Build traffic volumes were presumably used for estimating project impacts compared to 2008 baseline conditions. There is a huge increase in volumes over the five year period, 2008 to 2013. This growth is excessive and demands explanation. The No Build Alternative does not include the ramps so the increase cannot be attributed to the Willetts Point project traffic. By significantly overestimating growth from 2008 to 2013, the effective growth estimated from 2013 to 2035 may be significantly reduced and the relative effect on the Level of Service along the VWE and at affected intersections is likewise significantly reduced. Since the No Build Alternative assumes no ramps, EDC needs to explain how so many more vehicles get onto the VWE with no ramps in the No Build Alternative and therefore a few Willetts Point generated trips entering or exiting the VWE. (Ketcham)

Response: The trip tables from the BPM are assigned to the roadway network via the Paramics models, which uses dynamic route choice utilizing available capacity on the VWE over adjacent roadway facilities. Without the proposed access modification project, the VWE would experience growth from traffic displaced from the adjacent arterial system that would be utilized by traffic accessing the District.

Comment 48: The No Build and Build Alternatives should reflect the totality of growth in traffic due to background growth and the addition of Willetts Point traffic. For 2013 No Build to Build Alternatives, northbound travel on the VWE (in the form of DDHV) would increase by 15.1 percent; southbound by just 4.5 percent. For 2035 No Build to Build Alternatives northbound travel would increase by 13.5 percent; southbound by 8.8 percent. There is no explanation for the big difference between northbound and southbound values. (Ketcham)

Response: The Paramics micro-simulation model used for the EA analysis assigns trips based on a gravity model methodology (least-resistant path). Therefore,

growth will not be uniform across northbound and southbound mainline segments in the model. As noted in the transportation chapter, section E on page 9-16, the proposed access modification project would cause a shift in travel patterns, which would create equilibrium on the highways in a ‘box’ around the District defined by the expressways and parkway in Table 9-12. The distributions from the EA are based on both a macro-model (BPM) and a micro-model (Paramics) simulation. Both the BPM and Paramics utilize trip tables and dynamic route choice to determine the best path depending on time of day and traffic conditions. In the Build Alternative, the model shows vehicles shifting from the GCP to the VWE in search of the noted equilibrium; therefore, a direct comparison of growth between Build and No Build Alternatives would reflect this difference. This shift from the northbound GCP to the northbound VWE would result from traffic destined for the District taking a more direct route provided by the proposed access modification project. This accounts in part for the difference in growth.

Comment 49: Traffic volumes in the form of AADT (Annual Average Daily Traffic) on the VWE increase by 3.7 percent from 2013 to 2035 for No Build Alternatives and by 8.5 percent for 2013 to 2035 Build Alternatives. These growth figures should represent the growth in daily traffic due to the diversion of Willets Point traffic to the ramps. (Ketcham)

Response: In regard to the commented difference in projected increased AADT on the VWE between the 2013 and 2035 Build and No Build Alternatives, trips are assigned in the micro-simulation model based on the least resistant path. This resistance is a function of travel time, which is a function of congestion. Overall District-generated growth is the same under all alternatives. The assignment of traffic to the VWE in both the 2013 and 2035 Build Alternatives is a function of the level of congestion on the regional network. In the 2035 Build Alternative, as congestion increases (due to growth), more vehicles are assigned to the VWE to access the District, as the competing access highway (GCP) approaches capacity. This occurs as the model attempts to balance demand to the District based on origins of vehicles destined for the proposed access modification project. The utility (or functionality) of the proposed access modification project is emphasized at this future level of development. Hence, while growth assumptions remain the same for all of the alternatives, the analysis reflects a difference in growth rates between the No Build and Build Alternatives in the 2013 to 2035 time periods.

Comment 50: Traffic volumes in the form of DDHV for 2013 to 2035 No Build Alternatives would increase by 20.4 percent for northbound travel and by just 3.7 percent for southbound travel. There is no explanation for the big differences. For 2013 to 2035 Build Alternatives, northbound travel would increase by 18.7 percent; southbound by 7.9 percent. Again, No Build to No

Willetts Point Ramp EA Response to Comments

Build represents growth along the VWE without the ramps and without much Willetts Point traffic. Build to Build assumes the ramps in place diverting Willetts Point traffic onto the VWE. It is curious how the magnitude in hourly traffic volumes increases in the northbound direction for both comparisons. This difference needs to be explained. It is noted that there is little difference in the percent increase for the northbound direction with or without the ramps. (Ketcham)

Response: In regard to the commented difference in increased DDHV between northbound and southbound travel on the VWE, the growth for the No Build and Build Alternatives is taken directly from the BPM for both 2013 and 2035. The larger growth on the northbound side of the VWE is due to two elements: the NYMTC forecasts of growth; and the relative capacity of area roadways to handle vehicle trips.

Comment 51: Why there is so much attention to AADT, DHV (Daily Hourly Volume), and DDHV in Chapter 9 of the EA is confusing and needs to be explained. To an engineer's eye it looks like filler with no real purpose other than distraction. (Ketcham)

Response: Inclusion of AADT, DHV, and DDHV comports with the standard format for NYSDOT in review of proposed modifications to the highway network.

Comment 52: When comparing VWE actual traffic volumes for 2013 to 2035 No Build Alternatives (as contained in Appendix F, "Future Year Traffic Volume Diagrams," of Appendix D, "Traffic Report," of the EA), the EA does not disclose why a huge difference exists between northbound and southbound traffic volumes due to background plus new development growth. The huge difference in the northbound direction between the AM and PM peak hours is also not explained. (Ketcham)

Response: In regard to the claim of the difference between VWE northbound and southbound traffic volumes, existing data was collected and can be found on Figure 3.1 A (page 17) and Figure 3.2A (page 19) of Appendix D, "Traffic Report," for the AM and PM peak hours, respectively. These figures, which report actual data collected, reflect a 1,425 vehicle difference (larger in the northbound direction) during the AM peak hour and a 335 vehicle difference (larger in the southbound direction) during the PM peak hour between the northbound and southbound volumes. The 2013 and 2035 volumes noted are taken from the traffic models, which apply growth to a calibrated existing condition based on existing traffic and the differences observed. Therefore, with the projected additional growth the existing imbalances in direction of traffic in the different peak hours are projected to continue in the future. Larger growth is based on two factors: NYMTC's growth forecast; and the relative capacity of area roadways to handle vehicle

trips. Congestion elsewhere could cause larger growth in one direction on the VWE.

Comment 53: EDC needs to explain why the increase in VWE traffic volumes from the 2013 Build to 2035 Build Alternatives do not match the volumes entering and leaving the Willetts Point site via the new ramp as reported in the EA (the increases from the 2013 Build to 2035 Build Alternatives as reported are larger than the figures reported for volumes entering and leaving the Willetts Point site via the new ramp). EDC must explain these differences and discuss why so few of these new trips are directly attributable to the Willetts Point project, and, if so few trips are attributed to the project, why the ramps are actually needed. (Ketcham)

Response: The increase in traffic along the VWE predicted for the Build Alternative between 2013 and 2035 includes both ramp traffic and mainline pass-through traffic. The ramp traffic includes three elements (traffic entering the District, traffic to Northern Boulevard eastbound, and traffic to Northern Boulevard westbound). Since the volumes are taken from the model, traffic volumes include background growth projected for the 22 years between 2013 and 2035 and can be found in the traffic volume figures included in the EA, Appendix F, “Future Year Traffic Volume Diagrams,” of Appendix D, “Traffic Report.” Mainline pass-through traffic can be determined by comparing the 2013 to 2035 Build Alternatives on the segment immediately north of the proposed access modification project. This volume is 287 vehicles. The elements comprising the ramp traffic are traffic accessing the District (281 vehicles) and traffic destined for Northern Boulevard – both eastbound/westbound (60 vehicles), for a total ramp difference of 341 vehicles. These 341 vehicles, when added to the 287 pass-through vehicle traffic is equal to the 628 vehicle growth between 2013 and 2035 under the Build Alternative on the VWE northbound mainline for the section prior to the ramp.

In making the claim that so few trips fail to warrant a ramp, the commenter ignores the 676 vehicle trips already assigned to the ramp in the 2013 Build Alternative, which makes the total trips from the VWE northbound to the District 957 vehicles in 2035.

Comment 54: The values assigned to the VWE for traffic volumes for No Build and Build Alternatives in 2013 and 2035 (as contained in Appendix F, “Future Year Traffic Volume Diagrams,” of Appendix D, “Traffic Report,” of the EA) appear to be missing a very large number of Willetts Point trips. (Ketcham)

Something is wrong with the projections made using various sophisticated tools to manipulate traffic data [for example, inconsistent growth rates and inability to conform traffic assignments used in the traffic analysis with “EA Assignments” taken from traffic data reported entering and leaving the

Willets Point site at the northeast corner of the project where the VWE ramps are proposed to be connected directly with the Willets Point project (as presented in Appendix F, “Future Year Traffic Volume Diagrams,” of Appendix D, “Traffic Report,” of the EA)]. (Ketcham)

Response:

The missing volume is assumed by the commenter in his indirect comparison of select links between 2013 and 2035 without review of the drop in mainline VWE volume immediately after the Willets Point northbound exit ramp, which would connect with the proposed access modification project. In other words, the model forecasts that some pass through traffic that would use the VWE in 2013 would find an alternate route in 2035, and would be replaced by traffic accessing the District and exiting the VWE at the proposed access modification project. The comment does not account for the dynamic route choice of a Paramics model. This dynamic route assignment compensates for the additional 957 vehicles utilizing the proposed access modification project off the northbound VWE to enter the District by assigning 360 vehicles, which would under the No Build Alternative use the northbound VWE, to alternate routes (based on selection of the least resistant path, part of the Paramics model). The volume on the VWE mainline segment immediately north of the proposed access modification project has a reduced volume from a No Build PM peak hour of 3,660 to 3,300 in the Build. Therefore, the traffic associated with the Development Plan that the comment asserts to be “missing” from the VWE is contained in the model on the VWE. However, trips destined elsewhere have been assigned by the model to other routes.

Comment 55:

The EA simply incorporates the FGEIS’ assumptions for trip generation and temporal characterization, which were flawed in that they underreported the number of car and truck trips that would be produced by the Willets Point project. By low balling auto trips and depending on non-existent transit for nearly 40 percent of Willets Point trips, EDC has produced an impact analysis that is deeply flawed and misleading in many ways. Specifically, the trip generation rates, mode split, and auto occupancy rates used in the FGEIS are questionable. The FGEIS used a trip generation rate for retail uses that is 65 percent less than that used in the Flushing Commons and Gateway Center EISs. In terms of modal split for retail uses, Gateway assumed 95 percent of all trips by auto versus 62 percent for Willets Point. Finally, the assumption that vehicle occupancy for destination retail will be 2.05 persons per auto is questioned. Gateway Center for East New York reports auto occupancy of 1.4 for destination retail based on local data collection. The effect of using 2.05 instead of 1.4 is to cut estimated auto trips by 32 percent—a very significant reduction resulting in an equally significant underreporting of project impacts. By adjusting for corrections, the commenter finds that the traffic volumes for the entire Willets Point

project would increase by an additional 30 percent. It is also pointed out that traffic impacts vary from day to day and from month to month; taking this into account reinforces that the assumptions made for the Willets Point project trip generation for destination and local retail are significantly underreported. (Ketcham)

Response:

With regard to the proportion of trips traveling to and from destination and local retail by auto, the mode share used in the FGEIS and the EA was actually conservative toward auto use. Unlike Gateway Center in Brooklyn, the Development Plan would be a mixed-use development located near existing high-density residential areas, with a substantially higher density of other uses (including future uses within the District and the fast-developing central business district in downtown Flushing) and much more local retail than what is available near Gateway Center in East New York. Moreover, the District is accessible by a nearby Long Island Rail Road (LIRR) station and the Willets Point subway station, as well as by local bus routes which, as stated in the FGEIS, are expected to improve over time. Gateway Center in East New York, on the other hand, is not located near any subway or commuter rail lines. The FGEIS explained that the trip profile developed for the Gateway Center at Bronx Terminal Market in the Bronx, including modal split and auto occupancy, was determined (with NYCDOT concurrence) to be the appropriate model to follow for Willets Point. Both sites have comparable subway access and nearby residential uses, and are adjacent to baseball stadiums.

With regard to the destination retail trip generation rates, the commenter has made incorrect comparisons of those used in the Development Plan FGEIS, the Gateway Center in Brooklyn FEIS, and the Flushing Commons FEIS. A substantially higher trip generation rate was used only in the Flushing Commons FEIS and not in the Gateway Center Brooklyn FEIS. Since the Flushing Commons project includes only approximately 36,000 square feet of destination retail, a comparatively higher rate for this use (129 daily trips per 1,000 square feet) than the 78.2 daily trips per 1,000 square feet used for Willets Point is reasonable. In the Gateway Center Brooklyn FEIS, which studied an expansion of an existing shopping center, peak hour trip rates were developed from actual surveys of the existing 640,000 square feet shopping center and used for the analysis in that FEIS. Based on the Gateway Center Brooklyn travel demand analysis memo submitted to NYCDOT as a backup supporting document, 33,306 total person trips were accounted for on a typical weekday between 8 AM and 8 PM. Dividing this total by 640,000 square feet yields approximately 52 trips per 1,000 square feet. Although some stores in Gateway Center Brooklyn are open beyond the 8 AM to 8 PM 12-hour period, the nighttime and early morning hours, which were not surveyed, can be expected to generate substantially fewer trips, likely bringing the 24-hour total trip generation at Gateway Center

Brooklyn to 70 or 80 trips per 1,000 square feet. This is consistent with the daily trip rate used in the Willets Point FGEIS. In fact, NYCDOT considered the Willets Point destination retail trip rate to be very reasonable, and as a result has adopted it for the 2010 *CEQR Technical Manual* as a standard destination retail trip rate.

The large amount of destination retail space planned for the Development Plan lends itself to substantial linkage of trips visiting multiple store destinations and trips made to the retail and other proposed uses (i.e., residential and hotel). This concept is consistent with the ITE Trip Generation Manual, which portrays trip-making to large retail spaces in the form of an asymptotic curve with decreasing trip rates as the amount of retail space increases. Finally, the weekday auto occupancy of 2.05 used for the FGEIS destination retail space is consistent with auto occupancy factors used for destination retail in many other approved studies, such as the Flushing Commons Final Environmental Impact Statement (FEIS) (2.05 persons per vehicle), Kingsbridge Armory FEIS (2.00 persons per vehicle), Atlantic Center FEIS (2.00 persons per vehicle), and Western Rail Yard FEIS (2.00 persons per vehicle). The lower auto occupancy factors surveyed from the Gateway Center in East New York reflect the lack of local retail uses in that area and the need to make separate trips in smaller groups to shop for essentials that would otherwise be available to residents in a setting with more local retail, such as the Flushing and Corona neighborhoods adjacent to the District.

Traffic analyses conducted as part of environmental review under NEPA and according to NYSDOT and FHWA practice and guidance address peak hour traffic impacts for typical day conditions, since it is the capacity of roadways and intersections in peak hours that determines whether or not the number of auto trips can be accommodated. Peak hour counts and analyses were conducted on representative, typical days of the year, and the analyses follow NYSDOT and FHWA practice.

Comment 56: The intersection of College Point and Roosevelt Avenue is a severe LOS F based on the results derived from using the Synchro model and turning movements reported in the EA; the FGEIS; and the results of the EA. While the EA may have adjusted slightly the assignment of Willets Point traffic, diverting a third of Willets Point trips to the VWE (up from a sixth in the draft AMR but reduced from half in the FGEIS), the Willets Point project alone will still gridlock the surrounding roadway system as originally reported in the FGEIS and as has been demonstrated by the commenter's firm. (Ketcham)

Response: The intersection of College Point Boulevard and Roosevelt Avenue currently operates at an unacceptable LOS E in the PM peak hour. In the No Build and Build Alternatives in 2035, the EA traffic analysis predicts that

this intersection would operate at an unacceptable LOS F during the PM peak hour. However, the introduction of the proposed access modification project would improve the overall intersection average vehicle delay by 36.1 seconds over the No Build Alternative, as shown on Table 12.2 on page 154 and 155 of the EA Appendix D, "Traffic Report." In regard to the analysis results reported by the commenter's firm, please see the response to Comment 27.

The FGEIS and subsequent technical memoranda disclose that the Willetts Point Development Plan would result in significant adverse impacts on vehicular traffic. However, as demonstrated by the EA traffic analysis, these impacts would be alleviated by the proposed access modification project as compared to a future condition without the proposed access modification project.

Comment 57: Since no details are provided including LOS calculation sheets with the EA, plus traffic mitigation that has been included but not detailed in Appendix D, it is very difficult to fully understand how EDC has arrived at the results in the EA. (Ketcham)

Response: The details of proposed traffic improvements accounted for in the EA traffic analysis are included in the Paramics model inputs and outputs and the Synchro files. These files are available to the public and were released to the commenter in response to a FOIL request. The details on the LOS calculations are included in Appendix E of Appendix D, "Traffic Report," which was released for public comment as part of the EA in March 2011.

Comment 58: A memo issued by USDOT General Counsel states that "[a]n agency must consider how its action interacts with other actions and activities that are going on or have gone on in the affected area. This is the cumulative impact analysis." For the VWE ramps project, the cumulative impact analysis would have to include the traffic impact of the Willetts Point project. (Gerrard)

Response: In accordance with NEPA's requirements, the EA does consider the cumulative effects of the Development Plan and the proposed access modification project, by including traffic that would be generated by the Development Plan in the future background. The cumulative effects of the Federal and local actions are depicted in the 2035 Build Alternative analyzed in the EA. The USDOT General Counsel memo cited by the commenter, dated June 15, 2004, states that the Federal agency complying with NEPA "is only responsible for describing and analyzing its [action's] cumulative addition." In this case the EA examines the impacts of the proposed access modification project as they interact with traffic that could be generated by planned development, including the Development Plan. This accords with NEPA and USDOT policy as stated in the memo.

Comment 59: WPU found that the draft AMR significantly underreported background growth in traffic volumes in future years and thereby underreported project impacts. On January 28, 2010, the WPU report, “Comparison of Traffic Volumes Used in the AMR Study with the Development Plan FGEIS,” was provided to EDC, NYSDOT, and FHWA. The report demonstrated how the AMR failed to fully account for background traffic growth anticipated to occur between 2008 and 2035, thereby underreporting traffic volumes expected on local access roads and nearby expressways serving the Willetts Point project.

In response to this finding, EDC claimed that it had used the NYMTC Best Practices Model to estimate future growth and that NYMTC had accounted to all reasonable growth. WPU demonstrated that by using NYMTC growth estimates for population and jobs EDC actually under estimated future traffic volumes (in 2035) by as much as a factor of 4. EDC is sticking to its claim and NYMTC appears to be ignoring its population and job growth projections and sticking to its BPM estimates (which, it claims, actually account for these projections).

Further complicating this problem for EDC is the NYMTC report, “Congestion Management Process,” discussed in a letter to Philip Eng on March 30, 2010 describing its relevance to the Willetts Point AMR, in particular emphasizing how access roads and expressways are expected by NYMTC to be severely congested in 2035 without Willetts Point traffic and the more than 20 million square feet of additional new development expected within 2 miles of the Willetts Point site. (Ketcham)

Response: See the responses to Comments 27, 32, 34, 35, and 36.

TRANSIT TRIPS/ MODAL SHIFT

Comment 60: Traffic will be even greater than estimated in the March 2011 EA because transit facilities will not be able to accommodate the huge increase in demand for bus and subway travel. The result will be many of those transit trips assumed for new development including Willetts Point and Flushing Commons that cannot get onto transit will become auto trips, increasing the severity of gridlock. Both the WP FGEIS and the Flushing Commons FEIS significantly underreport subway line haul impacts leaving about two-thirds of project-generated subway trips out of the EIS analyses. (Ketcham)

Response: The FGEIS concluded that additional bus service would be needed to accommodate trips associated with the Development Plan, and stated that discussions were initiated with NYCT to explore opportunities to extend existing bus routes from adjacent neighborhoods (e.g., downtown Flushing) and/or to create new bus routes. The FGEIS further stated that the City would collaborate with MTA and New York City Transit (NYCT) to establish development guidelines and provisions to ensure that adequate bus

service improvements would be implemented. To reflect this mitigation, additional bus trips were added to the EA models by adding trucks (similar vehicle characteristics to buses) directly into the peak hour trip tables. These vehicles are therefore reflected in the overall demand of vehicles in the traffic models. In regard to subways, although transit is outside the scope of the EA, a full set of projections and analysis is included in the FGEIS. This document was vetted and approved by NYCDOT, in accordance with CEQR procedures. For the number 7 train, based on consultation with NYCT, the FGEIS analyses accounted for a projected increase in service and concluded that with the final build-out of the Development Plan, which in its future baseline also accounted for other planned developments in the area, there would be sufficient subway capacity at standard subway car loadings, and the Development Plan would not result in any significant adverse subway line-haul impacts.

Comment 61: The project will generate about 40,000 transit trips daily. There is far too little transit capacity for all these trips. As a result, many people will abandon transit for their autos. The EDC has underreported transit impacts. (Ketcham)

The traffic analysis contained in the EA also includes an improper assignment of thousands of daily trips to mass transit. (Ardizzone)

Response: The “project” referred to by Mr. Ketcham appears to be the Development Plan, not the proposed access modification project, which will not generate any transit trips. The EA appropriately does not consider transit impacts as the proposed access modification project would not generate transit trips. Transit impacts associated with the Development Plan were fully analyzed in the FGEIS and subsequent technical memoranda.

Mr. Ketcham’s assertion of 40,000 daily transit trips is irrelevant. The commenter projects peak hour subway trips as a daily number. However, all technical analysis with respect to transit impacts in the FGEIS is appropriately presented as peak hour or peak 15-minutes in accordance with the *CEQR Technical Manual*. While Mr. Ketcham’s own back up (Table 5, Appendix A) purports to use data from the FGEIS for estimated PM peak hour subway trips, the subway trips set forth in his table are, without explanation, not consistent with those in the FGEIS.

There is no reason to assume that there will be a shift from transit to autos. The EA used the same assumptions as the FGEIS with respect to modal choice for the Development Plan and other specific development projects, and the BPM’s forecasts with respect to other projected growth.

Comment 62: The full build out of the Development Plan is fatally flawed and will not work even with the ramps. The Willetts Point project will impose very

Willets Point Ramp EA Response to Comments

significant traffic and transit impacts, most of which cannot be mitigated. (Ketcham)

Response: The overall benefits of the proposed access modification project to the local roadway network are discussed in the response to Comment 43, above, and others. The FGEIS and subsequent technical memoranda have fully disclosed the potential traffic and transit impacts of the Development Plan. However, the City agencies with approval jurisdiction over the Development Plan found that its substantial benefits outweighed those impacts.

Comment 63: The EA relies on the FGEIS for the impact of the Development Plan on transit and fails to revisit these impacts stating that the FGEIS was approved and needs no further discussion. However, the FGEIS does not account for all new subway trips; not for No Build Alternatives and not for the Willets Point project itself. Table 18 (of the commenter's submission) summarizes the situation. The consequence of underreporting No Build transit trips is to leave more capacity for Willets Point subway trips. The effects of Willets Point subway impacts at full build out are similarly underreported. The folks who live and work in Willets Point and in downtown Flushing report subway conditions that are far worse than reported in the FGEIS for both station crowding and for line haul conditions. EDC must revisit its Willets Point subway impacts (and all transit impacts) and correct for this underreporting and provide a true estimate of the impact of the Development Plan on transit. (Ketcham)

Response: This comment concerns asserted potential transit impacts of the Development Plan, which has already been approved by the City agencies with jurisdiction to do so. The proposed access modification project analyzed in this EA would create additional vehicular access points to the VWE. The proposed access modification project would not affect use of the transit system; and therefore, would not create adverse impacts related to transit.

The commenter's transit analysis, which can be found in Table 18 of his submission, incorrectly confuses subway generated trips at the Willets Point station with the FGEIS' appropriately analyzed and documented line haul analysis for the peak stations further down the Number 7 subway line. The commenter is comparing Development Plan generated subway trips that would access the local station at Willets Point to project-related subway transfer volumes at the Woodside-61st Street, 40th Street, and Queensboro Plaza stations.

TRAFFIC SAFETY

Comment 64: The increase in travel from Willetts Point and other new development will produce 3,000 more traffic accidents with hundreds of additional personal injuries each year. This problem is ignored by EDC. (Ketcham)

Response: As explained in other responses to comments, in accordance with NEPA, the EA studies the effects of the proposed access modification project, not of traffic generated by development in the area. The proposed access modification project would not increase traffic. The proposed access modification project would reduce travel associated with access to and from the District, as compared to the No Build Alternative. As noted in the transportation section E on page 9-16 of the EA, this shift in travel patterns would create equilibrium on the highways in a 'box' around the District defined by the expressways and parkway in Table 9-12. As noted on page 9-6 of the EA, the VWE and GCP have existing accident rates lower than the statewide average for the corresponding highway facility type. The majority of the mainline accidents are rear ends or overtaking accidents, which commonly occur during periods of congestion. The proposed access modification project would reduce overall future congestion (as discussed in section F of the EA). Therefore, while many factors other than traffic volumes contribute to accident rates, the proposed access modification project would be expected to reduce the occurrence of rear end and overtaking accidents to the extent they are related to congestion in the area.

Comment 65: The EA provides a very superficial assessment of traffic accident effects in and around the study area. While it follows the boiler plate methodology presented in the *CEQR Technical Manual*, it fails to account for the increase in the number of traffic accidents due to more than 30 million square feet of new development generating more than 170,000 daily car and truck trips clogging the surrounding local access roads and expressways and generating 374 million more miles of travel annually. Any increase in travel will result in additional traffic accidents. This impact is entirely ignored in the EA. In fact, and based on NYSDOT and regional accident characteristics, the area around Willetts Point and downtown Flushing will experience an increase of nearly 3,000 additional traffic accidents per year in 2035 including approximately 6 additional road deaths and more than 1,000 personal injuries each year due to 31 million square feet of new development. Societal costs of these added traffic accidents not covered by insurance in 2035 would be \$70 million annually for Willetts Point traffic alone plus another \$150 million for the other 20 million square feet of new development. These are estimates are likely low because they incorporate the EA's assumption that nearly 40 percent of all Willetts Point trips will be public transit, an assumption that has been demonstrated to be impossible. The occurrence of traffic accidents is one of the greatest causes of

congestion and must be accounted for in any “truly regional” traffic analysis as EDC claims to provide in the EA. (Ketcham)

Response: The EA traffic analysis concludes that the proposed access modification project would reduce travel congestion associated with access and egress, as compared to the No Build Alternative. The VWE and GCP have existing accident rates lower than the statewide average for the corresponding highway facility type, as noted on page 9-6 of the EA. The majority of the mainline accidents are rear ends or overtaking accidents, which commonly occur during periods of congestion. Therefore, while multiple factors contribute to accident rates, the proposed access modification project should reduce the occurrence of rear end and overtaking accidents to the extent they are related to congestion. In regard to the EA’s assumption of 40 percent transit usage, see the response to Comment 55.

RAMP SAFETY/ RAMP DESIGN/ RAMP GEOMETRY

Comment 66: There are dangers involved in the proposed modification of Ramp B. The proposed access modification project would require modification of the exit used to access Willets Point coming from Flushing over the Flushing River. The proposed modification is extremely dangerous and should be disapproved for the following reasons: The exit ramps will be pulled 60 feet back and there will be a tighter turning radius. Keeping in mind that traveling over the Flushing Bridge is similar to coming over a crest of a hill at this point, by moving the exit back 60 feet, drivers will have less time than they do now to actually see the exit as they come over the hill and maneuver towards it. Drivers will then be thrust into an unexpected tight turn combined with an aggressive downhill drive while on the ramp where they finally emerge onto one lane, while rapidly approaching a decision point, which must be dealt with very quickly. Treacherous ramps kill drivers. EDC’s proposed access modification project will be such a death ramp. (Paterno, Moore, D. Antonacci)

Response: The geometry of the proposed relocated off-ramp, Ramp B, was designed in accordance with NYSDOT Highway Design Manual and American Association of State Highway and Transportation Officials (AASHTO) Geometric Design of Highways and Streets, and has no non-standard features, except for an existing non-conforming feature, which would be improved with the proposed access modification project. The proposed radius of 150 feet would be tighter than that of the existing ramp, but would continue to meet applicable standards.

The proposed access modification project would improve the existing non-conforming taper of the exit terminal onto the existing Ramp V-V from Westbound Northern Boulevard. The existing taper is approximately 303 feet, while the standard is 700 feet, as set forth by AASHTO Geometric

Design of Highways and Streets. This deficiency is a result of the physical limitations introduced by the Northern Boulevard Bridge over Flushing Creek, which is not wide enough to accommodate an additional lane. The proposed access modification project would modify a portion of the existing striping along Northern Boulevard. Currently, Westbound Northern Boulevard is striped with two (2) 14 foot lanes and one (1) 12 foot lane. By reducing the three (3) lane widths to 12 feet, four (4) feet would be gained allowing the length of the taper to be increased to approximately 331 feet, resulting in an improvement to the existing condition. The proposed geometry of the entrance to the ramp would also provide a more clearly defined gore (tapered striped area) and would improve the existing gore width.

The existing stopping-sight distance over the Flushing Bridge would not be adversely affected by the proposed eastward shift of the exit ramp. In addition, adequate signing would be provided to align vehicles properly and to prevent driver confusion at the two decision points introduced by the new ramp. A minimum of two (2) advance guide signs would be installed along Westbound Northern Boulevard and one exit sign at the entrance of the off-ramp. Another sign would be installed on Ramp B prior to the split between traveling to Southbound VWE and the Service Road.

Comment 67: The proposed VWE ramps are very hazardous to safe motoring: short approaches, tight turns, poor sight distances, excessive weaving, and numerous and confusing decision points. (Ketcham)

Response: The geometry of the proposed VWE ramps was designed in accordance with NYSDOT Highway Design Manual and AASHTO Geometric Design of Highways and Streets and has no non-standard features, except for an existing non-conforming feature, which would be improved with the proposed access modification project. In accordance with accepted practices and design procedures, advance signage would be installed for the additional decision points, an additional lane would be added as part of the design of Ramp B to avoid excessive weaving, and other markings (i.e., lane markings) would be determined during final design to optimize safety.

Comment 68: The proposed access modification project configurations would result in hazardous driving conditions. The EA does not address the traffic safety issues associated with the proposed access modification project design. The greatest hazards to motorists occur in the exit ramp connecting with the southbound VWE. EDC would move the westbound Northern Boulevard exit ramp to the east, reducing the turning radius of the ramp exit. The ramp must then cross over the proposed entrance ramp from the northbound VWE and quickly drop approximately 20 feet in a very short distance to the diverge with traffic either moving to the right to connect with the

Willets Point Ramp EA Response to Comments

northbound VWE off ramp connecting with the westbound WE or continuing to the left to merge with the new Willets Point exit ramp; traffic that moves to the right very quickly faces a second merge with the VWE northbound exit ramp again connecting with the westbound WE. Motorists moving around a very sharp corner over a steep decline and facing a series of critical decisions with heavy traffic will also face considerable hazards including very slow moving vehicles attempting to decide on which direction to take and attempting to merge safely. The ramps pose serious safety issues that have not been effectively dealt with and can, predictably, result in more traffic accidents as a consequence. (Ketcham)

Response:

The geometry of the proposed relocated off-ramp, Ramp B, was designed in accordance with NYSDOT Highway Design Manual and AASHTO Geometric Design of Highways and Streets. The turning radius of the westbound Northern Boulevard exit ramp would meet applicable standards, although the 150 feet radius would be tighter than that of the previous ramp.

The maximum grade of the proposed westbound Northern Boulevard exit ramp is 6.5 percent, which is less than the maximum of 7 percent set forth as the AASHTO standard. The proposed configuration of the exit ramp along with the width of the ramp, which accommodates 2 travel lanes, would provide drivers with the ability to see the roadway ahead and align themselves accordingly, which would alleviate excessive weaving.

Adequate signing would be provided to align vehicles properly and to prevent driver confusion at the two decision points introduced by the new ramp. A minimum of two (2) advance guide signs would be placed along Westbound Northern Boulevard and one exit sign would be placed at the entrance of the off-ramp. Another sign would be placed on Ramp B prior to the split between the Southbound VWE and the Service Road.

Comment 69:

Under the section on “Project Evolution,” the March 2011 EA describes the problems encountered in arriving at an acceptable alternative ramp design to accommodate Willets Point traffic. It also emphasizes the importance of the ramps in making the Development Plan work at all. Of interest is the following statement made in regard to one alternative ramp design studied: “These safety concerns included excessive weaving, numerous decision points in close proximity as a result of extensive signage to align vehicles to the appropriate route, and elimination of local access to the service road...” Chapter 1 then goes on to report the selected alternative (A) “...demonstrates operational improvements throughout the network.” Chapter 1 does not confirm that the selected ramps actually eliminate these safety and hazard problems and, indeed, internal NYSDOT documents suggest that they have not been eliminated and that NYSDOT, in spite of its apparent approval of this project, continues to harbor these extreme safety concerns. (Ketcham)

Response: Alternative A, which was advanced as the preferred alternative for the proposed access modification project, is designed in accordance with the NYSDOT Highway Design Manual, Chapter 2. All concerns raised by NYSDOT related to the safety of the ramp design have been addressed.

AIR QUALITY AND GREENHOUSE GAS EMISSIONS

Comment 70: The proposed access modification project, in combination with other local development projects planned for the area, will result in increased pollution levels and increased airborne particulates and mega carbon footprint. (Glaeser)

The area of Maspeth, Elmhurst, and the Winfield section of Woodside has long been known as “asthma alley” and is a recognized cancer cluster. The project will worsen this problem. EDC should go back to the drawing board and come up with a solution that does not add to the air pollution that already exists in these communities. (COMET)

Response: As discussed in Chapter 10, “Air Quality and Greenhouse Gas Emissions,” by 2035 the proposed access modification project would result in regional emission reductions of VOCs, CO, NO_x, PM, and CO₂. By 2035, the regional emissions of PM (particulates, which are the pollutant of concern for asthma) would be reduced by 0.25 percent. For the 2013 analysis year, the regional PM emissions increase is projected to be 0.04 percent, which is 50 times less than the increase in emission burden that would be considered significant [a 2 percent increase is considered significant per NYSDOT Environmental Procedures Manual (EPM) guidance]. Therefore, the proposed access modification project would not have a significant impact on air quality and there would be no effect on public health in the cited neighborhoods.

ENVIRONMENTAL/PUBLIC/AGENCY REVIEW PROCESS

Comment 71: It is not possible to view the proposed access modification project separate from the Willetts Point development. The two are linked and the proposed access modification project must be viewed in the context of the larger development proposal. (Haber)

Response: The EA has been prepared in accordance with NEPA’s mandate that Federal agencies consider the environmental impacts of actions that they sponsor, fund or approve. The impacts of actions over which Federal agencies have no control or responsibility are not subject to NEPA review. In this case, the activity for which Federal approval is needed is the proposed access modification project. The EA considers the effects of the proposed access modification project in the context of the locally sponsored and previously approved Development Plan, by accounting for that project and its impacts as background conditions. The cumulative effect of the proposed access

Willets Point Ramp EA Response to Comments

modification project and the Development Plan are described in the 2035 Build Alternative in section E (beginning on page 9-15) of the EA.

Comment 72: The Environmental Assessment embodies a fundamental conceptual flaw. It assumes that the Willets Point development project will be built and it assesses whether the ramps will improve traffic conditions against that future baseline. Since the City has consistently said the construction of the full development project is contingent on the approval and construction of the ramps, the baseline for analysis should be the future without the Willets Point development project at all. A comparison of conditions with the Willets Point development, with and without the proposed access modification project, is meaningless because the City says there will be no full build out without the ramps. It is pointless to analyze an impossibility/invalid scenario. The Environmental Assessment should analyze and compare: (1) future conditions on the VWE without the Willets Point project or the ramps, and (2) future conditions on the VWE with the Willets Point development and the ramps. (Gerrard, Ketcham, D. Antonacci, Avella, Kissena Park Civic Association)

Response: In conformance with NEPA, the EA compares conditions in the future with and without the action that is subject to Federal control and responsibility, which is the proposed access modification project. This analysis will be used by FHWA and NYSDOT in assessing the impacts of, and determining the need for, the proposed access modification project with the Development Plan in place. The FGEIS for the Development Plan and subsequent technical memoranda analyzed and compared future conditions on the VWE (1) without the Development Plan; and (2) with the Development Plan, including the proposed access modification project.

Comment 73: EDC wants NYSDOT and FHWA to believe that they must analyze the ramps as if the Willets Point redevelopment project was a given (i.e., that it would happen irrespective of the ramps), which is a fallacy and should not be accepted by the regulatory agencies. In fact, the City has said that without the ramps Willets Point cannot be built. (Simpson)

Response: The City has consistently stated that the proposed access modification project is an integral part of the Development Plan as a whole. However, as explained in the responses to Comments 62 and 71, the EA appropriately analyzes the effects of the proposed Federal action in conformance with NEPA, while also allowing for a determination of the need for the proposed access modification project as a basis for a recommendation from NYSDOT and approval or disapproval by FHWA. The EA properly examines the effects of the proposed access modification project in the context of the Willets Point Development Plan and its associated traffic, so that conditions

in the future with the Development Plan and the access modification in place can be accurately assessed.

Comment 74: An independent expert should be utilized to gauge the potential traffic impacts and congestion problems from the redevelopment of Willets Point. (Haber)

Response: NYSDOT and FHWA staffs are experts in NEPA analysis requirements and have carefully reviewed drafts of the EA and provided comments which were incorporated into the EA that was distributed for public comment.

The EA traffic analysis includes traffic volumes that would be generated by the Development Plan, taken from the FGEIS, and regional volumes extracted from the BPM in the macro-modeling process, and refined by the addition of traffic generation from other proposed local developments, as described in Appendix B, “Macro-Modeling Report,” of Appendix D, “Traffic Report,” of the EA. The EA traffic analysis addresses the potential regional highway effects of modifying connections to an interstate highway. The EA traffic analysis framework utilizes travel demand modeling and microsimulation to understand the potential effects not just in the project area and vicinity, but also a larger area, focusing on the operations of the regional highway system.

The proposed access modification project would ease congestion on the highway network in and around the District. The EA uses a Paramics traffic simulation model to determine LOS and other statistics required by the reviewing agencies. The model has the ability to provide overall network statistics, which allows a true area-wide evaluation. As shown in Table 12-10 on page 169 of the EA Appendix D, “Traffic Report,” the evening peak period (the period of highest demand) simulation results show a 31 percent improvement in travel time, 30 percent improvement in vehicle hours traveled, and a 44 percent increase in average vehicle speed in the network in the 2035 Build Alternative as compared to the 2035 No Build Alternative.

Comment 75: The FHWA is at a crossroads with this application. It has already denied WPU’s request to have the project reviewed in Washington, preferring to allow the local New York office to determine and perform the review function. Given the intimacy between Mr. Breslin (FHWA), EDC, and State officials on this project, as e-mails have firmly established, it is incumbent on the agency to demonstrate integrity and ensure that a full EIS is performed as is required under NEPA. (Antonacci, Ardizzone, Avella)

The commenter is concerned over the discrepancies in the study’s results and with potential regional mobility issues such that the stakes are high enough to warrant that the proposed access modification project be subject

Willets Point Ramp EA Response to Comments

to a full environmental review under NEPA. (Natural Resources Defense Council)

The commenters have adopted a resolution calling for an independent review under NEPA of the potential significant impacts of the proposed access modification project and associated development, without undue reliance on any analysis performed by the City, and are opposed to any approval of the ramps unless and until a full environmental review under NEPA has been completed and provide a reliable assessment of the impacts of the proposed access modification project and associated development. (Malba Gardens Civic Association, COMET, Mitchell-Linden Civic Association, Bay Terrace Community Alliance, Juniper Park Civic Association)

Response: NYSDOT and FHWA are providing an appropriate and detailed independent review of the EA. Both agencies have provided substantial comments that have resulted in changes to the draft document prior to release for public comment.

Pursuant to NEPA, an EIS must be prepared if a Federal action will have a significant impact on the environment. The EA concludes that the proposed access modification project would not have significant environmental impacts. Accordingly, preparation of an EIS is not warranted.

Comment 76: There is indication in the disclosed documents that efforts are being made to keep the FHWA deliberations in the New York division office and not to allow the issue to reach FHWA headquarters in Washington, D.C.; that would be entirely inappropriate and FHWA headquarters should have the sole responsibility for evaluating this controversial project. The emails suggest that there is a possibility that that FHWA's headquarters is responsible for approval of the ramp and that there is concern within the agencies that if FHWA's headquarters becomes involved, the project may be subject to a higher level of scrutiny and will require more review time. Participation of FHWA's headquarters is necessary to ensure that the public interest is pursued and obtained. (Gerrard, D. Antonacci, Avella)

Response: The choice of FHWA personnel responsible for reviewing the proposed access modification project is an internal decision within the discretion of that agency. FHWA policy provides that proposals for access modifications to the interstate highway system should be submitted to the appropriate FHWA Field Office.

Comment 77: The Development Plan, a project at the hands of big government that results in the destruction of hundreds of small businesses and the loss of thousands of jobs, and skewers the traditional meaning of eminent domain, requires the utmost in transparency. In the case of Willets Point, the City has

proceeded in a manner that is the antithesis of transparency and good government. (Haber, Associated Cultural Resource Consultants)

Response: The proposed access modification project analyzed in the EA would be constructed in existing rights-of-way and would not result in the displacement of businesses or require eminent domain. The FGEIS and technical memoranda for the Development Plan thoroughly discussed the impacts of the Plan on local businesses and jobs.

The environmental, land use, and other agency review processes associated with the Development Plan have been public and transparent. As described in detail in the EA, the approval of the Development Plan by City agencies was preceded by multiple opportunities for public comment on the Development Plan (including the proposed access modification project) and the environmental review thereof under SEQRA/CEQR. These opportunities included public hearings before the local Community Board, Queens Borough President, CPC, and City Council. Written comments were also accepted on the DGEIS for the Development Plan and incorporated and/or responded to in the FGEIS. Moreover, the public was given the opportunity to provide comments on the EA at a public meeting or in written form. These comments are the subject of this Response to Comments. This exceeds the requirements of FHWA regulations, which do not mandate a public meeting or hearing concerning an EA. The public comment period for the EA was also longer than the 30 day minimum requirement in FHWA's regulations.

Comment 78: The commenter is concerned about the depth and transparency of the continuing review process by NYSDOT and FHWA. These concerns are due to the controversial history of the project and EDC's attempts to rush this important EA review process through both NYSDOT and FHWA. NYSDOT has not been diligent in its review of EDC's EA. (Avella)

Response: NYSDOT and FHWA have provided thorough and independent technical reviews of the EA and provided substantial comments that have resulted in revision of the document in the two years prior to the public comment period. FHWA has instructed EDC to obtain public comments on the EA in order to bolster the transparency of the review process for this project, which also provided for a longer public comment period than the minimum required in FHWA regulations.

Comment 79: In accordance with the National Environmental Policy Act (NEPA), the state and federal transportation departments have the obligation to conduct their own independent review, and that independent review is sorely lacking. The law is clear that when a federal agency is asked to grant approval for a city or state project that has been reviewed under SEQRA, the federal agency must conduct its own independent review under NEPA

Willetts Point Ramp EA Response to Comments

and may not rely on the SEQRA Environmental Impact Statement (EIS). WPU and individual property owners demand that the FHWA prepare an EIS concerning the ramps under NEPA (in addition to demanding that EDC prepare a supplemental EIS under SEQRA). The FGEIS showed that construction of the Willetts Point project and the ramps would cause terrible traffic conditions on the VWE. It is the responsibility of FHWA and NYSDOT to ensure that they don't allow interconnections to interstate highways that impede traffic conditions thereon. The significant adverse effects revealed in the FGEIS are sufficient to trigger the need for a full EIS under NEPA. (Gerrard)

Response: FHWA and NYSDOT staffs, including staff members responsible for environmental analysis, have independently reviewed the EA in its present form and in previous versions. Numerous changes have been made to the document as a result of agency input. As explained in responses to Comments 13 and 75 above, in accordance with FHWA's responsibilities under NEPA, the EA appropriately considers the potential impacts of the proposed access modification project, which is the action within FHWA's control and responsibility.

Comment 80: The FHWA determined that the Willetts Point development is most definitely an indirect impact of the proposed access modification project. The proposed access modification project would enable the Willetts Point development and would indirectly result in all of the effects associated with the development, including 80,000 vehicle trips. These indirect effects and the significant adverse impacts that the proposed access modification project will have the need for a full EIS under NEPA. (Antonacci, Scarola, D. Antonacci, Kissena Park Civic Association)

Response: FHWA has not determined that the Development Plan is an indirect impact of the proposed access modification project. Rather, the Plan is an initiative sponsored and approved exclusively by the City and its agencies. The generation of vehicular traffic that would occur as a result of the Development Plan has been considered in the review of that project under SEQRA/CEQR by the local agencies with control and responsibility for the Development Plan. Those agencies have found that the significant adverse impacts of that traffic generation will be avoided or minimized to the extent practicable consistent with social, economic and other essential considerations. FHWA's authority is limited to approval of the proposed access modification project, and does not extend to the Development Plan. Decisions within FHWA's purview will not affect the amount of traffic to be generated by the Development Plan, which is a function of the land uses and density to be developed there, as previously approved by municipal agencies. Therefore, the traffic that the Plan will generate is not

appropriately considered an indirect impact of the proposed access modification project under NEPA.

With respect to the assertion of 80,000 vehicle trips associated with the Development Plan, please see the response to Comment 20.

Comment 81: The City, as applicant and proponent of the proposed access modification project and Willetts Point development, does not wish to compare conditions in the future without the Willetts Point development or the ramps to conditions in the future with the Willetts Point development and the ramps, but it is the obligation of NYSDOT and the FHWA under NEPA, SEQRA, the Federal Aid Highway Act, and the New York Highway Law, to ensure that this analysis is carried out to determine the potential traffic impacts. (Gerrard)

Response: In accordance with SEQRA's requirements, the FGEIS and subsequent technical memoranda compared conditions in the future with and without the Development Plan, including the proposed access modification project. As explained in the responses to Comments 13 and 75 above, in accordance with FHWA's responsibilities under NEPA, the EA appropriately considers the potential impacts of the proposed access modification project, which is the action within FHWA's control and responsibility.

Comment 82: The PowerPoint that was presented at the public meeting indicated that the EA would be considered by NYSDOT and the FHWA prior to the agencies' decision, which is incorrect. It is the Final EA that is to be utilized in making a decision by the State and Federal governments. And it is the State and Federal Government's obligation to ensure that the Final EA is accurate and sufficient, which the EA is not. (Gerrard)

Response: Comment noted. In addition to the EA, this document and an AMR will be provided to NYSDOT and FHWA in order to assist them in making decisions concerning the proposed access modification project.

Comment 83: The City has already gotten into difficulties because of its prior pledges that it would not go forward with the Willetts Point development project, with condemnation, without the ramps. This matter is now in court. WPU is challenging the City's assertion that Phase 1 of the Development Plan can go forward without the ramps. WPU does not believe that Phase 1 can move forward without the ramps and is currently litigating the matter in court. If NYSDOT and FHWA do not fix the inherent problems in the Environmental Assessment, WPU will ask a federal court to review the adequacy of the agencies' environmental review. (Gerrard)

Response: Comment noted.

Willets Point Ramp EA Response to Comments

Comment 84: The commenter submitted a letter dated April 19, 2011 to Phillip Eng of NYSDOT raising a number of the issues inherent in the EA and received no substantive response. (Gerrard)

Response: The referenced letter has been included in this record and the comments set forth in that letter have been responded to in this document.

Comment 85: In the NEPA checklist that EDC submitted for the proposed access modification project, EDC stated that there is no controversy associated with these ramps. That claim is false. EDC must not be allowed to, once again, submit false and fraudulent misleading information to decision makers. Queens civic associations, including the Bay Terrace Community Alliance, the Bowne Park Civic Association, Communities of Maspeth and Elmhurst Together, with Juniper Park Associates and Malba Gardens Civics, and Mitchell Linden Civics Association, which collectively represent over 12,000 households, are either totally opposed to the proposed access modification project and their impacts or have demanded that an independent analysis of these ramps and their impacts be conducted pursuant to NEPA. In addition, the Natural Resources Defense Council, with over 115,000 members in New York State, agrees that an independent review is warranted. Resolutions and letters from this organization appeared on large display boards outside in the hall of the public meeting venue. State Senator Avella and City Council Member Dan Halloran have also expressed concerns about the proposed access modification project and their impacts and the inadequacy of the analysis put forth by EDC. Despite all, NYSDOT refuses to implement any independent review. For EDC to state that there is no controversy is not only incredible, but it speaks to the agency's overall lack of honesty and integrity. In fact, the controversy apparently extends right into NYSDOT itself. Under the headline, "E-mails show State officials' skepticism about Willets Point Project," *The New York Times* reported that NYSDOT had mixed feelings about the nature of the proposed access modification project and the manner in which EDC is attempting to gain approval. Referring to the effects of the ramps, NYSDOT employee Michael Bergman wrote in an email, "We cannot simply add traffic to an existing expressway which has known congestion problems and ignore the effects on increased traffic." The controversy associated with the ramp is apparent and must not be swept under the rug by EDC. (Jake Bono, D. Antonacci, Haber, Kissena Park Civic Association)

Response: In Appendix A, "NEPA Assessment Checklist," of the EA, under Question 22, v, it is asked, "Since the project involves the use of temporary road, detour or ramp closure, will the following conditions be met...there is no substantial controversy associated with the temporary road, detour or ramp closure." No substantial controversy associated with temporary road, detour or ramp closures that may be required during construction of the proposed

access modification project is expected. No member of the public has commented on potential construction related impacts of the proposed access modification project.

As discussed above in the responses to Comments 74 and 75, FHWA and NYSDOT staffs, including staff members responsible for environmental analysis, have independently reviewed the EA in its present form and in previous versions.

Comment 86: The proposed access modification project has the potential to result in impacts requiring a full Environmental Impact Statement under NEPA. The ramp will enable a large development and will indirectly result in all of the effects associated with the Willetts Point Redevelopment Project, including 80,000 vehicle trips associated with the development. These indirect effects trigger the need for a full EIS under NEPA. (Antonacci, D. Antonacci, Libertarian Party of Queens County)

Response: As explained in the responses to Comments 13 and 71 above, in accordance with FHWA's responsibilities under NEPA, the EA appropriately considers the potential impacts of the proposed access modification project, which is the action within FHWA's control and responsibility. The EA concludes that the Federal project would not have significant adverse environmental impacts. The indirect impacts of a Federal action that are properly considered pursuant to NEPA are those which a Federal agency has the ability to prevent in exercising its jurisdictional authority. The generation of vehicular traffic that would occur as a result of the Development Plan has been considered in the review of that project under SEQRA/CEQR by the local agencies with control and responsibility for the Development Plan. Those agencies have found that the significant adverse impacts of that traffic generation will be avoided or minimized to the extent practicable consistent with social, economic, and other essential considerations. FHWA's authority is limited to approval of the proposed access modification project, and not the Development Plan. Decisions within FHWA's purview will not affect the amount of traffic to be generated by the Development Plan, which is a function of the land uses and density to be developed as determined by municipal agencies. Therefore the traffic that that Plan will generate is not considered an indirect impact of the proposed access modification project under NEPA.

Comment 87: Since Tom Breslin, FHWA, expressed concerns over the proposed access modification project in an email dated September 30, 2009, there has been a political movement to get the federal regulators to ignore their good professional judgment throughout the environmental review process. The people of Queens who are most directly impacted by the traffic generated from Willetts Point deserve a professional evaluation, not a political fix.

Willetts Point Ramp EA Response to Comments

They deserve an independent review not contaminated by political poison. (Antonacci)

The commenter believes that the best course of action is for NYSDOT and FHWA to administer their own independent environmental review without undue reliance on the analyses performed by the City, the project's proponent. (Natural Resources Defense Council, D. Antonacci, Libertarian Party of Queens County, Avella, Kissena Park Civic Association)

The March 2011 EA should be rejected, corrected, and put to a review by an entirely independent team of engineers and environmentalists. (Ketcham)

EDC's reporting of potential impacts as disclosed in the EA is suspect. NYSDOT and FHWA need to intervene and to commission their own independent objective review of the potential real impacts that would result from this project. (Glaeser)

NYSDOT and FHWA do not work for EDC and are independent organizations. The agencies should make decisions based on the interests of the citizens of New York and the United States of America, not based on pressure from EDC. (Scarola)

Tony Avella, New York State Senator in the 11th District has expressed in a letter to the FHWA that the public interest may only be pursued and obtained through a fully independent review of the project under NEPA, and with participation of FHWA's headquarters as a responsible evaluator. This sentiment is similarly expressed by Queens community groups and the National Resources Defense Council, and is rooted in the almost total lack of honesty and transparency that has characterized the review process at the local level in New York. (Scarola, Avella)

An independent review conducted solely by FHWA's headquarters in Washington, without any involvement from authorities located within New York, is necessary to ensure a thorough and proper review [is conducted] to determine whether the addition of new ramps to accommodate the 80,000 car trips per day to be generated by the associated Willetts Point development will seriously impair their ability to travel on local roads and highways. (Avella)

Data that engineer Brian Ketcham has analyzed illustrates the need for an independent review of the proposed access modification project due to skepticism about the impartiality of the consultants that were hired to do EDC's bidding. (Kissena Park Civic Association)

A full hour-by-hour independent traffic analysis must be undertaken and fully vetted before any further action is taken on Willetts Point. (Ketcham)

Response:

NYSDOT and FHWA are providing an appropriate and detailed independent review of the EA. Both agencies have provided substantial

comments that have resulted in changes to the draft document prior to release for public comment. Moreover, both agencies will independently make determinations concerning the proposed access modification project based on their review of the record.

Comment 88: An independent review of the project, as has been requested by WPU, six civic associations, the Natural Resources Defense Council, the Sierra Club, City Council Member Dan Halloran, and State Senator Tony Avella, is warranted for the following reasons: (1) conflicting traffic reports contained within the FGEIS, Draft AMR, and EA; (2) NYSDOT Commissioner Joan McDonald is the former Vice President of EDC and has neither recused herself from involvement or approval of these ramps nor obtained a conflict of interest determination; (3) pressure to approve from EDC, NYSDOT Commissioner, and the City's DOT; (4) traffic impacts; (5) failure to account for approximately 30 million square feet of additional auto-dependent development in and around Willetts Point; (5) low balling of car ownership in Queens and the consequent underestimation of the actual amount of car trips that Willetts Point will generate; (6) improper assignment of thousands of daily trips to mass transit; (7) NYSDOT's fear that an independent review is a plague that could afflict future large projects does not trump the need for an independent review of this project; and (8) the proposed access modification project is enabling elements of a project whose approval involved alleged unlawful acts, which are the subjects of pending investigations by enforcement authorities (i.e., Flushing Willetts Point Corona Local Development Corporation ["FWPCLDC"] lobbying). (Ardizzone, Gerrard, D. Antonacci, Bowne Park Civic Association)

There are conflicting traffic reports contained within the FGEIS, Draft AMR, and EA. (Ardizzone)

Response: In response to the assertion of conflicting traffic reports contained within the FGEIS and EA, please see the response to Comment 20. The FGEIS and EA have different analyses because the FGEIS analyzed the impacts of the Willetts Point Development Plan pursuant to CEQR methodology, while the EA analyzes the local and regional highway impacts of the proposed access modification project in accordance with NEPA and FHWA methodology. The Draft AMR referred to in the comment was a preliminary draft, and the traffic analysis contained therein underwent substantial revision, culminating in the traffic analysis contained in the EA.

NYSDOT and FHWA understand the importance of an appropriate review and are committed to working together and with NYCEDC and all interested parties to ensure that all concerns raised are satisfactorily addressed.

Willets Point Ramp EA Response to Comments

NYSDOT and FHWA have provided a review of the EA and will make independent determinations concerning the proposed access modification project. The rigorous nature of that review is suggested by the 2-year length of time that was required to complete and issue the EA for public comment. The public comment period required by FHWA provided any member of the public an opportunity to review the EA. The assertions of deficiencies in the EA analysis alluded to in this comment are addressed elsewhere in this document.

In regard to the traffic impacts associated with the Development Plan or the proposed access modification project, please see the response to Comment 103 or Comment 45, respectively.

In regard to the assertion that the EA fails to account for approximately 30 million square feet of additional auto-dependent development in and around Willets Point, please see the response to Comment 33.

In regard to the assertion of “low balling” of car ownership in Queens and the consequent underestimation of the actual amount of car trips that the Development Plan will generate, please see the response to Comment 36.

In regard to the assertion of the improper assignment of thousands of daily trips to mass transit, please see the response to Comment 61.

In regard to the assertion that NYSDOT has avoided an independent review of this project, please see responses to Comments 74, 75, and 87.

With respect to the assertion of unlawful acts involved in the approval of the Development Plan, the Development Plan was approved by the City Council by a 42-2 vote after a public hearing pursuant to ULURP. The public process has at all times been in compliance with the City Charter, Article 2 of the EDPL, and the Due Process Clauses of the New York and United States Constitutions. The New York State Attorney General is conducting a civil investigation regarding the permissible activities of local development corporations under State law.

Comment 89: EDC has continually lied and tried to hide or cover up their wrongdoings by changing statistics or implementing a phase plan, in an attempt to get this project passed. (Antonacci, Charidemou)

Response: The review of the proposed access modification project has been a robust and transparent process, following all applicable procedures. The phasing of the Development Plan, which arose because of the economic downturn, is not related to the proposed access modification project or the EA.

Comment 90: EDC will be challenged in court for its wrongdoings related to the public and environmental review procedure for the proposed access modification project. (Antonacci)

Response: Comment noted.

Comment 91: WPU hired a traffic engineer who spent 18 months reviewing critical documents that demonstrated the WP FGEIS and the accompanying AMR were fatally flawed. NYSDOT held a closed door all agency meeting on February 19, 2010 to review the WPU concerns. At the meeting representatives of NYSDOT and FHWA agreed with many of WPU's concerns. Lawyers for EDC reported they would get back to WPU within two weeks with answers. They also promised to include WPU in the follow-up decision-making process. It has been more than a year since that meeting and there has been no follow-up with WPU nor have they been invited to participate in any decision-making. The entire process has been held behind closed doors. Letters have been sent to NYSDOT requesting meetings with technical staff. Because City and State agencies were ignoring local concerns and were not cooperating and were not providing relevant information, WPU was forced to file numerous FOIL requests to secure missing traffic analyses and supporting documentation. (Ketcham)

Response: At the February 19, 2010 meeting referenced by the commenter, Mr. Ketcham presented results of his technical analysis of traffic impacts. As discussed above in the response to Comment 31, that analysis does not assess the regional impact of the proposed access modification project, which is of concern to NYSDOT and FHWA.

As an outcome of the February 19, 2010 meeting referenced by the commenter, FHWA, NYSDOT, and EDC met again with the commenter, representatives of WPU, and their counsel on March 10, 2010 to further the dialogue regarding the concerns that were raised about the proposed access modification project. In response to WPU requests for greater transparency in the review process, NYSDOT and FHWA directed EDC to submit an EA separate from the AMR, which would be published and available for formal public comment, including the holding of a public meeting. NYSDOT and FHWA have provided numerous comments on the EA that have resulted in changes to the document, and the current version dated March 2011 incorporates those comments. EDC immediately commenced the public comment period for the EA once NYSDOT and FHWA indicated that it was ready for public review.

In addition, EDC has received FOIL requests related to the EA from WPU, and all requested information has been provided.

Comment 92: While not part of the "public participation" requirements, the issue of how the VWE ramps were incorporated into the NYMTC transportation improvement plan (TIP) was discussed as part of hearings on the recertification of NYMTC. These materials provide an example of attempts by WPU to engage the transportation planning establishment in the debate

Willetts Point Ramp EA Response to Comments

over Willetts Point. It didn't seem to make much difference. NYMTC approved the ramps. (Ketcham)

Response: NYMTC included the proposed access modification project in its Transportation Improvement Program (TIP), after a public review process and a determination that the project would not adversely affect conformity with the State Implementation Plan under the Clean Air Act. WPU and other members of the public had an opportunity to comment on the TIP during the public review process.

Comment 93: In order to secure some response to the detailed analyses of the Willetts Point project, WPU attempted to get State Senator Martin Dilan to hold hearings on this project and the related VWE ramps controversy. WPU sent a letter dated August 2, 2010 to Senator Dilan outlining its concerns. Senator Dilan had tentatively agreed to hold hearings until he met with NYSDOT Commissioner Gee. Following that meeting Senator Dilan claimed he had to "reschedule" the hearings. Nothing has been heard from Senator Dilan since August 2010. (Ketcham)

Response: Comment noted.

Comment 94: While the hearing on the EA may be used as a way to create the appearance of a just and fair process, in the eyes of the courts, there are concerns as to the potential collateral damage to the City and the increasingly threatened notion of democracy as a result of this project. (Associated Cultural Resource Consultants, Kissena Park Civic Association)

Response: Comment noted.

Comment 95: It appears that NYSDOT has ignored its own justified skepticism, expressed eloquently by its own staff in voluminous internal exchanges and in communications with EDC that have been obtained by FOIL and have been widely published in *The New York Times*. This sudden departure from proper due diligence is underscored when analyzing the substance of the data inherent in the EA. (Gerrard)

Response: Comment noted.

Comment 96: The City repeatedly promised including in affidavits submitted to Justice Madden of the New York State Supreme Court, that it would not carry out the condemnation of properties at Willetts Point until the ramps had been approved. In February 2011, the City announced that it was abrogating that pledge and was segmenting the project into at least two phases. Phase I would involve condemnation and construction without the ramps. When informed of this, Justice Madden issued an order to show cause directing the City to explain why her 2010 order dismissing the Article 78 proceeding should not be vacated due to the City's actions going forward with

condemnation without having obtained approval for the ramps. These actions demonstrate the City's disregard of traffic impacts and of any pledges it makes to other units of government, or the public, with respect to Willetts Point. (Gerrard)

Response:

The affidavit and court decision cited in the comment were part of an Article 78 proceeding brought more than two years ago in early 2009 to challenge the SEQRA review of the City's proposal to redevelop the entire District. In affidavits submitted to the court, the City stated its intention not to acquire title to any property pursuant to Article 4 of the EDPL before the proposed access modification project was approved, because at that time it did not intend to proceed with the Development Plan as conceived without coincident approval of the proposed access modification project. The court referenced the City's stated intentions in rejecting the petitioners' argument that the approvals issued by the CPC and the City Council for the redevelopment of the District as a whole should be vacated because the proposed access modification project, though assumed in the FGEIS for District-wide redevelopment, had not been approved by FHWA. After acknowledging the City's representations regarding when additional review would be appropriate, the court noted its assumption that if the Development Plan were to proceed without approval of the proposed access modification project, further environmental review would be required.

The City's intention to construct the proposed access modification project to support the full build-out of the District has not changed. However, since the submission of papers and oral argument in the Article 78 proceeding in the summer of 2009, worsening economic conditions have made it challenging for developers to finance the acquisition and remediation of the entire 61-acre District at one time, as envisioned in the FGEIS. Therefore, the City now intends to proceed with a phased approach that would begin with development of Phase 1 of the overall Development Plan. Due to the need to prioritize construction of infrastructure to support the Phase 1 development, the City intends to move forward with that phase without waiting for approval of the proposed access modification project. Because proceeding with a phased Development Plan that would not include the ramps in the first phase is a modification of the approved Development Plan that was originally reviewed in the FGEIS, the Office of the Deputy Mayor for Economic Development conducted a thorough assessment of the environmental implications of constructing and occupying the Phase 1 development without the ramps in place. This environmental review, which is set forth in Technical Memorandum 4, dated February 10, 2011, included, among other things, a detailed traffic analysis of the same intersections and highway segments studied in the FGEIS, assuming that the proposed access modification project would not be in place by the completion of Phase 1.

Willetts Point Ramp EA Response to Comments

The assessment concluded that no new significant adverse environmental impacts would result from the phased development.

The City's self-imposed limitation on development without ramp approval related to the District-wide redevelopment effort analyzed in the FGEIS, and not the Phase 1 development with which the City is proceeding at this time. The necessary environmental review to support Phase 1 of the publicly approved plan has occurred. Therefore, the underpinnings of the court's ruling are still valid, and Phase 1 may proceed without first obtaining ramp approval. The order to show cause issued by the court in response to the petitioners' motion to vacate demanded argument from the City as to why its manner of proceeding is in accordance with law. The City has responded to those claims and the court's decision is pending. In sum, the City has not disregarded traffic impacts or any pledges it has made, but has modified its plans and conducted the required environmental review pursuant to SEQRA/CEQR with respect to those changes.

Comment 97: NYSDOT pledged in December 2010 to comply with the newly enacted Smart Growth Public Infrastructure Policy Act in connection with this project. There has been no evidence of such compliance, including the smart growth impact statement that is required by that statute. (Gerrard)

Response: Comment noted. A Smart Growth Policy Statement will be issued in compliance with the Smart Growth Public Infrastructure Policy Act before a work permit is issued by NYSDOT for the proposed access modification project.

Comment 98: Brian Ketcham's engineering firm has been reviewing the Willetts Point project for nearly two years. The firm has provided EDC, NYSDOT, and FHWA with a great deal of technical analysis identifying fatal flaws in this project. The result was to delay the project by about 18 months as EDC attempted to respond to the concerns. While some corrections to the traffic analysis have been incorporated into the March 2011 EA, none of the agencies listed have acknowledged receipt of these materials or addressed directly the concerns raised in these analyses, with one exception: in its reply brief in its motion to vacate WPU's effort to reopen the City's Article 78, on page 9, the City reports the environmental review "...has undergone iterative revisions, including changes based on comments from Petitioners' consultant, Brian Ketcham, who commented on an early draft of the traffic analysis obtained from NYSDOT." Perhaps the agencies cannot do so. Nor has EDC brought the Willetts Point community into the planning process as promised in February 2010. (Ketcham, Avella)

Response: The EA and the traffic analysis included therein were not issued for public comment prior to May 6, 2011. Before that date the traffic analysis was under review by NYSDOT and FHWA, and any comments were based on

an early draft that was still undergoing revision during the NYSDOT and FHWA review process. Responses to any such early comments would be premature prior to the completion of the traffic analysis. However, comments from the commenter's firm were considered and resulted in modifications to the analysis (including changes to projected growth in the 2013 and 2035 No Build and Build Alternatives). Upon determining that the analysis was complete, NYSDOT instructed EDC to distribute the EA for public comment. All comments provided in the record either at the public meeting on June 8, 2011 or in writing during the comment period have been addressed in this Response to Comments. Thus, all members of the public, including those in the Willetts Point community, have had an opportunity to participate in the planning process for the proposed access modification project.

Comment 99: In February 2010, at an all agency meeting called by NYSDOT, Brian Ketcham's firm laid out its concerns about the Development Plan and the draft AMR. The firm presented dozens of fatal flaws that it identified in the Willetts Point FGEIS and in the draft AMR—fatal flaws that both NYSDOT and FHWA were also concerned about. Few of these fatal flaws have been corrected since early 2010. In spite of this, NYSDOT has approved the EA for the proposed VWE ramps for public review. The VWE ramps cannot be approved for many reasons as shown by the comments received on the EA and summarized in this document. (Ketcham, Avella)

Response: Brian Ketcham provided comments on an early draft of the traffic analysis for the proposed access modification project, which was still undergoing review and had not yet been released for public review. Those comments were duly considered and a number of them resulted in revisions to the analyses, which are reflected in the EA (including changes to projected growth in the 2013 and 2035 No Build and Build Alternatives). Brian Ketcham has also alleged additional flaws in the analysis, which are summarized and responded to in this Response to Comments.

Comment 100: The VWE ramps do not meet the criteria required by FHWA for changes to expressway access. Based on Brian Ketcham's analysis there is no justification for FHWA to approve the EA or the ramps themselves. (Ketcham)

In order for the proposed access modification project to get built they must be approved by FHWA, which requires that eight criteria be met in order to get approval, which would normally be addressed in an AMR prepared by EDC. WPU has determined that the ramps fail five of the eight criteria, which must not be ignored. (Ketcham)

Response: This document responds to comments on the Willetts Point Ramp EA. The forthcoming AMR for the proposed access modification project will address

Willets Point Ramp EA Response to Comments

the eight criteria set by FHWA's policy statement regarding requests for access modification to an existing Interstate System.

Comment 101: The City has failed to turn over key technical backup information for its traffic analysis. For more than three years, WPU has been forced to send multiple requests under the Freedom of Information Law to EDC, and to appeal denials of many of those requests, to secure critical information required for a fully informed review of the traffic analyses of this project. (Ketcham)

Response: All data and technical backup related to the EA's traffic analysis were released to WPU, the organization represented by the commenter, when the March 2011 EA was approved for public review by NYSDOT and FHWA. All FOIL requests received from WPU have been responded to in accordance with law.

Comment 102: The EA includes a number of errors and inconsistencies that demand that it be returned for corrections or that the proposed VWE ramps and consequently the Development Plan be abandoned. (Ketcham)

No effort has been made by EDC to correct for the many flaws identified by WPU over the past 18 months for the FGEIS, AMR, and the EA that clearly show that the Development Plan will not work when fully built out, now in 2022. (Ketcham, Avella)

Response: Many revisions have been made to the EA prior to release to the public. The revisions were based, in part, on comments received from multiple parties, including NYSDOT and FHWA, and from Brian Ketcham, who reviewed an early draft of the traffic analysis that had not been released for public review. Specific concerns, which the commenters raise with respect to the analysis, are addressed in other responses.

Comment 103: A FOIL request to NYSDOT unearthed a note to Ken Dymond and Tom Breslin from Steven Russo, counsel to EDC, dated February 1, 2010, asserting that the traffic impacts of the Willets Point project should not be examined as part of FHWA's NEPA review of the proposed access modification project to and from the VWE. The City's basis for this assertion is *Department of Transportation v. Public Citizen*, 541 U.S. 752 (2004). However, that case provides no support for the City's position. The City itself has said in its own FGEIS that the ramps are an integral part of the project, and that "the City would not take possession of any property acquired by eminent domain until the ramps have been approved by NYSDOT and FHWA." (FGEIS p. 29-9). The FGEIS does not even consider an alternative without the ramps. If the ramps are not approved, the project does not happen. FHWA is required to look at the impacts of the Willets Point project on the ramps and the effect of the traffic generated by

the Willets Point project, because FHWA has the duty to make sure that the interstate highway system functions properly. It cannot allow a new ramp that would severely degrade service levels on the highway, which is what the FGEIS says the project will do. (Gerrard)

Response:

The EA traffic analysis accounts for traffic generated by the Willets Point Development Plan, and thus does reflect the effects of Development Plan traffic on ramp operations. The EA examines whether the proposed access modification project, in the context of the Willets Point Development Plan traffic and other local and regional growth, would have a significant effect on the environment. The EA traffic analysis concludes that the proposed access modification project will not severely degrade service levels on the highway network. Rather, the transportation section E on page 9-16, describes the shift in travel patterns caused by the proposed access modification project.

This shift would create equilibrium on the highways in a ‘box’ around the District defined by the expressways and parkway in Table 9-12. The proposed access modification project would reduce overall future congestion (as discussed in section F. Conclusion on pages 9-25 and 9-26).

The shift in traffic patterns induced by the proposed access modification project would have a net positive improvement on the local and regional network. Specifically, in 2035, the VWE would operate at acceptable LOS as defined in Table 9-18 on page 9-22 of the EA, on all mainline segments, with the exception of one freeway segment, which would operate at a LOS E during the PM peak hour. Furthermore, as shown in Table 9-17 on Page 9-20, the travel times during the evening peak hour along the GCP in the northbound and southbound directions, as well as the WE in the northbound direction, would be notably shorter compared to the 2035 No Build Alternative. The reductions in average travel times of 2.37, 1.22, and 3.76 minutes, respectively, would result in higher average speeds. Locations along Northern Boulevard and Roosevelt Avenue also show decreases in travel time. For additional detail, please see Appendix D, “Traffic Report.”

Comment 104:

The City prepared a draft AMR that somehow came to a radically different conclusion about traffic impacts than the FGEIS, but it has been unable to persuade NYSDOT to accept this report. As reported in *The New York Times* on August 12, 2010 e-mails released as part of the FOIL search referenced above show that NYSDOT continues to have profound doubts about the City’s efforts to downplay the ramps’ traffic impacts. (Gerrard)

Response:

As described elsewhere in this document, and particularly in the response to Comment 20, the methodologies of the FGEIS and the EA are significantly different and as a result, a comparison between the two documents should not be made. The traffic analysis for the proposed access modification

Willets Point Ramp EA Response to Comments

project has undergone significant changes as a result of NYSDOT and FHWA review prior to release of the March 2011 draft for public comment. The emails referred to in the *Times* article from August 12, 2010 discussed early versions of the analysis.

Comment 105: An issue of concern is that NYMTC has signed off on the project as part of the TIP apparently without any deliberation whatsoever, and without consideration of the available information concerning the ramps' effect on the regional transportation system. NYMTC inappropriately relied solely upon EDC's incomplete and misleading characterization of the ramp project and failed to exercise the requisite due diligence. NYMTC also failed to inform its voting members of any of the known liabilities or significant adverse impacts of the proposed access modification project. Also, any discussion of the public comment period/public review process associated with the TIP amendment has been entirely omitted from the EA, since it has been proven to have lacked integrity. The TIP amendment should be rescinded and reconsidered, subject to a re-vote (including disclosure of impacts to NYMTC's voting members). (Gerrard, D. Antonacci)

Response: The proposed access modification project was included in the 2008-2012 TIP, as well as the 2011-2015 TIP, for NYMTC, the MPO for the metropolitan New York City area. The 2008-2012 TIP was the subject of a public meeting held on September 10, 2007 and of a public comment period held open from August 23, 2007 through September 21, 2007, and the 2011-2015 was the subject of two public meetings held on June 15, 2011.

Comment 106: It is not credible that NYSDOT can find no record pertaining to EDC's announcement of its intention to proceed with Phase 1 of the proposed Willets Point development without the proposed access modification project, in response to a FOIL submitted by WPU. (D. Antonacci)

Response: The City cannot comment on NYSDOT's response to a FOIL Request. Pursuant to the Public Officers Law and NYSDOT's implementing regulations, WPU has the right to appeal the response to the extent it believes NYSDOT has responsive records. EDC has regularly kept NYSDOT abreast of progress on the Development Plan.

Comment 107: The public hearing was held on the Jewish holiday of Shavuot when observers from Kew Gardens Hills, Forest Hills, and many other areas that would be negatively affected by the proposed access modification project could not attend. (D. Antonacci)

Response: The written comment period was open from May 6, 2011 until June 20, 2011 and written comments have been treated as equal to spoken testimony given at the June 8, 2011 meeting.

Comment 108: Throughout the public hearing, a public speaker designated by EDC was repeatedly exempted from a restriction that applied to all other public speakers. An individual apparently designated by EDC was permitted to testify on five separate occasions on behalf of five third parties, including elected officials and two organizations, each of which apparently chose not to send any representative to the public hearing but whose testimony pleased EDC. No other member of the public was afforded the opportunity to testify multiple times on behalf of third parties. (D. Antonacci)

Response: Written testimony was read into the record at the public meeting held on June 8, 2011 by request when organizations or officials could not be present. The written testimony of each party was limited to 3 minutes, the same as all other speakers, so as not to prohibit any other speakers the opportunity to speak. Where written testimony was provided by other parties and read into the record by a speaker other than EDC, such as for Senator Avella, the written testimony was given 3 minutes and the speaker was given an addition 3 minutes to provide his or her own testimony. There was ample time during the meeting for everyone who wanted to speak to participate. Before closing the hearing, EDC presented an opportunity for any commenter to speak a second time. Therefore, no one was prohibited from participating by the reading of written testimony.

Comment 109: EDC has inaccurately characterized the proposed access modification project as being one of the types, or similar to one of the types, listed in 23 CFR § 771.117(d), which is incorrect. The proposed access modification project is not a type or similar to a type of action that is categorically exempt. Via letter dated January 25, 2010, attorney Michael Gerrard notified FHWA and NYSDOT that the NEPA Checklist in existence at that time contained an incorrect response to question 23. The NEPA Checklist which pertains to the EA dated March 2011 contains the identical incorrect response. (D. Antonacci)

Response: The proposed access modification is a proposal for change in access control as enumerated at 23 C.F.R. § 771.17(d)(7). Pursuant to 40 CFR 1508.4, “Categorical exclusion means a category of actions which do not individually or cumulatively have a significant effect on the human environment ... and ... for which, therefore, neither an environmental assessment nor an environmental impact statement is required.” Despite the potential application of a Categorical Exclusion pursuant to this provision, which would have obviated any further review of the proposed access modification project pursuant to NEPA, an EA was prepared because the significance of impacts from the proposed access modification project was uncertain.

Willets Point Ramp EA Response to Comments

Comment 110: The public hearing notice pertaining to the June 8, 2011 public hearing held in connection with the EA refers to “previous planning strategies undertaken by and for the local community,” referring to the *Downtown Flushing Development Framework* (DFDF). EDC fails to note that neither the DFDF nor the process that generated it examined any of the impacts of those initiatives. EDC routinely misrepresents the DFDF as evidence that there is “community support” for each of the development projects imagined by the DFDF. In fact, the DFDF does not constitute any community consent to tolerate any and all impacts of projects imagined within the DFDF, as EDC implies. (D. Antonacci)

Response: The notice described by the commenter states that the June 8, 2011 meeting will be an opportunity to, among other things, express views concerning consistency of the proposed access modification project with the goals and objectives of previous planning strategies. Planning strategies are not limited to DFDF, but rather include PlaNYC, any applicable waterfront access plan, any plans approved by ULURP, any Urban Renewal Plan, or any other relevant publicly adopted planning strategy. In addition, the DFDF was significantly shaped by public input from elected officials, local organizations and the general public. The DFDF established goals for development in the Flushing area, some of which were incorporated into the Development Plan, a concrete land use proposal which underwent formal environmental and land use review processes, including the preparation of a GEIS and multiple public hearings, prior to its approval.

Comment 111: A review of internal emails within NYSDOT indicated that there is growing skepticism and resistance by NYSDOT to the viability of the ramps under the criteria laid out by FHWA. NYSDOT has received pressure from the City’s DOT to approve the project. In December 2010, former Acting Commissioner Stanley Gee advised Senator Dilan, then chair of the Senate Transportation Committee, that NYSDOT had “real problems” with the EDC submission. (Avella)

Response: NYSDOT has provided substantial comments on the EA that have been responded to, and revisions have been included in the EA. Many of those revisions were made after December 2010. Those comments were duly considered, which are reflected in the EA.

GENERAL COMMENTS ON THE EA AND PROPOSED ACCESS MODIFICATION PROJECT

Comment 112: Queens Civic Associations, including Juniper Park Civic Association, the Malba Gardens Civic Association, which represents approximately 400 households, the Communities of Maspeth and Elmhurst Together (COMET), which represents another approximately 400 households, the Bowne Park Civic Associations, which represents approximately 1,600

households, have adopted a resolution opposing the proposed access modification project. The key points of the resolution include a) opposition to the construction of the proposed access modification project; b) rejection of the reduction in quality of life that will result from significant adverse impacts to be caused by the ramps and associated developments; and c) calling upon NYSDOT and FHWA to disapprove the proposed access modification project. Visitors of the website TrafficNightmare.org have completed petitions which in essence express opposition to the proposed access modification project. (Queens Civic Association, Malba Gardens Civic Association, Juniper Park Civic Association, COMET)

The commenter is opposed to the proposed access modification project. (Ketcham)

The commenter is opposed to the proposed access modification project due to traffic, air pollution, health and safety concerns, and quality of life impacts. (COMET, Willetts Point Community of Friends for Small Business and Workers, George, Charidemou, Simpson, Moore, Bowne Park Civic Association, D. Antonacci, Libertarian Party of Queens County)

Response: Comments noted. In regard to the proposed access modification project impact on VWE, surrounding expressways, and the local roadway network, Chapter 9, "Transportation," of the EA, section E on page 9-16, describes the shift in travel patterns caused by the proposed access modification project. This shift would create equilibrium on the highways in a 'box' around the District defined by the expressways and parkway in Table 9-12. The proposed access modification project would reduce overall future congestion (as discussed in section F. Conclusion on pages 9-25 and 9-26). The EA concludes that the proposed access modification project would not have significant adverse impacts on other quality of life issues such as noise or air quality. In regard to safety, please see the responses to Comments 66, 67, 68, and 69.

Comment 113: From a fiscal perspective, it is bothersome that the City just spent money to redevelop the ramps ten years ago, and now is going to spend more money to redevelop them. (Halloran)

Response: The commenter has not identified specific improvements undertaken ten years ago. However, the maintenance costs of the freeway system are ongoing. The development of the proposed access modification project would not negate the benefit of earlier maintenance activities.

Comment 114: The proposed access modification project is essential to mitigate the expected additional traffic as redevelopment of Willetts Point moves forward. The ramp will also allow for the much needed affordable housing and jobs expected to result from the Development Plan. (Ferrerias)

Response: Comments noted.

COMMENTS UNRELATED TO THE RAMPS EA

The following summarized comments were included in testimony at the public meeting on the EA or in written comments submitted during the public comment period for that document, and are therefore summarized herein, although they do not relate to the proposed access modification project or the EA. Responses are provided to the extent the comments raise factual issues concerning the Development Plan and its associated review processes.

Comment 115: The commenters are opposed to the Development Plan because of forced relocation and loss of existing jobs. The small business owners and residents of the area will be negatively affected, while only large corporations are going to benefit. (Willets Point Community of Friends for Small Business and Workers, Aguirre, Petrizzo, Moore, Ardizzone)

Response: The proposed access modification project would not require any acquisition of private property or relocation of businesses since the proposed design is entirely within the existing right of way for the VWE.

The Willets Point Redevelopment Plan was approved by CPC and City Council on September 24, 2008 and November 13, 2008, respectively. Regarding the implementation of the Development Plan, the City has committed to providing assistance to business owners in order for them to relocate to other properties in Queens or elsewhere in the City of New York. To date, the City has completed agreements to move two businesses to College Point, with additional relocation agreements underway. All business owners in Willets Point who are (or were) in lawful occupancy on the date of City acquisition of the property on which they operate(d) are entitled to relocation benefits consistent with applicable law, including moving and related expenses, search expenses, and relocation assistance provided by the Cornerstone Group, relocation consultants retained by EDC. It is expected that many workers will be able to retain their jobs at relocated businesses. There is one resident in the District. If and when his property is acquired by the City he will be provided with just compensation for his property and relocation benefits consistent with any applicable legal requirements.

Comment 116: The Willets Point developers should have to post the bond for the full amount of the total cost with a time table. (Petrizzo)

Response: The City has not yet designated a developer(s) for the development of the Willets Point Development District. The City is proceeding with a phased approach to development and issued a developer RFP for the Phase 1 development area in May 2011. It is anticipated that the selected developer(s) for Phase 1 would be responsible for site clearance, remediation, on-site infrastructure/streets, and construction of buildings and open space and would provide a timeframe for construction.

Comment 117: There are better, vacant sites for the proposed redevelopment project such as the Flushing Airport. (Petrizzo)

Response: The Development Plan is intended to further a number of redevelopment goals specific to the Willets Point area, which were established by the broader community as part of the Downtown Flushing Framework. These goals include the remediation of environmental contamination in the District, provision of affordable housing and new commercial office space, encouraging sustainable design, and development that capitalizes on the District's proximity to mass transit. The Plan meets these goals. The Plan would result in the development of a mix of uses including residential, retail, hotel, convention center, entertainment, commercial office, community facility, and open space, all in close proximity to public transit. It represents an economically and socially sustainable project. Furthermore, the overarching goal of the Plan is to transform Willets Point Development District into a lively, mixed-use, sustainable community and regional destination. Therefore, another location would not meet the goals of the publicly approved Plan.

The Willets Point Development District is well-situated to accommodate the type of development envisioned under the Plan. The District is centrally located in Northern Queens and is of sufficient size to allow for substantial development. The area is also easily accessible from several major arterial highways, connects to the New York City metropolitan area via LIRR and the number 7 subway line, and is located in close proximity to both LaGuardia and JFK International Airports.

Further, the Flushing Airport is not currently slated for reuse and has significant development constraints due to inaccessibility, soil conditions and substantial wetlands.

Comment 118: As an alternative to the Development Plan, the commenter proposes constructing a new university on the site for its greater economic potential and lesser potential for traffic and adverse quality of life impacts. (Coalition for Queens)

Response: The Development Plan was approved by CPC and City Council on September 24, 2008 and November 13, 2008, respectively. The Development Plan changed the underlying zoning and created an Urban Renewal Plan and a zoning Special District, allowing for the development of a mix of uses including residential, retail, hotel, convention center, entertainment, commercial office, community facility, and open space. These uses reflect the goals of the broader community as established in the Downtown Flushing Framework. The construction of a new University would be a divergence from the Development Plan and would require a rezoning of the district. The commenter has not provided any information to

Willets Point Ramp EA Response to Comments

suggest what the relative traffic and quality of life impacts generated by such an alternative plan would be.

Comment 119: There are concerns over many aspects of the Development Plan including environmental problems that will not be effectively solved, the removal of long-time existing businesses through the threat of eminent domain and refusal of basic services, and lack of carrying capacity of the overall property for the proposed density of residential and commercial uses. (Associated Cultural Resource Consultants)

Response: The projected impacts of the Development Plan were disclosed in the FGEIS issued in September 2008 and subsequent technical memoranda, prior to CPC and City Council approvals of the Development Plan. The Plan will include District-wide environmental remediation as necessary to eliminate exposure pathways and prevent further degradation of adjacent surface waters. Leaving existing uses in place would present serious complications with respect to the feasibility of effectively upgrading the area's infrastructure and would preclude large-scale remediation. The Development Plan provides for infrastructure improvements needed to serve the proposed density of redevelopment. The City has, to date, acquired or has agreements to acquire approximately 85 percent of the first phase area (and approximately 90 percent with streets), which clearly demonstrates the City's commitment to minimizing the use of eminent domain.

Comment 120: EDC's intention to move ahead with Phase 1 of the Development Plan without due diligence in terms of the proposed access modification project is short-sighted. There should be no threats of eminent domain until all approvals, including the ramps which require federal and state approvals, have been obtained. (Associated Cultural Resources Consultants)

Response: As discussed above, EDC has determined that the proposed access modification project is not necessary for Phase 1 of the Development Plan, as described in the Technical Memorandum 4, dated February 10, 2011. The proposed access modification project would likely only be constructed once a developer is designated for a future phase of the Plan.

Moreover, as evident from the issuance of the EA and the holding of the public meeting thereon, the City is actively pursuing approvals for the proposed access modification project to support the full Development Plan. However, worsening economic conditions make it challenging for developers to finance the acquisition and remediation of the entire 61-acre Willets Point Development District at one time, as initially envisioned and assumed in the FGEIS. Therefore, the City has decided to proceed at this time with a phased approach that would begin with development of Phase 1 of the overall Development Plan. Due to the need to prioritize construction of infrastructure needed to support the Phase 1 development, the City has

decided to move forward with that phase without waiting for the proposed access modification project to be approved. Because proceeding with a phased Development Plan that would not include the proposed access modification project in the first phase is a modification of the approved Development Plan that was originally reviewed in the FGEIS, the Office of the Deputy Mayor for Economic Development conducted a thorough assessment of the environmental implications of constructing and occupying the Phase 1 development without the ramps in place before the City decided to proceed in phases. This environmental review, which is set forth in Technical Memorandum 4, dated February 10, 2011, included, among other things, a detailed traffic analysis of the same intersections and highway segments studied in the FGEIS, assuming that the proposed access modification project would not be in place by the completion of Phase 1. Technical Memorandum 4, in accordance with the requirements of SEQRA and CEQR, assessed whether the modified plan would have any significant adverse environmental impacts that were not addressed or were inadequately addressed in the FGEIS. The assessment concluded that no new significant adverse environmental impacts would result from the phased development.

Comment 121: Phase 1 of the Development Plan would heavily impact the Willetts Point area. The Technical Memorandum 4 shows that nearby intersections are heavily gridlocked by Phase 1 traffic. EDC is proposing insufficient parking for the retail space let alone for other activities. (Ketcham)

Response: The traffic impacts of Phase I of the Development Plan are not relevant to the review of the proposed access modification project. Following a complete environmental review of proceeding with Phase I without the proposed access modification project in place, the City has decided to do so despite certain traffic impacts that could occur, and for which all practicable mitigation has been identified. The proposed access modification project would not have impacts on parking. Parking impacts related to the Development Plan were analyzed through the SEQRA/CEQR process in the FGEIS and subsequent technical memoranda, including Technical Memorandum 4. Those analyses concluded that the Development Plan could accommodate the parking needs that would be generated by its own uses, although some additional parking may need to be provided on weekends in the buffer area that would surround a Phase I development pending completion of full redevelopment of the District.

Comment 122: While Phase 1 of the Development Plan does not require a ramp to be in place, it is crucial that ramp approval is in place long before Phases 2 and 3 are ready to proceed to allow for a seamless transition from one phase to another. The ramp will also facilitate the redevelopment that is needed in Willetts Point. (Ferrerias)

Willets Point Ramp EA Response to Comments

The commenter supports the development or redevelopment of Willets Point for its associated benefits related to jobs, environmental remediation, affordable housing, etc. (Halloran, REBNY, Marshall, League of Conservation Voters, Local 32BJ SEIU, Crowley, Queens EDC, New York Hotel & Motel Trades Council, New York City Building Congress)

Response: Comments noted.

Comment 123: The commenter is opposed to the proposed development at Willets Point. The redevelopment of Willets Point is going to lead to more traffic and safety issues. (George, Charidemou, Aguirre, Moore)

The commenter is opposed to the Development Plan. In the pursuit of this redevelopment, the City has been indifferent as to how the plan will negatively impact and affect the inhabitants of Flushing. There are serious human rights issues associated with the redevelopment plan. (Glaeser, Aguirre)

The commenter is opposed to the redevelopment of Willets Point because of existing overpopulation and burden on community facilities services; fiscal issues; abuse of eminent domain; existing and anticipated future traffic problems in light of planned development projects; existing issues with tow truck and ambulances not being able to access the roadways; and no need for the project other than enabling developers to get rich. (Kissena Park Civic Association)

Response: Comment noted.

Comment 124: The Willets Point area should be developed in partnership with the people who are already there in a mutually agreeable arrangement, with dialogue and, particularly, after the City has taken care of its responsibilities for cleaning up the area. (Halloran)

Response: The City's comprehensive plan would eliminate substandard and insanitary conditions and structures and maximize appropriate land use. The Plan would remove impediments to assemblage and facilitate orderly development including comprehensive remediation, which would be difficult with the current variety of small plot owners. The City's 2009 RFQ was open to anyone interested in developing a first phase of the Development Plan consistent with the URP, including any property owner in the District.

Comment 125: The City has willfully neglected this area for the last 40 years by not putting in roads, sewers, and public access ways, and not plowing the streets and providing infrastructure. It is not appropriate to use the City's neglect as the basis for condemnation. (Halloran)

The City has neglected Willetts Point for 40 years. The people of Willetts Point have paid their taxes every year and have gone without basic public services and have received fines, harassments, and discrimination because of their ethnic origin. (Willetts Point Community of Friends for Small Business and Workers)

Willetts Point is blighted because of the City's neglect. If the City would provide the basic services (passable streets, sidewalks, street lights, and sewers) the area would grow and prosper. This should be the preferred alternative over the Development Plan. (Petruzzo, Moore)

Response: The deteriorated conditions in the project area have existed for more than half a century, and have multiple causes, including but not limited to environmental degradation, substandard and unsafe building conditions, and underutilization. These conditions have been a driver for numerous previous efforts to redevelop the area. The Neighborhood Conditions Study prepared in connection with the Development Plan documents the longstanding deteriorated conditions in the area. For more than three decades, beginning in the early 1900s, the area was used as an ash dump. Beginning in the late 1940s, much of the area came to be occupied by industrial and auto-related uses, despite a lack of sanitary sewers.

Since that time, numerous planning studies examined the possibility of redevelopment of the area. Stalled efforts to develop the area have meant that the substandard conditions have continued. The Development Plan would replace those substandard conditions with a vibrant-mixed use community in a portion of the District.

Comment 126: Flushing is currently congested and congestion has increased over time without the Willetts Point Project. Traffic will continue to worsen in light of all the development projects planned for the area. (Glaeser)

Response: Comment noted.

Comment 127: The Development Plan was approved by the New York City Council but it is unlikely that any member actually read the EIS and it is unlikely that any member would have approved such a large development for an isolated area with little transit access and that would generate a minimum of 80,000 trips per day. The FGEIS also makes it clear that this project will gridlock local access roads and the surrounding expressway network. Apparently EDC did nothing to inform City Council members of these impacts. (Ketcham)

Response: The City Council in approving the ULURP applications related to the Development Plan made the following statement:

WHEREAS, the Council has considered the relevant environmental issues and the Final Generic Environmental Impact Statement

Willets Point Ramp EA Response to Comments

(FGEIS), for which a Notice of Completion was issued on September 12, 2008, the Technical Memorandum date September 23, 2008 with respect to further modifications adopted by CPC, and the Technical Memorandum dated November 12, 2008.

The FGEIS analyzed the impacts of the entire Development Plan, not specifically the proposed access modification project. The significant adverse environmental impacts that were expected as a result of the actions to be taken by the City Council were disclosed in the FGEIS and related technical memoranda. The proposed access modification project considered in the EA, which would not create significant negative impacts, was also described in that FGEIS. Members of the public had the opportunity to voice concerns to the City Council about the Development Plan at public hearings held by the local Community Board, the Borough President, CPC and the Council before approvals were issued.

In addition, the commenter's reference to 80,000 daily trips is discussed in the response to Comment 20.

*

ATTACHMENT A

**Willets Point Access Modification Potential Impact
on the Kew Gardens Interchange Reconstruction Project
February 10, 2010 Project Memorandum**



PROJECT MEMORANDUM

Client: **NYCEDC**
Project Name: **Willets Point**
Location: **Queens County, NY**
Project Number: **10311404**
Issue Date: **10 FEB 10 R1**

TO: **Peter King, NYSDOT**

FROM: **Gill Mosseri, URS**
Sean Fitzgerald, URS

SUBJECT: **Willets Point Access Modification's Potential Impact on the Kew Gardens Interchange Reconstruction Project**

Introduction

The Willets Point Access Modification Report (WP-AMR) details and proposes an access revision along the Van Wyck Expressway (VWE) just south of its interchange with the Whitestone Expressway. The WP-AMR micro-simulation analysis, based on the New York Metropolitan Transportation Council's (NYMTC) Best Practices Model (BPM), showed that an additional 318 vehicles would travel southbound along the VWE past its interchange with the LIE and traverse the Kew Gardens Interchange (KGI) during the evening (PM) peak hour in the 2035 horizon year. As a result, the New York State Department of Transportation (NYSDOT), the sponsor of the KGI reconstruction project as well as the co-approved of the WP-AMR, requested that the New York City Economic Development Corporation (NYCEDC), the sponsor of the WP-ARM, assess the potential impacts of additional southbound vehicles projected to traverse the Kew Gardens Interchange. As a result of this request, the URS Team reviewed the traffic project methodologies used by both projects, the resulting traffic volumes, projected traffic operations and assessed the potential impact of the proposed WP-AMR on the KGI reconstruction project. The following memorandum summarized the analysis and findings.

Analysis Methodologies

Willets Point Access Modification Report

The WP-AMR study utilized an analysis methodology that assesses the potential impact of the proposed access modification to both the regional and local highway transportation networks. The regional potential affects to the transportation network were assessed using the NYMTC BPM while the local effects were assessed using the Paramics micro-simulation model in combination with methodologies of the Highway Capacity Manual (HCM) in terms of Level of Service (LOS).

The study team used a sub area of NYMTC's BPM which was deemed sufficiently large for the analysis, consisting of the entire Borough of Queens. The sub area analysis methodology is a standard procedure recommended by NYMTC, the developer and maintainer of the BPM. The WP-AMR team used the 2002 NYMTC BPM version as a base for analysis. The WP-AMR sub-area was calibrated based on 2008 traffic volumes. Upon calibrating the 2008 sub-area model, the study team utilized NYMTC provided 2035 socioeconomic data to develop the 2035 WP-AMR sub-area model which incorporated projected land-uses, developments and committed infrastructure projects within the sub-area model. The WP-AMR sub-area model has a number of outputs that include Vehicle Miles Traveled (VMT), Vehicle Hours Traveled (VMT) and origin-destination tables or trip tables. The trip table represents trips made to and from origin and destinations and is one of the primary inputs to the Paramics micro-simulation model.

**Willetts Point Access Modification's Potential Impact on the
Kew Gardens Interchange Reconstruction Project**

Willetts Point Development Plan Access Modification Report

Page 2

In parallel to the WP-AMR sub area model, the study team developed a Paramics micro-simulation model to assess the effects of the WP-AMP access modification on the highway and local transportation network within the primary study area. The 2008 Paramics model was calibrated based on 2008 traffic volumes in combination with the 2008 WP-AMR sub area model trip tables. The 2035 Paramics model was developed based on trip tables extracted from the 2035 WP-AMR sub area model. The Paramics micro-simulation model was selected for the WP-AMR because it uses a dynamic trip assignment methodology that analyses the available capacity at both the link and intersection level, and if required, re-assigns trips to alternative routes to minimize congestion within the transportation network. The Paramics micro-simulation model allows a certain percentage of vehicles to utilize alternative routes based on the origin and destination and thus reflects real traffic conditions and a more realistic driver behavior.

The NYMTC BPM, which uses established traffic demand modeling and planning algorithms, allocates traffic throughout the region based on demand and supply and is also dynamic in nature and will reassign trips based on link capacity. Therefore, a combination of sub area model based on NYMTC's BMP and a Paramics micro-simulation model was used to assess the potential impacts of the proposed access modification associated with WP-AMR. The combination of the sub area model and micro-simulation model accommodated for an analysis that allows the rerouting of vehicles based on available roadway and intersection capacity.

Kew Gardens Interchange Reconstruction Project

The URS Team reviewed the NYSDOT Kew Gardens Interchange (KGI) design report in order to gain an understanding of the methodologies employed in developing the future 2043 traffic volumes for the KGI study area and resulting Level of Service (LOS). It must be noted that the KGI reconstruction project is a reconstruction project of an existing interchange with some capacity enhancement features. The intent of the reconstruction is not to modify access to and from the interstate system, but rather to address the issues with the existing infrastructure. Therefore, the reconstruction should not result in a major shift in regional traffic patterns. However, the reconstruction may induce some local diversions between adjacent/parallel roadways, such as the VWE mainline and its service roads. Thus, the methodology that was used to project and assess the traffic volumes was used for reconstruction purposes rather than an access modification, which may cause regional traffic pattern shifts

A review of the KGI report revealed that the KGI design team used a uniform compound growth rate for all the highway and services road segments within the defined KGI study area. The KGI design team obtained the compound growth rate using data developed as part of the NYSDOT Environmental Impact Statement Study for the Long Island Expressway (LIE), Grand Central Parkway (GCP) and the Van Wyk Expressway (VWE) interchange. The uniform compound growth rate was developed by analyzing key locations within the Long Island Transportation Planning (LITP) travel demand model used for the LIE/GCP/VWE interchange study (Refer to Appendix for excerpt of methodology, KGI Final Design Report April 2009, chapter II, page 32).

The LITP travel demand model was originally developed for use in Nassau and Suffolk counties with some level of detail in Queens, NY. The LITP model is based on land-use and socioeconomic data from the late 1990's. Similar to the WP-AMR sub area model, the LIE/GCP/VWE EIS project developed a

E:\10311404\Memo\100210 - WPAMR - KGI R1\100210.NYSDOT.PK.WPAMR - KGI Traffic Projection Methodology and Analysis R1.doc

**Willetts Point Access Modification's Potential Impact on the
Kew Gardens Interchange Reconstruction Project**
Willetts Point Development Plan Access Modification Report
Page 3

sub-area model based on the LITP that was calibrated based on 2001/2 traffic volumes. The uniform traffic growth rate used for the KGI reconstruction project was based on the LITP sub-area model. The uniform growth rate was applied to the highway and service road links within the KGI study area. Therefore, the uniform growth methodology is not dynamic on a regional level. However, as mentioned previously, due to the purpose of the reconstruction project, this approach is valid for design and reconstruction purposes.

In discussion with the LIE/VWE EIS and KGI study teams it was noted that the LITP model is no longer being used and has been superseded by NYMTC's BPM for all newly initiated projects. The KGI transportation studies and subsequent design approval documents were completed and approved based on the LITP model results in order to be consistent with the LIE/GCP/VWE interchange project's traffic projection. In addition, the LITP growth rate was used because the LIE/GCP/VWE sub area model was not specifically calibrated for the KGI reconstruction study, but was adjacent to that project site.

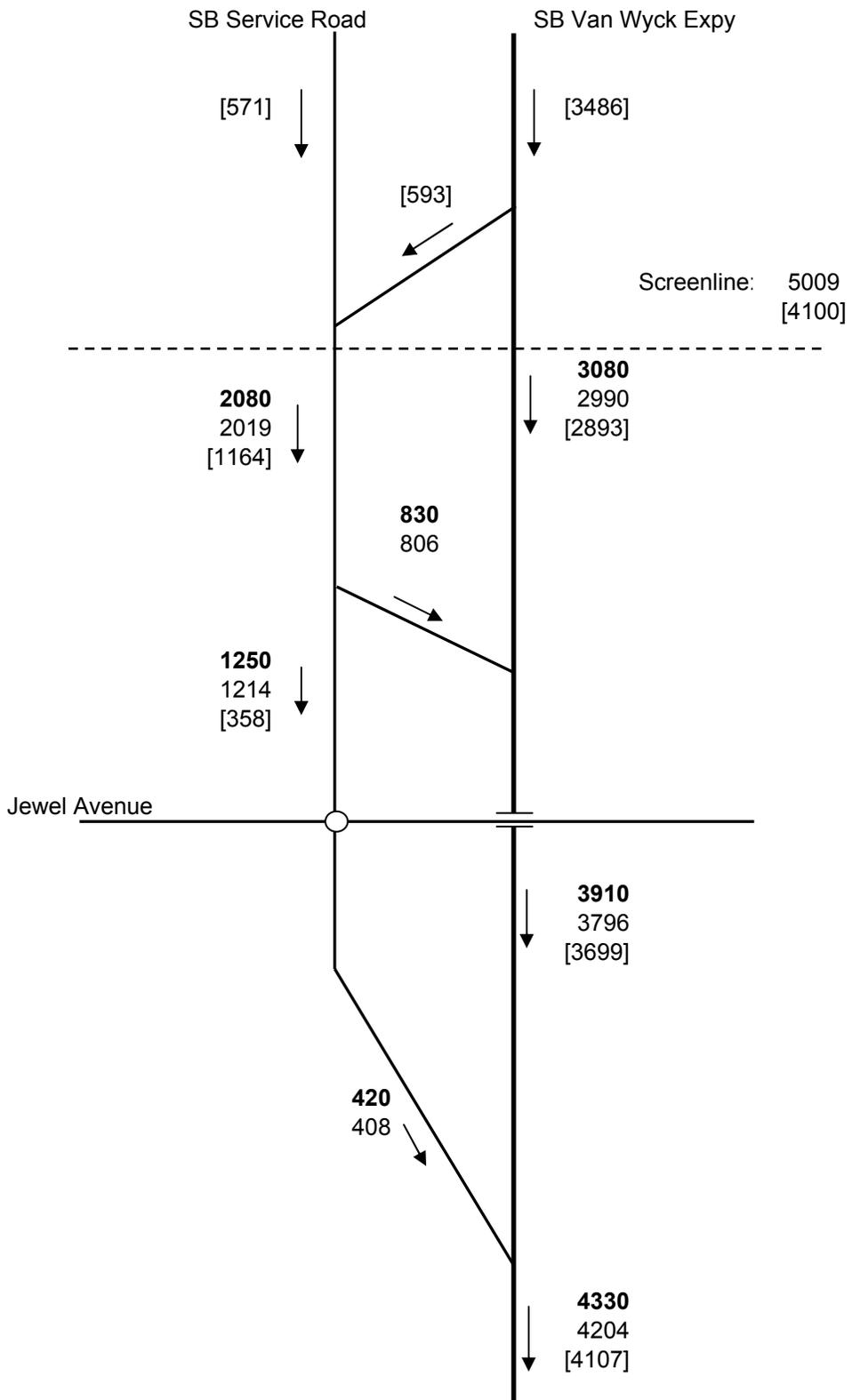
Traffic Volumes Projections and Results

The URS team extracted the traffic volumes from both the KGI reconstruction project and the WP-AMR project along the southbound approach to the KGI. The 2043 KGI and 2035 WP-AMR PM peak hour traffic volumes are presented in Figure 1. In addition, adjusted KGI PM peak hour traffic volumes are presented on Figure 1 that reflect the 2035 horizon year. These volumes were adjusted using the uniform traffic growth rate used by the KGI reconstruction project study team.

The traffic volumes at the screen line just north of Jewell Avenue show that the traffic projections for the KGI study were more conservative than the traffic projection for the WP-AMR study. It must be noted that the traffic projections extracted from the WP-AMR sub-area model are less accurate because they are at the extents of the WP-AMR sub-area model. However, traffic volumes the south of Jewell Avenue along the mainline for the adjusted 2035 PM peak hour KGI traffic volume is 4,204 while the 2035 PM peak hour WP-AMR traffic volume is 4,107. The traffic volume at this location only differs by 97 vehicles in the peak hour, representing only a 2.4 percent difference in traffic volumes. This is well within the normal +/-10 percent volume fluctuation that can be expected on a major expressway on a daily basis. Also, the addition of 318 vehicles to the mainline volume due to the Willetts Point Development represents only a 5.3 percent increase, which itself is within this fluctuation range. As shown and presented, the KGI reconstruction project traffic volumes along the mainline segment south of Jewell Avenue are more conservative and thus could accommodate the projected WP-AMR's projected traffic volumes.

Summary

In summary, the KGI reconstruction project and WP-AMR study utilized valid transportation planning and traffic engineering methodologies to developed future year traffic projections and analysis volumes. The KGI project utilized the LITP travel demand model to develop a uniform compound growth rate to apply to existing traffic volumes. The uniform compound traffic growth method does not accommodate for regional traffic pattern adjustments. The reconstruction project was not intended to modify access to the regional highway network and thus did not require the methodology to allow for traffic pattern adjustments. The WP-AMR methodology which used the a combination of the NYMTC BPM and



2043 Reported
 2035 Calculated
 [2035] Modelled

NEW YORK CITY ECONOMIC DEVELOPMENT CORPORATION		
Willetts Point Development Access Modification Report		
Southbound Van Wyck Expressway Volume Comparison		
PM PEAK HOUR		
URS	NOT TO SCALE	FIGURE 1

**Willetts Point Access Modification's Potential Impact on the
Kew Gardens Interchange Reconstruction Project**
Willetts Point Development Plan Access Modification Report
Page 4

Paramics micro-simulation model accommodated for potential affects to the regional and local highway networks associated with a potential modification in access along the highway network. The analysis shows that the traffic projection methodologies developed by both project teams are reasonable and appropriate for their intended purpose. Furthermore, a review of the traffic volumes along the VWE south of Jewell Avenue shows that the traffic volumes are within 10 percent of one another even if the projected additional volumes from the Willetts Point are incorporated into the analysis. Therefore, it is concluded that 318 vehicles generated by the Willetts Point Development in the 2035 PM peak hour will not adversely impact the reconstructed KGI.

Signed: Gill Mosseri/Sean Fitzgerald
URS Corporation

cc: Hardy Adasko, NYCEDC
Tracey Sayegh, NYCEDC
Ian Francis, NYSDOT
Jason Stern, URS
Elizabeth Thompson, URS
Mei Mei Lee, AKRF
File/10311404

Appendix

TRANSPORTATION

FINAL DESIGN REPORT

Construction Contract 2

Kew Gardens Interchange
Infrastructure and Operational
Improvement Project
Van Wyck Expressway, I-678

Queens County, New York
PIN X735.75

April 2009

U.S. Department of Transportation
Federal Highway Administration

NEW YORK STATE DEPARTMENT OF TRANSPORTATION
DAVID A. PATERSON, Governor STAN GEE, Acting Commissioner

PROJECT REPORT



Future No Build Design Year Traffic Volume Forecasts

Future No Build traffic volumes on the VWE and local streets were projected for the 2013 estimated time of completion (ETC) and 2043 design year (ETC + 30), consistent with NYSDOT’s Design Traffic Forecast Policy. The Long Island Transportation Planning (LITP) travel demand model was used as a base to forecast future volumes in the project area. Since the LITP model is a regional model in nature, uniform growth rates were developed for the study area and applied to the balanced existing traffic volumes to estimate future traffic volumes.

The resulting annual growth rates and their corresponding growth factors are presented below in Table II-20.

TABLE II-20: FUTURE NO-BUILD ANNUAL GROWTH RATES

Time Period	2003 - 2013		2003 - 2043	
	Annual Growth Rate	Growth Factor	Annual Growth Rate	Growth Factor
A.M.	0.45 %	1.046	0.37 %	1.159
P.M.	0.47 %	1.048	0.37 %	1.159

Traffic demand for the a.m. and p.m. peak periods was forecasted separately for each analysis year. The future No-Build scenario conditions represent the future-year growth including all committed/programmed highway and transit improvements within the project limits.

2013 No Build Traffic Volume Estimates

Table II-21 summarizes the projected No-Build (2013) ETC conditions in comparison to existing traffic volumes at the project’s key locations during the a.m. and p.m. peak hours. Travel demand is expected to increase in the ten year period along the highway as well as on the local street system.

The projected growth by 2013 for the VWE between Queens Boulevard and GCP ramp connections indicates net traffic volume increases of between 200 and 240 vehicles. These relatively low volume increases are an indication of congested conditions where segments and junction areas are approaching capacity limits during peak periods. Similarly, most ramps in the study area are also expected to experience small increases in traffic volume during peak hours.

Traffic forecasts for Queens Boulevard, Jewel Avenue, UTP and JRP show low to moderate traffic volume increases during both peak hours. The projected 2013 expressway and intersection traffic volumes during the a.m. and p.m. peak hours are presented in Figures II-13 to II-14a in Appendix L.

REHABILITATION OF NINE BRIDGES AND OPERATIONAL IMPROVEMENTS VAN WYCK EXPRESSWAY, QUEENS COUNTY D010285, PIN X735.75

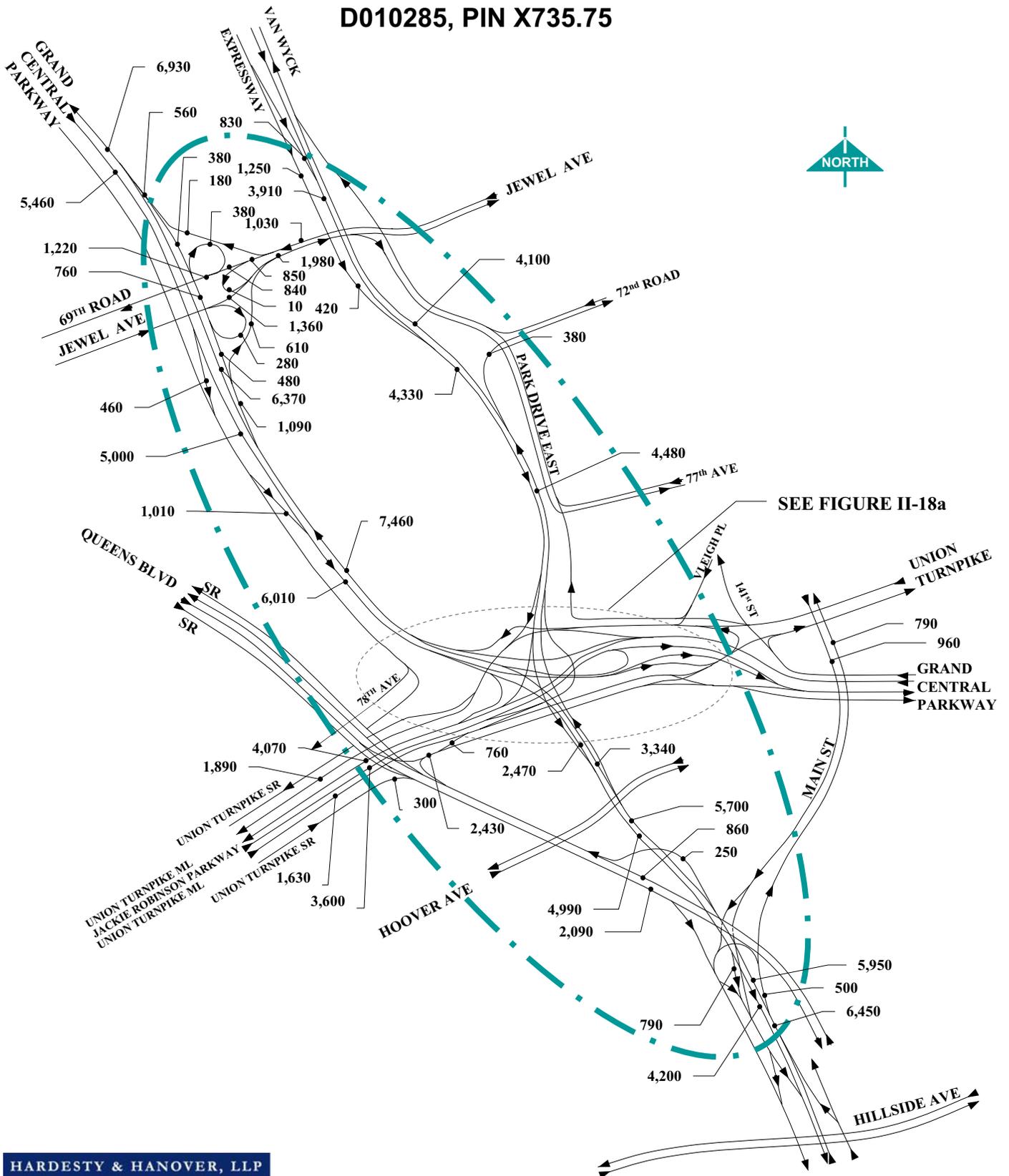


FIGURE II-18 – 2043 FUTURE NO-BUILD PM PEAK HOUR TRAFFIC VOLUMES

REHABILITATION OF NINE BRIDGES AND OPERATIONAL IMPROVEMENTS VAN WYCK EXPRESSWAY, QUEENS COUNTY D010285, PIN X735.56

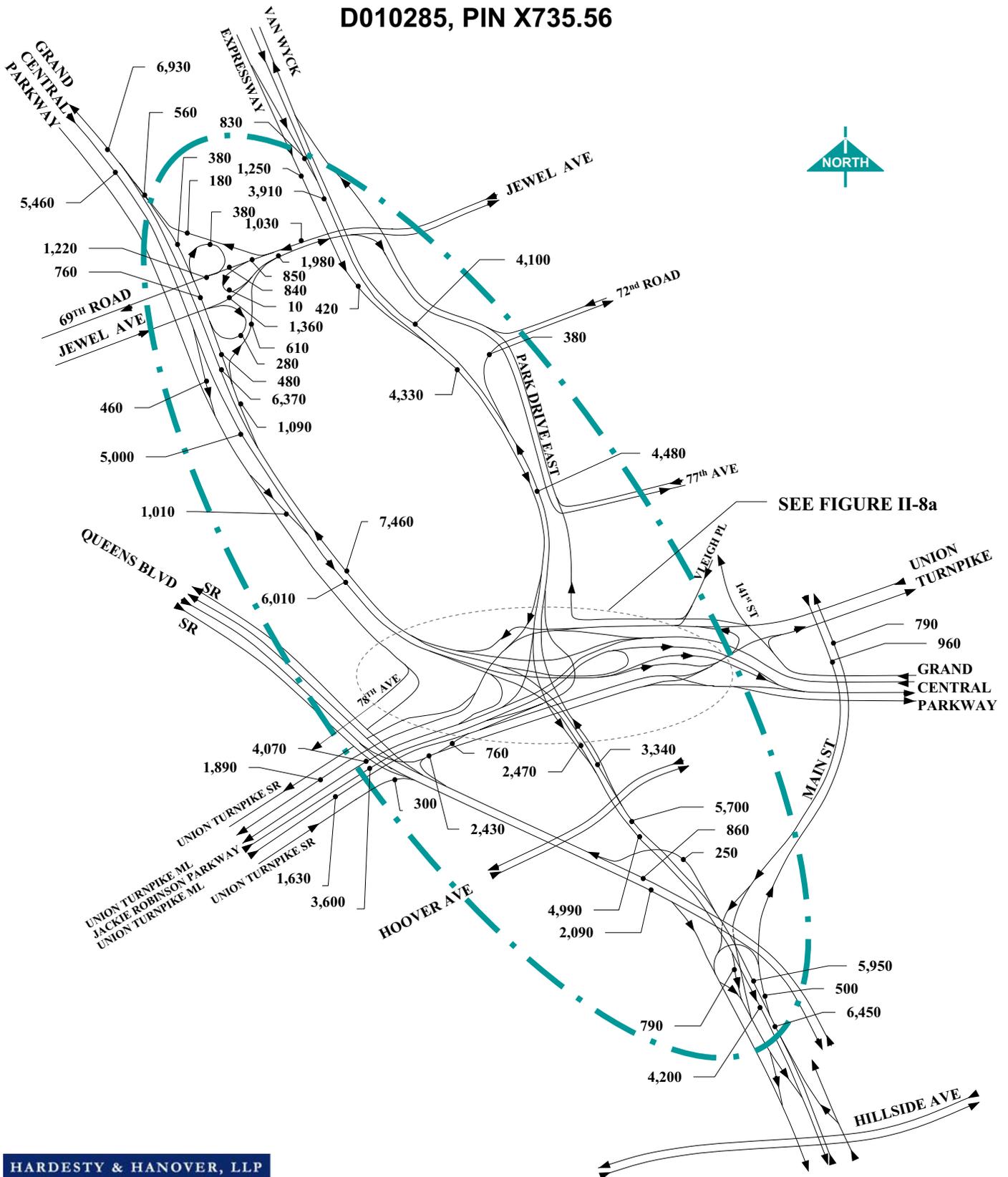
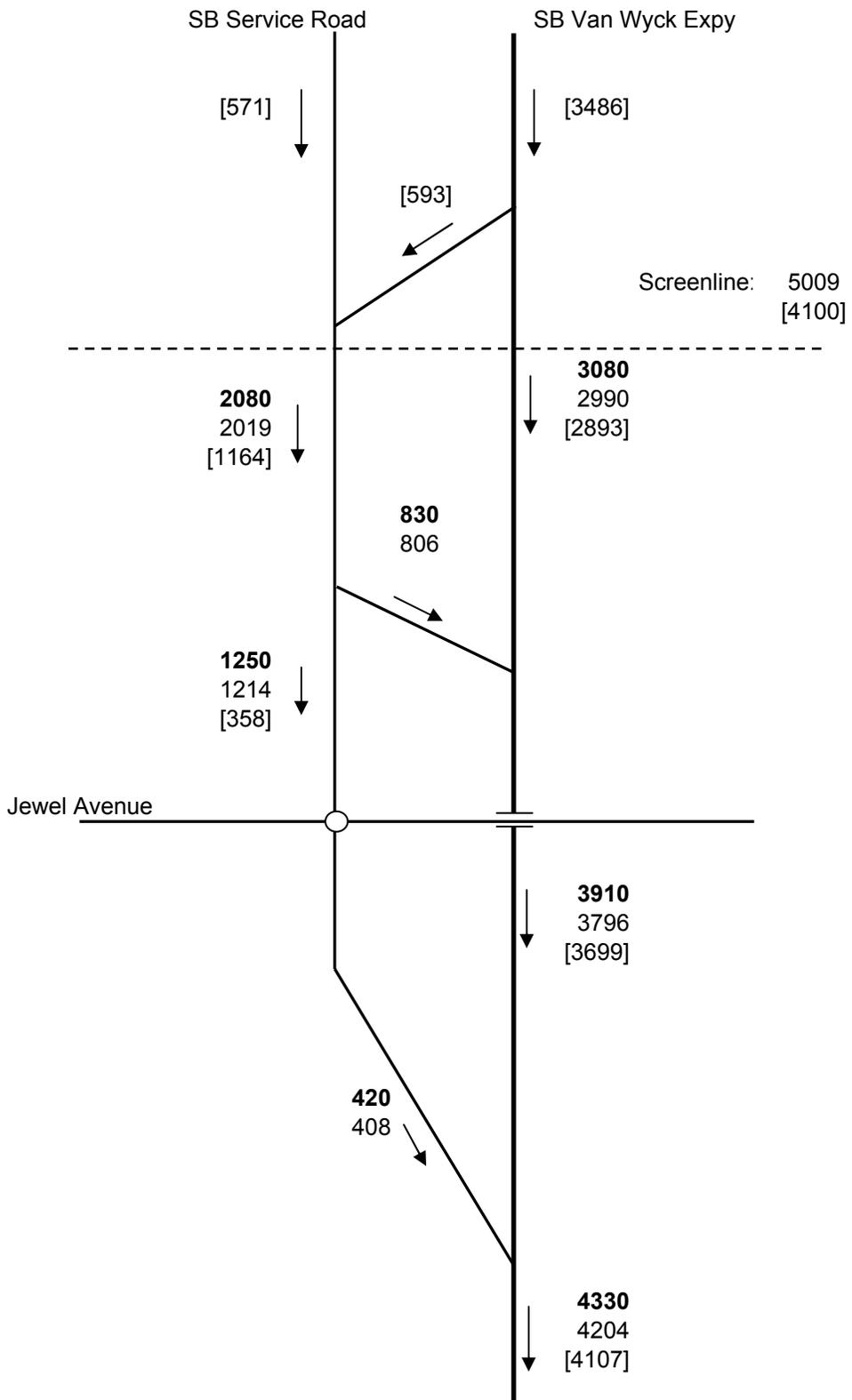


FIGURE III-4 – 2043 FUTURE BUILD PM PEAK HOUR TRAFFIC VOLUMES



2043 Reported
 2035 Calculated
 [2035] Modelled

NEW YORK CITY ECONOMIC DEVELOPMENT CORPORATION		
Willets Point Development Access Modification Report		
Southbound Van Wyck Expressway Volume Comparison		
PM PEAK HOUR		
URS	NOT TO SCALE	FIGURE 1