

Tiering to Deliver Mega Projects in the US & Local Tiering in the US: Lessons Learned in New York State and New York City



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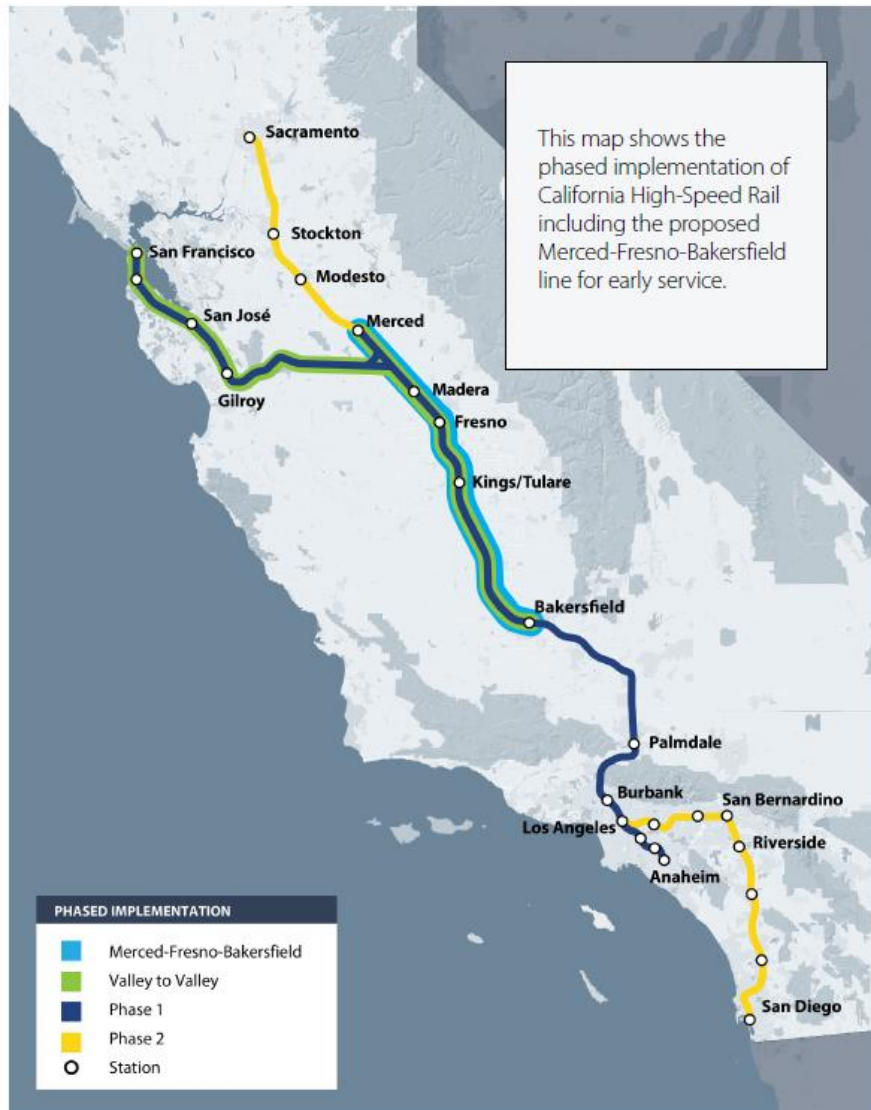
US NEPA Tiering Overview

- Long Established Component of National Environmental Policy Act of 1969
- Defined in Council of Environmental Quality CEQ § 1508.28
 - Broadest definition of government actions
 - High-level “programmatic” assessment
 - Avoids adverse segmentation
 - Identifies critical environmental constraints
 - Defines requirements for future assessment
 - Supplemental assessment integrated later
 - Focus is on the incremental evaluation
 - Broader project context incorporated by reference

USDOT Encourages Tiering

- Benefits
 - Linear projects are ripe for tiering
 - Sets stage and overall framework
 - Allows for evolution of planning and design
 - Accommodates long term and incremental financials
- Drawbacks
 - Extended timeframes
 - Political leadership/continuity
 - Public outreach and challenges
 - Circular revisits to Tier 1

California High Speed Rail

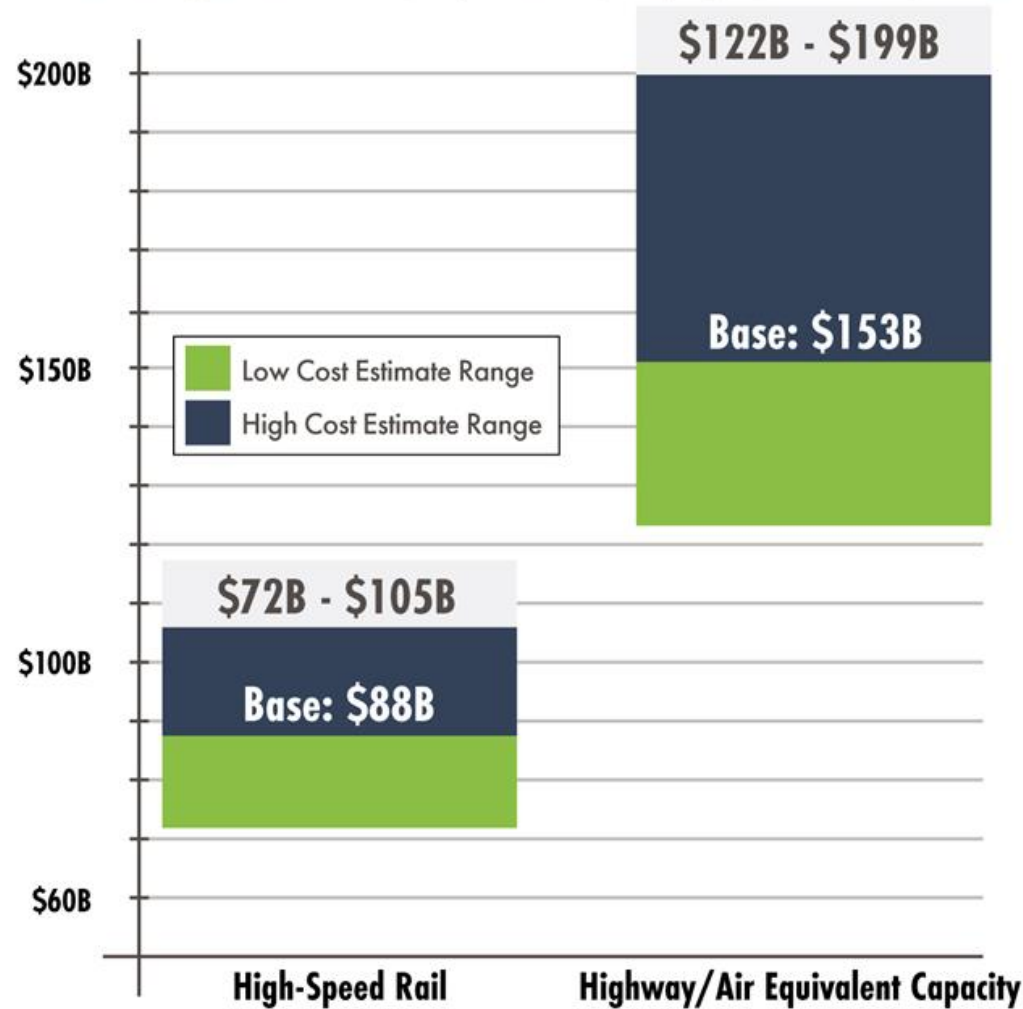


- CA HSR Authority established 1996
- Planning, Approvals, Construction, Operation
- Truly a Mega Project
 - 800 miles of track
 - Connects major urban areas
 - State-wide “scaled” alternatives
- Incredible environmental diversity
 - Multiple climate and ecological zones
- Long timetable
 - 3 Governors, 3 Presidents...so far
 - Multiple economic cycles

Source: hsr.ca.gov; SB1029 Project Update Report, May 2019

Phase 1 High- Speed Rail Cost Compared to Highway/Airport Cost

Cost of building infrastructure capacity to move 7,500 people per direction per hour



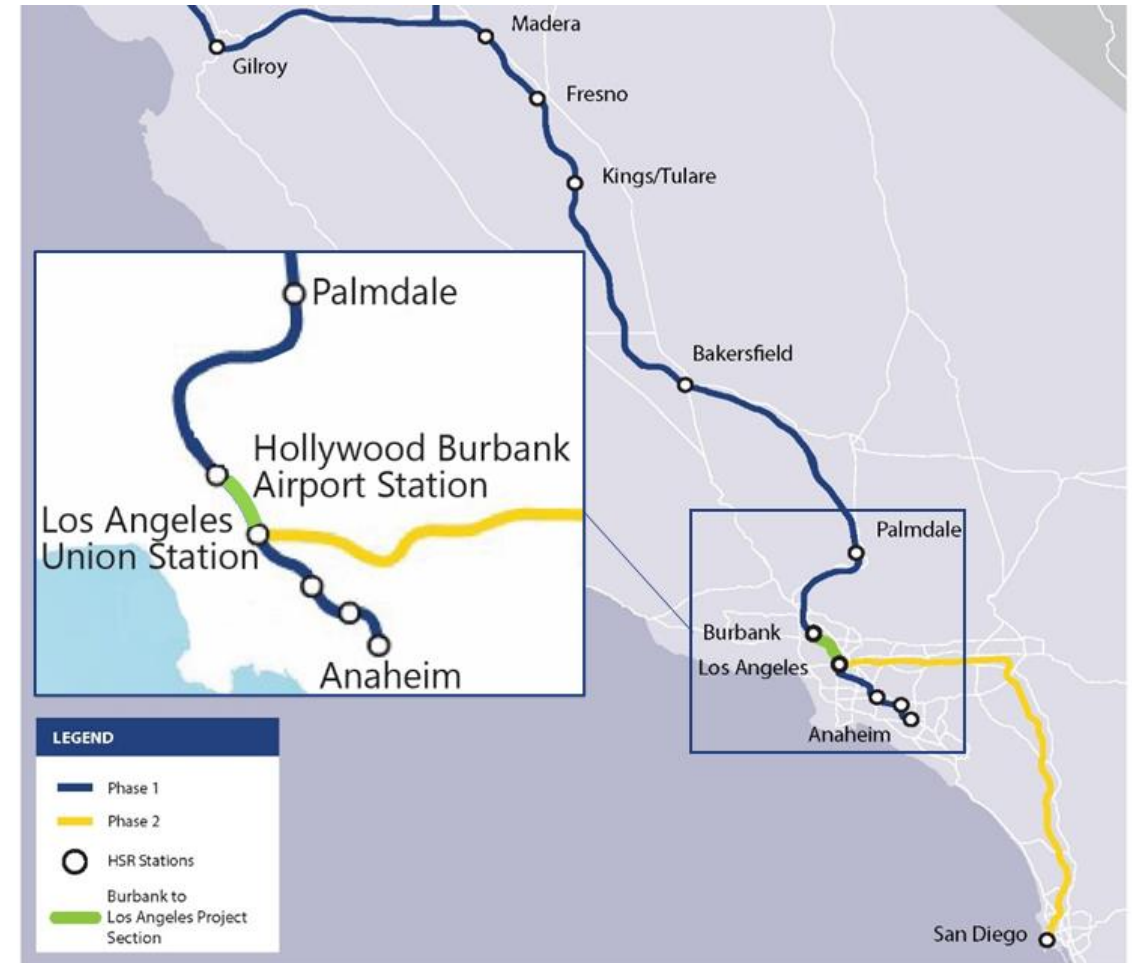
(Source: This is based on a cost forecasting/escalation for 2050. The previous figure from the 2019 report is based on pre-COVID-19 travel assumptions, the 2018 Travel Demand Model, and Caltrans planning assumptions from 2019.) High-speed rail estimate based on a cost/forecasting escalation for 2050. Highway/air estimate from the 2019 report is based on pre-COVID-19 travel assumptions, the 2018 Travel Demand Model and Caltrans planning assumptions from 2019.

Source: hsr.ca.gov

Los Angeles to Burbank Tier 2 EIR/EIS



2005	Program EIR/EIS
2008-2012	Second Program EIR/EIS
2010-2014	Alternatives Development for Palmdale to Los Angeles
2014	Project Scoping for Burbank to Los Angeles
2014-2018	Alternatives Development for Burbank to Los Angeles
2018	Identification of the Preferred Alternative
2020	Draft EIR/EIS
2021	Final EIR/EIS



HSR Tiering Take-Aways

- Summary
 - First Tier 1 Assessment completed in 2005
 - 10 Tier 2 Segments identified
 - All segments required independent utility
 - 2 initial segments started concurrently
 - Merced – Fresno and Fresno – Bakersfield are in construction
 - 6 segments have been processed concurrently
 - 2 Phase 2 segments in the future
- Tiering was absolute necessity
 - Ability to focus on segments
 - Retain connective thread of the Tier 1

Tiering in New York State

- New York State’s “Little NEPA”
 - Takes federal law to state and local decision-making
- State Environmental Quality Review Act (SEQRA, 6 NYCRR Part 617)
 - Implements New York’s Environmental Conservation Law Article 8
- Concept of NEPA Tiering is Carried into SEQRA
 - §617.10 Generic Environmental Impact Statements
 - Important for local governance decisions

Typical GEIS Applications

- Phased or programmatic master planning
 - Case Study 1: Saratoga Racetrack Master Plan
- Area wide rezoning
 - Case Study 2: NYC's Hudson Yards Re-Zoning
- Comprehensive Plans – Direction, guidance, no direct projects
- Range of post GEIS requirements
 - No further assessment
 - Revised findings
 - Minor assessment of incremental change
 - Supplemental EIS

What sets a GEIS apart?

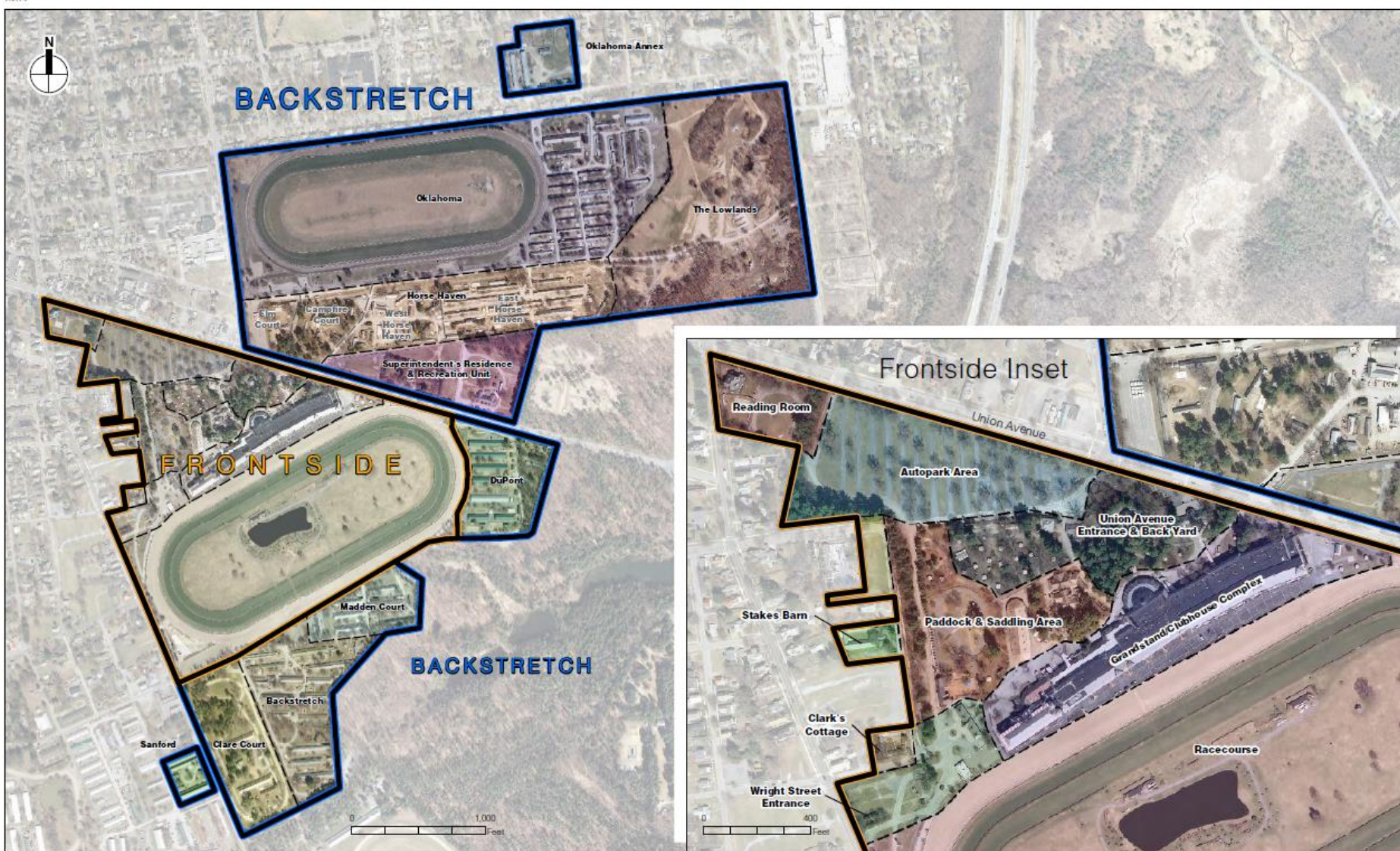
- SEQR Handbook, 4th Edition¹
 - Basic procedures are the same
 - GEIS Differences
 - Hypothetical scenarios
 - Thresholds and conditions
 - Preliminary scoping of future supplemental assessment
 - Focus on timing, phasing, monitoring
 - Performance standards rather than specific mitigation
 - Creates basis for no or limited future assessment

Saratoga Race Course Master Plan



- *Globally significant and historic race track*
- *Regional economic anchor*
- *State-owned, franchise-operated*
- *Physical plant is aging, patchwork history of investment*

Saratoga Context and Setting

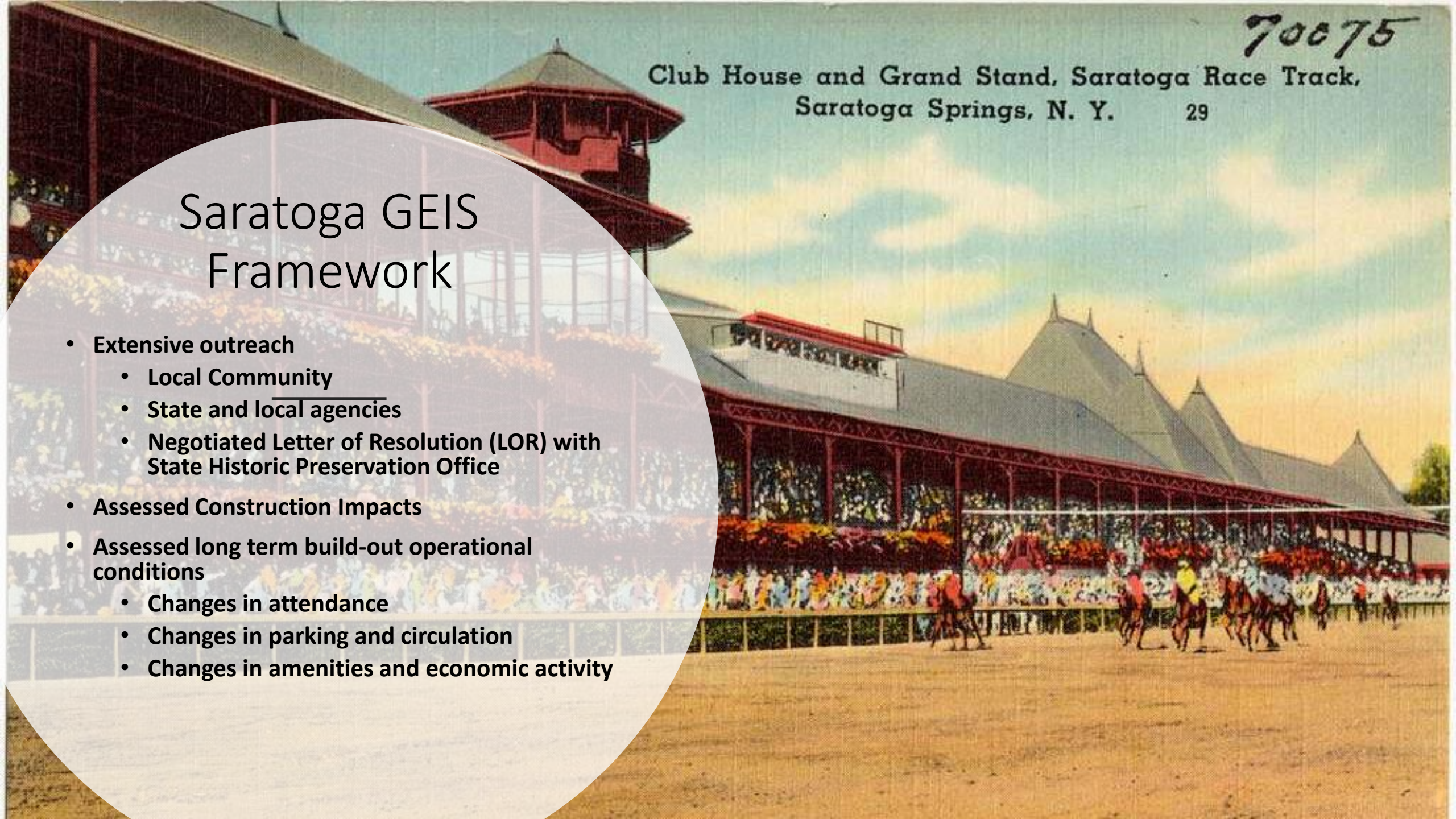


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Club House and Grand Stand, Saratoga Race Track,
Saratoga Springs, N. Y. 29

Saratoga GEIS Framework

- Extensive outreach
 - Local Community
 - State and local agencies
 - Negotiated Letter of Resolution (LOR) with State Historic Preservation Office
- Assessed Construction Impacts
- Assessed long term build-out operational conditions
 - Changes in attendance
 - Changes in parking and circulation
 - Changes in amenities and economic activity



Saratoga Threshold and Standards

- Areas of disturbance that exceed or differ from GEIS
 - Areas of archeological sensitivity and prior contamination
- Depth of excavation below bedrock
 - Potential risk to historic network of springs
- Tree removal during summer bat roosting
- Any increase in storm-water runoff
- Any increase beyond the estimated of +53,000 gpd (water/sewer) used for GEIS
- Any activity with traffic generation 20+% over GEIS estimate
- Proposed change requiring revision to LOR
- Exceedance of 2 concurrent construction projects



New York City Hudson Yards Rezoning



GEIS Actions

- 40 million sf (3.7 million sm) new development
- 80,000-person stadium
 - Part of 2012 Olympic Bid
- Javits Convention Center expansion
- 2 mile/\$2 billion extension of 7 Subway
- New Open Spaces

NYC EIA and Zoning Basics

Impact Assessment

- CEQR implements SEQRA in NYC
- CEQR Technical Manual¹
 - Guidance, methodology, impact and mitigation criteria
 - Specific to EIA in New York City
- Established coordination with land use review - ULURP

Zoning

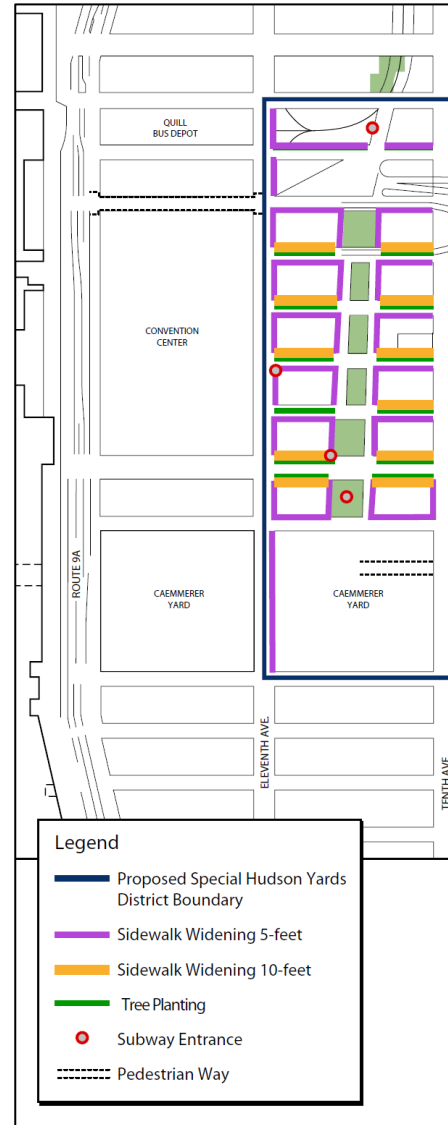
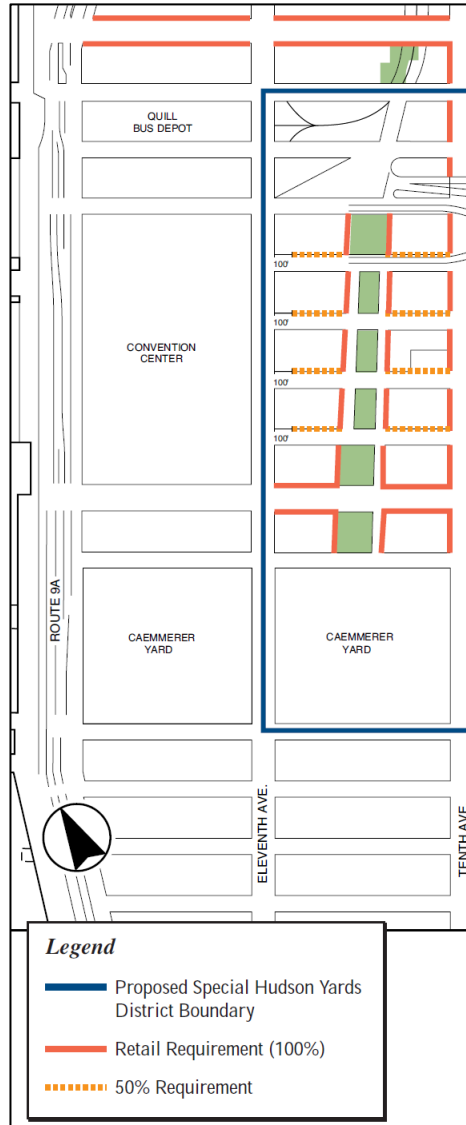
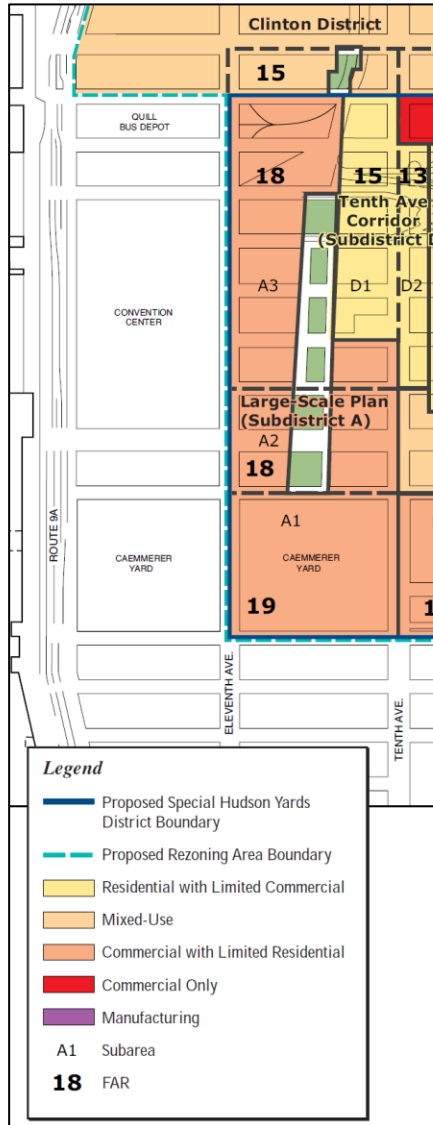
- Very comprehensive, detailed, exacting
- Zoning compliant projects are as-of-right
- Critical role for GEIS to set basis for as-of-right development

Reasonable Worst Case Development Scenario

- Correlate to long term demand
- Projected and Potential Sites
- Metrics for site identification
 - Lot Size
 - Vacant
 - Underbuilt
 - Underutilized
 - Assemblage/Catalyst Sites
- 50 Projected, 50 Potential Sites
- 12.5K residential units, 28 msf commercial, retail



Zoning Performance Standards

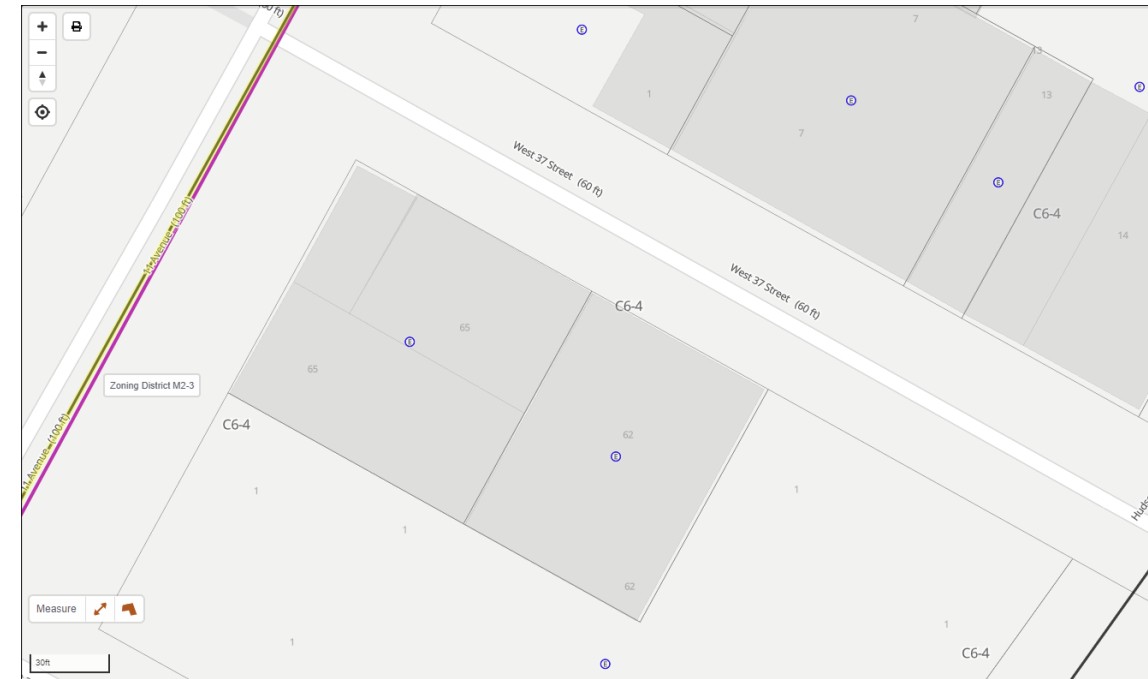


- Use and density
- Setback and bulk
- Streetscape Requirements
- Reduce/Eliminate Parking
- Value-based bonus and transfers
 - Pay for infrastructure
 - Inclusionary Housing

Findings

- Comprehensive Assessment
- Complete Approvals for Infrastructure
- 20 or so Alternative Variations
- Mitigation commitment for specific impacts
- Mitigation Task Force for long term
- Thresholds triggers/monitoring
- Extensive use of zoning E designations
 - Haz Mat
 - Air Quality
 - Interior Noise Attenuation

NYC E Designations



Source: zola.planning.nyc.gov

Post GEIS Actions

- 1 Supplemental EIS (stadium to mixed-use)
- Technical Memorandum (multiple instances)
 - Similar to a NEPA Re-Evaluation
 - Disclose change – Affirm Findings
- Multiple Minimum Level “Negative Declaration” Reviews
 - Changes in public policy (i.e., parking)
 - Changes to individual sites
- Millions of square feet of newly permitted as-of-right development

Let's continue the conversation!

Post questions and comments via chat in the IAIA22 platform.



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