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

- $122B - $199B
- Base: $153B
- Low Cost Estimate Range
- High Cost Estimate Range

- $72B - $105B
- Base: $88B

High-Speed Rail
Highway/Air Equivalent Capacity

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 Edition
  • 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

1https://www.dec.ny.gov/docs/permits_ej_operations_pdf/seqrhandbook.pdf
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
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 Manual\(^1\)
  - 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

\(^1\)https://www1.nyc.gov/site/oec/environmental-quality-review/technical-manual.page
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

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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