

Finding of No Significant Impact

NYS Route 33 Kensington Expressway Project

PIN 5512.52

Buffalo, New York

Federal Lead Agency

Federal Highway Administration

Project Sponsor and Joint Lead Agency

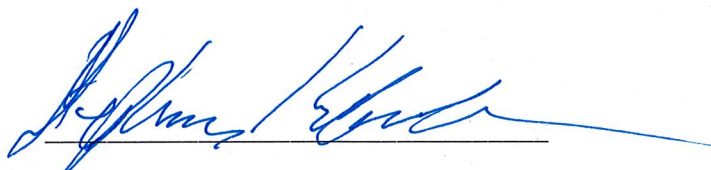
New York State Department of Transportation



Finding of No Significant Impact (FONSI)

The Federal Highway Administration (FHWA) has determined that the Proposed Action (the Build Alternative), described in the Final Design Report/ Environmental Assessment (FDR/EA) and identified as the Selected Alternative, will have no significant impact on the human or natural environment. This FONSI is based on the FDR/EA, which has been independently evaluated by the FHWA and determined to adequately and accurately document the purpose and need, environmental issues, and impact of the Proposed Action and appropriate mitigation measures. The FDR/EA provides sufficient evidence and analysis for determining that an environmental impact statement is not required. FHWA takes full responsibility for the accuracy, scope, and content of the attached FDR/EA.

Submitted by:



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New York State Department of Transportation

2/14/2024

Date

Approved by:



Richard J. Marquis
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Federal Highway Administration

2/16/2024

Date

The Federal Highway Administration may publish a notice in the Federal Register, pursuant to 23 United States Code (USC) § 139(I), indicating that one or more Federal agencies have taken final action on permits, licenses, or approvals for a transportation project. If such notice is published, claims seeking judicial review of those Federal agency actions will be barred unless such claims are filed within 150 days after the date of publication of the notice, or within such shorter time period as is specific in the Federal laws pursuant to which judicial review of the Federal agency action is allowed. If no notice is published, then the periods of time that otherwise are provided by the Federal laws governing such claims will apply.

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1.0 DESCRIPTION OF BUILD ALTERNATIVE

The NYS Route 33 Kensington Expressway Project (the Project) is located in the City of Buffalo, Erie County, New York. The purpose of the Project is to reconnect the community surrounding the defined transportation corridor and improve the compatibility of the corridor with the adjacent land uses, while addressing the geometric, infrastructure, and multi-modal needs within the corridor in its current location. The transportation corridor is defined as NYS Route 33 (Kensington Expressway) and Humboldt Parkway between Best Street and Sidney Street.

The Proposed Action and Selected Alternative is the Build Alternative. The Build Alternative will cover the depressed section of the Kensington Expressway, creating a 4,150-foot-long tunnel between Sidney Street and Dodge Street. The Kensington Expressway will be regraded north of Sidney Street and south of Dodge Street to bring the expressway back to existing grade.

The proposed tunnel will consist of two independent tubes, each of which will provide three travel lanes in each direction, with an 8-foot-wide outside shoulder and 6-foot-wide inside shoulder.

Humboldt Parkway will be reconstructed on a new alignment from Northampton Street to Sidney Street and will be separated by a proposed 90-foot-wide landscaped center median. Humboldt Parkway will be shifted approximately 16 feet further from the adjoining residences, creating an additional 9 feet of front yard space and widening the snow storage by 5 feet compared to the existing condition and No Build Alternative. Humboldt Parkway will include a sidewalk, parking lane, bicycle lane (separated from the parking lane by a 2-foot-wide striped buffer area) and one travel lane in each direction. Humboldt Parkway will also include curb bump outs for traffic calming near intersections.

A minimum of three feet of soil depth will be provided on the tunnel deck and planted with trees (up to 50 feet in height at maturity). The proposed landscaping plan involves rows of four trees at a diagonal in the Humboldt Parkway median, a layout similar to the planting approach used for the historical Olmsted-designed Humboldt Parkway. Tree plantings will also be provided along the outside of Humboldt Parkway between the parking lane and the sidewalk.

The existing bridge structures over the Kensington Expressway at East Ferry Street, East Utica Street, Northampton Street, and Dodge Street will be removed; the newly constructed cap over the tunnel will reconnect these streets at-grade and will provide additional new connections at Sidney Street/Butler Avenue, Winslow Avenue, and Riley Street.

Existing signalized intersections will be updated along the reconstructed portion of Humboldt Parkway. The Best Street signalized intersections with the Kensington Expressway ramps will be replaced by a roundabout, and a second roundabout will replace the adjacent signalized intersection between Best Street, Herman Street, and West Parade Avenue. The bridge at Best Street will be replaced with a wider bridge structure to accommodate the roundabouts. The Best

Street interchange ramps will be modified, providing two lanes on the Kensington Expressway eastbound and westbound off-ramps. The partial Kensington Expressway interchange between Northampton Street and East Utica Street will be eliminated.

During construction of Humboldt Parkway, traffic using the parkway will at times be detoured to utilize adjacent local streets. This will occur in various construction stages throughout the construction duration. Additionally, these streets will also be used for construction (truck) deliveries. To mitigate for the associated roadway degradation, the Build Alternative will include milling and paving, driveway apron replacement (as needed), and Americans with Disabilities Act (ADA) curb ramp upgrades on the affected local streets. In addition, the Build Alternative will include the following enhancements on these local streets (developed in coordination with the local community): new traffic signals with pedestrian indicators, curb replacements (as needed), sidewalk replacement (as needed), streetlight replacement (as needed), and landscaping between curbs and sidewalks, including new topsoil and grass seeding and tree planting.

The Project includes a local hire program commitment to encourage the training and hiring of local residents for construction and construction-related employment opportunities. The New York State Department of Transportation (NYSDOT) will partner with local community organizations, unions and political leaders to develop a program for local hiring. In coordination with the Federal Highway Administration (FHWA), NYSDOT will include a local hiring preference in the contract documents for the Project to encourage local hires for the contracts. NYSDOT will advertise training programs and construction employment opportunities at public meetings and the Project's outreach center. In addition, NYSDOT will monitor the local hiring metrics throughout the Project and conduct regular meetings with partnering agencies to discuss progress and any steps to modify the initiatives. NYSDOT will also include participation goals in the contract documents for contracting with women- and minority-owned businesses.

2.0 ANTICIPATED EFFECTS, MITIGATION AND ENHANCEMENTS

Table 1 summarizes the potential effects resulting from implementation of the Project, as well as the proposed mitigation measures and enhancements, as identified in the attached Final Design Report/Environmental Assessment (FDR/EA). There is the potential for temporary adverse construction-related effects associated with the Build Alternative; however, these effects will be mitigated, as described in Table 1. FHWA has determined that the Project will result in no significant impacts.

Table 2 provides additional information on the implementation and monitoring of the mitigation commitments related to long-term/operational effects of the Project.

Table 3 provides additional information on the implementation and monitoring of the mitigation commitments related to short-term/construction effects of the Project.

Table 1: Summary of Effects, Mitigation, and Enhancements of the Build Alternative

EA Section / Environmental Category	Topic	Summary of Effects	Mitigation and Enhancements
4.2 – Neighborhood Character and Community Cohesion	Benefits	Beneficial effects on neighborhood character and community cohesion as a result of improved east-west connectivity for pedestrians, improved aesthetics and visual quality, reduced traffic noise, and increased greenspace.	No mitigation needed. Beneficial effects.
	Construction	Temporary effects related to transportation, noise, vibration, visual resources, and air quality during construction. See “4.20 – Construction” of this table for construction-related effects.	See “4.20 – Construction” of this table for construction-related mitigation.
4.3 – Social Groups Benefitted or Harmed	Benefits	Beneficial effects to the elderly, individuals with disabilities, transit-dependent populations, and non-driver populations as a result of improved pedestrian accommodations (including curb ramps, crosswalks, crossing signals), improved east-west connectivity over the tunnel cap to businesses, community facilities, and transit stops.	No mitigation needed. Beneficial effects.
	Construction	Potential temporary effects related to transportation, noise, vibration, visual resources, and air quality during construction. See “4.20 – Construction” of this table for construction-related effects.	See “4.20 – Construction” of this table for construction-related mitigation.
4.4 – Environmental Justice	Neighborhood Character and Community Cohesion	Beneficial effects on neighborhood character and community cohesion as a result of improved east-west connectivity for pedestrians, improved aesthetics and visual quality, reduced traffic noise, and increased greenspace.	No mitigation needed. Beneficial effects.

Table 1: Summary of Effects, Mitigation, and Enhancements of the Build Alternative

EA Section / Environmental Category	Topic	Summary of Effects	Mitigation and Enhancements
	Parks and Recreational Resources	Beneficial effects from creation of approximately 11 acres of new publicly accessible greenspace.	No mitigation needed. Beneficial effects.
	Visual and Aesthetic Resources	Beneficial effects from new greenspace and landscaping along tree-lined parkway created on tunnel cap.	No mitigation needed. Beneficial effects.
	Air Quality	Concentrations of particulate matter and carbon monoxide will be well below (i.e., better than) the U.S. Environmental Protection Agency’s National Ambient Air Quality Standards (NAAQS), as established under authority of the Clean Air Act. Concentrations will increase slightly near the tunnel portal exits and decrease slightly along the tunnel cap. While concentrations will increase slightly near the tunnel portal exits, they are below the NAAQS; therefore, the Build Alternative will have no adverse effects on air quality.	Mitigation measures for long-term/operational effects include tunnel design elements to minimize concentrations in the portal area, investigation of wall treatments near the tunnel portal exits, tunnel washing to control dust, and additional tree plantings around the portal areas, which have beneficial effects on air quality and health (See Table 2; AIR_01, AIR_02, AIR_03, AIR_04, and AIR_05).
	Noise	Traffic noise levels will decrease for the majority of receiver locations; decreases range between 1 and 13 dB(A). Out of the 199 modeled receivers, 70 receivers (representing 271 receptors) will receive a perceptible (greater than 3 dB(A)) decrease in traffic noise levels as a result of the Build Alternative. In general, the decreases in noise levels will be most pronounced at receivers	No mitigation needed. No adverse effects, and beneficial effects in many areas.

Table 1: Summary of Effects, Mitigation, and Enhancements of the Build Alternative

EA Section / Environmental Category	Topic	Summary of Effects	Mitigation and Enhancements
		adjacent to the new tunnel cap. No receivers will experience a perceptible increase in noise levels. No adverse effects, and beneficial effects in many areas.	
	Traffic and Transportation	Elimination of up to 51 of 173 parking spaces along Humboldt Parkway within the Study Area. Refer to FDR/EA Section 4.4.3.2 for assessment of potential effects. Although parking spaces will be eliminated on Humboldt Parkway, the Build Alternative will not result in adverse effects to EJ populations, given the availability of off-street driveway parking and the excess capacity of on-street parking, per results of the parking demand study.	No mitigation needed. No adverse effects.
	Local and Regional Economies	NYSDOT will implement a local hire program for the construction of this Project.	No mitigation needed. Beneficial effects.
	Construction	Potential temporary effects related to transportation, noise, vibration, visual resources, and air quality during construction. See “4.20 – Construction” of this table for construction-related effects.	See “4.20 – Construction” of this table for construction-related mitigation.
	Overall	Overall, no disproportionately high and adverse effects on minority or low-income populations.	No additional mitigation needed. No disproportionately high and adverse effects.
4.5 – Local and Regional Economies	Benefits	Improved access to businesses for pedestrians, bicyclists, and vehicles. Elimination of partial interchange at East Utica Street will be	No mitigation needed. Beneficial effects.

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EA Section / Environmental Category	Topic	Summary of Effects	Mitigation and Enhancements
		accommodated by ramp improvements at the nearby Best Street interchange. Potential increases in household wealth, tax revenues, and infill development resulting from potential increases in property values. Short-term benefits from increased employment and spending related to construction. NYSDOT will implement a local hire program for the construction of this Project.	
	Right-of-Way Acquisitions	Minor property acquisitions. No relocations of homes or businesses.	No mitigation needed. No adverse effects.
	Construction	Potential temporary effects related to transportation. See “4.20 – Construction” of this table for construction-related effects.	See “4.20 – Construction” of this table for construction-related mitigation.
4.6 – Historic and Cultural Resources		No adverse effects on historic properties, as determined through the Section 106 of the National Historic Preservation Act process. Potential temporary effects related to transportation, noise, vibration, visual resources, and air quality during construction. See “4.20 – Construction” of this table for construction-related effects.	See “4.20 – Construction” of this table for construction-related mitigation.
4.7 – Parks and Recreational Resources		Beneficial effects from creation of approximately 11 acres of new publicly accessible greenspace. Potential temporary effects related to transportation, noise, visual resources, and air	See “4.20 – Construction” of this table for construction-related mitigation.

Table 1: Summary of Effects, Mitigation, and Enhancements of the Build Alternative

EA Section / Environmental Category	Topic	Summary of Effects	Mitigation and Enhancements
		quality during construction. See “4.20 – Construction” of this table for construction-related effects.	
4.6.5 – Section 4(f) of the U.S. Department of Transportation Act of 1966		<p>Temporary occupancy (no use) of Martin Luther King, Jr. Park and Historic District and Humboldt Parkway Historic District West during construction. <i>De minimis</i> impact determination for Hamlin Park Historic District and three additional historic properties.</p> <p>Potential temporary effects related to transportation, noise, vibration, visual resources, and air quality during construction. See “4.20 – Construction” of this table for construction-related effects.</p>	<p>Mitigation needed. The land to be temporarily occupied will be restored upon the completion of construction. Work near the MLK Jr. Park entrances along Best Street and Fillmore Avenue will be staggered so as not to occur concurrently or at the same time as the work at the southwest park entrance (see Table 3; CONSTR_PARK_01).</p>
4.8 – Visual Resources		Beneficial effects from new greenspace and landscaping along tree-lined parkway created on tunnel cap.	No mitigation needed. Beneficial effects.
4.9 – Air Quality		Concentrations of particulate matter and carbon monoxide will be well below (i.e., better than) the U.S. Environmental Protection Agency’s National Ambient Air Quality Standards (NAAQs), as established under authority of the Clean Air Act. Concentrations will increase slightly near the tunnel portal exits and decrease slightly along the tunnel cap. While concentrations will increase slightly near the tunnel portal exits, they are below	Mitigation measures for long-term/operational effects include tunnel design elements to minimize concentrations in the portal area, investigation of wall treatments near the tunnel portal exits, tunnel washing to control dust, and additional tree plantings around the portal areas, which have beneficial effects on air quality and health (See Table 2;

Table 1: Summary of Effects, Mitigation, and Enhancements of the Build Alternative

EA Section / Environmental Category	Topic	Summary of Effects	Mitigation and Enhancements
		the NAAQS; therefore, the Build Alternative will have no adverse effects on air quality.	AIR_01, AIR_02, AIR_03, AIR_04, and AIR_05).
4.10 – Energy and Greenhouse Gases		<p>Decrease of 0.04% regional vehicle miles traveled/greenhouse gas emissions/energy consumption compared to No Build. Tunnel systems will require energy consumption and emissions, including lighting and ventilation. Overall, Build Alternative will result in a net benefit with respect to greenhouse gas emissions on an annual basis. No adverse effects in regard to energy and greenhouse gas emissions.</p> <p>Energy consumption and greenhouse gas emissions during construction from construction vehicles and equipment, production of materials, and transport of materials and workers.</p>	See “4.20 – Construction” of this table for construction-related mitigation for air quality, several of which will also reduce construction-related greenhouse gas emissions .
4.11 – Noise		<p>Traffic noise levels will decrease for the majority of receiver locations; decreases range between 1 and 13 dB(A).</p> <p>Out of the 199 modeled receivers, 70 receivers (representing 271 receptors) will receive a perceptible (greater than 3 dB(A)) decrease in traffic noise levels as a result of the Build Alternative. In general, the decreases in noise levels will be most pronounced at receivers adjacent to the new tunnel cap. No receivers will</p>	No mitigation needed. No adverse effects, and beneficial effects in many areas.

Table 1: Summary of Effects, Mitigation, and Enhancements of the Build Alternative

EA Section / Environmental Category	Topic	Summary of Effects	Mitigation and Enhancements
		experience a perceptible increase in noise levels. No adverse effects, and beneficial effects in many areas.	
4.12 – Wetlands		No effects as there are no wetlands in the Study Area.	No mitigation needed. No effects.
4.13 – Surface Waters and Waterways		No effects as the portion of Scajaquada Creek located within the general Study Area is piped underground (the underground section is referred to as the “Scajaquada Drain” in the FDR/EA). No direct change to the Scajaquada Drain within the general Study Area.	No mitigation needed. No effects.
4.14 – Groundwater		No effects as there are no aquifers, drinking water supply wells, or reservoirs in the general Study Area.	No mitigation needed. No effects.
4.15 – Stormwater Management		Net reduction in impervious surface area within the Study Area. Overall, the effects on stormwater runoff will be beneficial due to the incorporation of appropriate stormwater management design and reduction in impervious surfaces.	No mitigation needed. Beneficial effects.
4.16 – General Ecology and Wildlife Resources		Creation of a total of 11 acres of treed greenspace within the Project limits. The vegetated areas on and adjacent to the tunnel cap will provide habitat for urban wildlife.	No mitigation needed. Beneficial effects.
4.17 – Threatened and Endangered Species		No effects to threatened or endangered species.	No mitigation needed. No effects.
	Lead	No removal of lead-based paint required.	No mitigation needed. No effects.

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EA Section / Environmental Category	Topic	Summary of Effects	Mitigation and Enhancements
4.18 – Asbestos and Lead	Asbestos	Disturbance of asbestos containing materials associated with the bridge structures and retaining walls (caulking) to be demolished or reconstructed.	Refer to the FDR/EA Section 4.18.3.1 “Asbestos” for a listing of commitments to avoid, minimize, or otherwise mitigate potential adverse effects.
4.19 – Hazardous Waste and Contaminated Materials	Technologically Enhanced Naturally Occurring Radioactive Materials (TENORM)	A radiological investigation and laboratory analysis found no identified concerns or observations of widespread slag deposits or elevated levels of technically enhanced natural occurring radioactive materials.	No mitigation needed. No adverse effects.
	Contaminated Soils/Properties	Construction-related abatement will remove some existing hazardous waste or contaminated materials. No other permanent effects on hazardous waste and contaminated materials.	Refer to the FDR/EA Section 4.19.3.1 “Potential Effects Related to Identified Sites of Environmental Concern” for a listing of commitments to avoid, minimize, or otherwise mitigate potential adverse effects.
4.20 – Construction	Noise	Construction noise analysis indicates that construction noise levels could exceed 80 dB(A) at distances of 100 to 150 feet or less during Project construction, which includes the residences along Humboldt Parkway and other sensitive land uses such as the Buffalo Museum of Science, Science Charter School, and MLK Jr. Park.	Mitigation needed. A Construction Noise Mitigation Plan will be developed and will include: a construction noise monitoring program, nighttime work restrictions, temporary construction abatement measures, equipment restrictions, and public information/outreach measures (See Table 3; CONSTR_NOISE_01, CONSTR_NOISE_02, CONSTR_NOISE_03, CONSTR_NOISE_04,

Table 1: Summary of Effects, Mitigation, and Enhancements of the Build Alternative

EA Section / Environmental Category	Topic	Summary of Effects	Mitigation and Enhancements
			CONSTR_NOISE_05, CONSTR_NOISE_06, CONSTR_NOISE_07, CONSTR_NOISE_08), CONSTR_GENERAL_01, and CONSTR_GENERAL_02).
	Vibration	Construction vibration analysis indicates that vibration levels will not exceed industry recognized damage thresholds at any properties within the study area. Although infrequent and below the potential for building damage, blasting vibration will be perceptible.	Mitigation needed. A Construction Vibration Mitigation Plan will be developed and will include: a construction vibration monitoring program, nighttime work restrictions, equipment restrictions, a blasting program, building condition surveys, and public information/outreach measures (See Table 3; CONTR_NOISE_08, CONSTR_VIBR_01, CONSTR_VIBR_02, CONSTR_VIBR_03, CONSTR_VIBR_04, CONSTR_GENERAL_01, and CONSTR_GENERAL_02).
	Air Quality	Construction air quality analysis indicates that certain construction operations could increase particulate matter in the form of fugitive dust, as well as particulate matter in exhaust emissions from material delivery trucks, construction equipment, and worker’s private vehicles. Controlled blasting does not have the potential to alter radon propagation into homes.	Mitigation needed. A Construction Air Quality Mitigation Plan will be developed and will include: equipment restrictions, a Dust Control Plan, and an outdoor ambient air quality monitoring program (See Table 3; CONSTR_AIR_01, CONSTR_AIR_02, CONSTR_AIR_03, CONSTR_AIR_04,

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EA Section / Environmental Category	Topic	Summary of Effects	Mitigation and Enhancements
		Controlled blasting is not anticipated to result in the migration of noxious gases.	CONSTR_AIR_05, CONSTR_AIR_06, CONSTR_GENERAL_01, and CONSTR_GENERAL_02).
	Stormwater Management	Potential for soil erosion, sedimentation, and spills during construction.	Mitigation needed. Obtain and implement requirements of SPDES Construction General permit, including erosion and sediment controls, soil stabilization, dewatering, and pollution prevention measures (see Table 3; CONSTR_Stormwater_01).
	Traffic and Transportation	<p>Potential temporary effects to traffic during construction, including local road lane narrowing, lane shifts, and lane closures. Temporary changes to bus stop locations, parking, and pedestrian routes.</p> <p>Temporary effects to mobility as east-west bridge connections are demolished.</p> <p>Potential temporary effects to on-street parking, due to higher demand (construction staff and temporary closures) during construction.</p> <p>Potential temporary effects /disruption of transit services during construction.</p> <p>Potential adverse effects to local roadways adjacent to the transportation corridor, such as pavement/infrastructure degradation, due to traffic detours and material/equipment deliveries during construction.</p>	Mitigation needed. Mitigation will include: a minimum of two lanes in each direction will be maintained during peak hours on the Kensington Expressway and one lane maintained on Humboldt Parkway northbound and southbound; certain east-west crossings will be maintained based on coordination with the public (essential crossings) and the Buffalo Fire Department (emergency access); Contractor restrictions related to on-street parking and staging areas; NFTA coordination to ensure no impacts to transit services; and local roadway work, including milling, paving, driveway apron replacement (as needed), ADA curb ramp upgrades.

Table 1: Summary of Effects, Mitigation, and Enhancements of the Build Alternative

EA Section / Environmental Category	Topic	Summary of Effects	Mitigation and Enhancements
			<p>Enhancement. Local roadway work, including new traffic signals with pedestrian indicators, curb replacements (as needed), sidewalk replacement (as needed), streetlight replacement (as needed), and landscaping between curbs and sidewalks, such as new topsoil, grass seeding, and tree plantings. (See Table 3; CONSTR_TRAFF_01, CONSTR_TRAFF_02, CONSTR_TRAFF_03, CONSTR_TRAFF_04, CONSTR_TRAFF_05, CONSTR_TRAFF_06, CONSTR_GENERAL_01, and CONSTR_GENERAL_02).</p>

Table 2: Long-Term/Operational Effects Mitigation Commitments

Commitment Number	Mitigation Commitment	Responsible Entities	Timing	Implementation and Verification Measures	Reporting/ Documentation
AIR_01	Tunnel ceiling vents near exit portals to redistribute a portion of portal jet emissions.	NYSDOT, contractor	Final design	Design-build contract requirements to further evaluate the use of tunnel ceiling vents.	Contractor to prepare technical memo documenting design approach to vents.
AIR_02	Investigate wall treatments near portal exits to remove pollutants	NYSDOT, contractor	Final design	Design-build contract requirements to investigate and determine whether it is feasible and practical to implement wall treatments in the areas adjacent to the portals.	Contractor to prepare technical memo documenting recommended wall treatment approach for NYSDOT review/approval, including consideration of the air quality benefits, cost, and maintenance considerations.
AIR_03	Use longitudinal ventilation system to dilute and disperse pollutants, minimizing concentrations near portals	NYSDOT, contractor	Final design	Tunnel operating procedures to include the goal of reducing the potential for increased concentrations near the portal jet by drawing in additional fresh air and increasing dispersion when warranted by air quality monitoring data in the tunnel.	Maintain records of tunnel air quality sensor readings, traffic volumes and incidents requiring jet fan activation.

Table 2: Long-Term/Operational Effects Mitigation Commitments

Commitment Number	Mitigation Commitment	Responsible Entities	Timing	Implementation and Verification Measures	Reporting/ Documentation
AIR_04	Dust control in the tunnel interior to reduce dust resuspension by traffic. Tunnel washing will occur two times per year at a minimum, and more often if warranted by visible dust build-up on the tunnel walls.	NYSDOT	Tunnel operation	Incorporate in NYSDOT training programs and new standard operating procedures related to tunnel maintenance.	Maintain records of tunnel washing schedule
AIR_05	Provide approximately 11 acres of new publicly accessible greenspace and 480 trees to remove particulate matter and provide other health-related benefits. Plant trees in front of residential properties adjacent to portals. Plant low growing shrubs and trees in the greenspace immediately adjacent to the portals.	NYSDOT, City of Buffalo	Final design and long-term during operation	<p>Design-build contract provisions to set framework for required quantity and quality of trees and other plantings.</p> <p>Maintenance agreement with City to establish long-term maintenance approach.</p> <p>Information on final landscaping plan details will be shared with public.</p>	Final landscaping plan/specifications, final maintenance agreement, record-keeping related to implementation of maintenance agreement.

Table 3: Short-Term/Construction Effects Mitigation Commitments

Commitment number	Mitigation Commitment	Responsible Entity	Timing	Implementation and Verification Measures	Reporting/ Documentation
CONSTR_GENERAL_01	Contractor to hire community liaison to function as primary contact for communication of public construction concerns to the contractor	NYSDOT, contractor	Before construction	Include community liaison requirement in Design-Build contract. The community liaison will assist and facilitate public communication and involvement.	The community liaison will oversee the construction comment tracking system and will document outreach activity through daily logs.
CONSTR_GENERAL_02	Project Community Outreach Office to remain open throughout final design and construction.	NYSDOT	Final design and construction	Office to remain open to continue accommodating visitors who have questions, comments, and/or concerns about ongoing and upcoming construction activities.	Office will keep a log of comments/complaints received during construction.
CONSTR_HAZMAT_01	Perform Detailed Site Investigation consisting of a soil gas survey and soil boring inspection if excavation is required at 18 sites with the potential for petroleum contamination	NYSDOT, contractor	Confirm if any detailed investigations are required during final design	Include in Design-Build contract	Document investigations in reports if required.
CONSTR_HAZMAT_02	Minimize disturbance of potentially contaminated soil and groundwater at 1055 Genesee Street (property with institutional controls).	NYSDOT, contractor	Construction	Include in Design-Build contract	N/A
CONSTR_HAZMAT_03	Prepare a health and safety plan for the protection of workers and the surrounding community. Temporarily stockpile and characterize excavated soils for off-site disposal in accordance with federal, state, and local regulations.	NYSDOT, contractor	Prepare plan during final design, implement during construction	NYSDOT review/approve health and safety plan Construction inspections to verify implementation	Details of reporting and emergency notification protocols to be included in health and safety plan.
CONSTR_Stormwater_01	Obtain and implement requirements of SPDES Construction General permit, including erosion and sediment controls, soil stabilization, dewatering, and pollution prevention measures.	Contractor	Obtain permit during final design, implement protective measures during construction.	NYSDOT construction inspection includes verification that permit conditions are being implemented	Documentation per General Permit requirements
CONSTR_AIR_01	Contractor to use lower emission equipment (Tier 4 emissions standards or diesel particulate retrofits of older equipment), where appropriate and to the extent practicable.	NYSDOT, contractor	Construction	Include in Design-Build contract Construction inspections	Contract provisions will require the contractor to report monthly to NYSDOT the total number of pieces of equipment over 50 horsepower used on-site and the number/type out of this total that met Tier 4 emissions standards. The contractor will also be required to consider and report on the use of diesel particulate filters.

Table 3: Short-Term/Construction Effects Mitigation Commitments

Commitment number	Mitigation Commitment	Responsible Entity	Timing	Implementation and Verification Measures	Reporting/ Documentation
CONSTR_AIR_02	Contractor to prepare and implement a Dust Control Plan that includes pro-active measures to prevent discharge of dust into the atmosphere. In areas not subject to traffic, apply products and materials including vegetative cover, mulch, and spray adhesives on soil surfaces to prevent airborne migration of soil particles. In areas subject to traffic, apply products and materials including water sprinkling, polymer additives, barriers, windbreaks, and wheel washing.	NYSDOT, contractor	Prepare plan during final design Implement during construction	Include in Design-Build contract Construction inspections to monitor compliance Dust complaint investigations Particulate monitoring per CONSTR_AIR_05	Documentation and tracking component to help clarify which dust control measures need to be considered for specific types of construction (similar to SWPPP)
CONSTR_AIR_03	Avoid locating diesel engines within 50 feet of sensitive receptors such as residences and schools where practicable (locate equipment in transportation corridor to maximize the source-receptor distance).	NYSDOT, contractor	Construction	Include in Design-Build contract Construction inspections to monitor compliance	Document any violations and address with corrective action
CONSTR_AIR_04	Limit idling time for diesel powered equipment in accordance with NYSDOT standard specifications.	NYSDOT, contractor	Construction	Include in Design-Build contract Construction inspections to monitor compliance	Document any violations and address with corrective action
CONSTR_AIR_05	Implement an outdoor ambient air quality monitoring program during construction of the Project overseen by NYSDOT. The program will consist of real-time particulate monitoring at a number of locations within the local community. Locations and durations will be determined in consideration of land uses, non-Project sources of emissions, and construction phasing. Locations of monitors will be determined during final design. Background particulate monitoring will be conducted as part of the program to establish and routinely verify baseline levels.	NYSDOT, contractor	Include in Design-Build contract Construction inspections to monitor compliance	If the monitoring data show that air quality levels are approaching a concern level that may result in an exceedance of the NAAQS (to be established during final design), then operational and/or mechanical deficiencies will be identified and corrected. If the data result in any particulate air quality levels that exceed the NAAQS, then the applicable construction activities will be suspended until the deficiencies are identified and corrected.	Results of onsite air quality monitoring data will be available for the public to view on the Project website. Prepare summary report at conclusion of construction
CONSTR_AIR_06	Remove covering material, such as blast mats used to mitigate against flyrock and	NYSDOT, contractor	Construction	Include in construction contract	Blasting Report Form (see GEM 22, the Geotechnical Engineering Manual published by the NYSDOT)

Table 3: Short-Term/Construction Effects Mitigation Commitments

Commitment number	Mitigation Commitment	Responsible Entity	Timing	Implementation and Verification Measures	Reporting/ Documentation
	muffle blast noise, promptly after the all-clear signal has been given for a blast. Excavation of fragmented rock will be conducted promptly and completed before detonation of a blast adjoining a previously detonated blast.				
CONSTR_NOISE_01	Implement a construction noise monitoring program, including establishing the noise levels that will trigger the need for investigation and/or changes to construction approaches. These noise levels will be determined during final design.	NYSDOT, contractor	Prepare monitoring plan during final design	<p>The construction noise monitoring program will be prepared with input from the community and allow for modification of methodologies in consideration of public input received throughout construction.</p> <p>If the noise threshold levels are exceeded, then the applicable construction activities will be suspended until a plan to abate the noise issues has been approved by the NYSDOT.</p>	The results of the noise monitoring will be available on the Project website. The public will also have the opportunity to discuss any questions or concerns with the community liaison designated for the Project and/or by visiting the staffed Project Community Outreach Office.
CONSTR_NOISE_02	Coordinate work operation to coincide with time periods that will least affect neighboring residences and businesses to the extent practicable. Normal work hours will be scheduled between 6:00 a.m. and 9:00 p.m. Although the NYSDOT is not subject to local noise ordinances, the contractor will implement reasonable efforts to accommodate the intent of the local ordinance to the extent practicable. No blasting or mechanical rock removal will be performed at night.	NYSDOT, contractor	Construction	<p>Include in Design-Build contract Construction inspections</p> <p>Noise monitoring data available per CONSTR_NOISE_01</p>	Require documentation of exceptions where nighttime construction cannot be avoided, the reasons (including cost) that avoidance was not practicable, and documentation of NYSDOT approval of exception to the nighttime work limitations.
CONSTR_NOISE_03	Implement temporary construction noise abatement measures, such as shrouds or other noise curtains, acoustic fabric, physical barriers, and/or enclosures to reduce noise from pile drivers, compressors, generators, pumps, and other equipment when practicable. The need for each of these temporary measures will be assessed during final design.	NYSDOT, contractor	Prepare construction noise abatement plan during final design, implement during construction.	<p>Include in Design-Build contract</p> <p>The effectiveness and need of these temporary measures will be assessed in real-time throughout construction based on public input (e.g., noise concerns) and the construction noise monitoring program.</p>	Photo documentation/ log of noise abatement measures being used for each major construction activity.

Table 3: Short-Term/Construction Effects Mitigation Commitments

Commitment number	Mitigation Commitment	Responsible Entity	Timing	Implementation and Verification Measures	Reporting/ Documentation
CONSTR_NOISE_04	Require motorized construction equipment to be equipped with an appropriate well-maintained muffler and require silencers to be installed on both air intakes and air exhaust when practicable.	NYSDOT, contractor	Construction	Include in Design-Build contract Construction inspections	Log of any equipment not meeting specifications and corrective action taken by contractor to address
CONSTR_NOISE_05	Require all construction devices with internal combustion engines to be operated with engine doors closed and with noise-insulating material mounted on the engine housing that does not interfere with the manufacture guidelines.	NYSDOT, contractor	Construction	Include in Design-build contract	Log of any equipment not meeting specifications and corrective action taken by contractor to address
CONSTR_NOISE_06	Contractor to transport construction equipment and vehicles carrying rock, concrete, or other materials along designated routes that will cause the least disturbance to noise sensitive receivers when practicable.	NYSDOT, contractor	Before construction	Require NYSDOT review and approval of proposed haul truck routes in Design-Build contract	N/A
CONSTR_NOISE_07	Require self-adjusting or manual audible back up alarms or broadband alarms in lieu of pure tone alarms for vehicles and equipment used in areas adjacent to sensitive noise receivers.	NYSDOT, contractor	Construction	Include in Design-Build contract Construction inspections	Log of any equipment not meeting specifications and corrective action taken by contractor to address
CONSTR_NOISE_08	No impact pile driving allowed for this project. In addition, Contractor to use pre-auguring equipment to reduce the duration vibratory pile driving when practicable.	NYSDOT, contractor	During construction	Include in Design-Build contract Construction inspections	Document conclusions regarding feasibility of pre-auguring and the standard operating procedure for pre-auguring for different locations/types of piles on this project.
CONSTR_VIBR_01	Implement a construction vibration monitoring program that includes a communication and public outreach plan throughout the construction period.	NYSDOT, contractor	Prepare monitoring plan during final design. Implement during construction.	Include in Design-Build contract. Construction inspections. Prepare with input from the community and allow for modification of methodologies based on public input throughout construction. Community liaison (per CONSTR_General_01) will conduct proactive outreach ahead of blasting and pile driving activities.	The results of construction vibration monitoring will be available for the public to view on the project website.

Table 3: Short-Term/Construction Effects Mitigation Commitments

Commitment number	Mitigation Commitment	Responsible Entity	Timing	Implementation and Verification Measures	Reporting/ Documentation
				Blasting schedule at community outreach office Inform local police and emergency services of blasting schedule Use pre-blast audio alert procedures.	
CONSTR_VIBR_02	Prohibit nighttime use of impact and drilling equipment including pile drivers, jackhammers, hoe rams, core drills, direct push soil probes (e.g., Geoprobe), pavement breakers, pneumatic tools, and rock drills	NYSDOT, contractor	Construction	Include in Design-Build contract Construction inspections Noise monitoring data available per CONSTR_NOISE_01	Require documentation of exceptions where nighttime use of prohibited equipment cannot be avoided, the reasons (including cost) that avoidance was not practicable, and documentation of NYSDOT approval of the exception to the nighttime work limitations.
CONSTR_VIBR_03	Contractor to develop and implement a blasting program designed to avoid the potential for damage to structures by modifying the weight of explosives per delay, the loading density, and the delay pattern consistent with GEM22, the Geotechnical Engineering Manual published by the NYSDOT. Blast vibration will be kept within bounds as determined by US Bureau of Mines in Report of Investigations 8507 and adjusted on an as-needed basis during construction.	NYSDOT, contractor	Construction	Include in Design-Build contract Construction inspections/oversight procedures Prior to construction blasting, test blasts will be conducted to assess appropriate explosive charge weights, and if deemed appropriate, industry-standard signature hole analysis. Conduct vibration and airblast monitoring per the blasting program.	Contractor maintain required records of blasting program implementation
CONSTR_VIBR_04	Although no threshold damage is expected, any unanticipated damage to buildings or utilities found by the NYSDOT to be attributable to the project construction will be repaired by the contractor. Pre- and post-construction surveys of building conditions will be conducted within a survey area of up to approximately 300 feet (this estimated distance for the surveys will be refined during final design, as appropriate).	NYSDOT, contractor	Determine survey details during final design Surveys to be conducted just before construction and after construction	Include in Design-Build contract Require NYSDOT review/approval of protocol for survey area and methodology for building condition surveys before starting surveys. Community liaison (per CONSTR_General_01) will conduct proactive outreach in advance of surveys.	Building condition survey reports, including photos
CONSTR_TRAFF_01	Maintain two lanes of traffic in each direction on the Kensington Expressway during construction	NYSDOT, contractor	Construction	Include in Design-Build contract Verify during review of Work Zone Traffic Control plan submittals	N/A

Table 3: Short-Term/Construction Effects Mitigation Commitments

Commitment number	Mitigation Commitment	Responsible Entity	Timing	Implementation and Verification Measures	Reporting/ Documentation
				Public notice and communication of temporary closures.	
CONSTR_TRAFF_02	Maintain one lane of traffic on Humboldt Parkway northbound and southbound	NYSDOT, contractor	Construction	<p>Include in Design-Build contract</p> <p>Verify during review of Work Zone Traffic Control plan submittals</p> <p>Public notice and communication of temporary closures.</p>	N/A
CONSTR_TRAFF_03	<p>During construction, east-west crossings will be maintained as follows based on coordination with Buffalo Fire Department and construction traffic/emergency access:</p> <ul style="list-style-type: none"> Northampton Street and East Ferry Street will be maintained for vehicle and pedestrian movement during construction through the use of temporary bridges. Dodge Street and East Utica Street may be closed at times during the construction sequence. Pedestrian-only temporary bridges will be used as appropriate to maintain east-west connectivity during the construction period. Pedestrian crossings will be located at a maximum spacing of 1,300 feet. 	NYSDOT, contractor	Construction	<p>Include in Design-Build contract</p> <p>Verify during review of Work Zone Traffic Control plan submittals</p> <p>Continue Buffalo Fire Department coordination through development of final Work Zone Traffic Control plans</p> <p>Public notice and communication of temporary closures.</p>	N/A
CONSTR_TRAFF_04	Construction effects, such as pavement degradation, on local roads adjacent to the transportation corridor will be mitigated by the implementation of improvements such as pavement milling paving, driveway apron replacement (as needed) and ADA curb ramp upgrades.	NYSDOT, contractor	Construction	Include in construction contract	N/A
CONSTR_TRAFF_05	Contractor to provide adequate off-street parking for construction workers.	NYSDOT, contractor	Construction	<p>Include in Design-Build contract</p> <p>Require submittal of contractor's analysis of worker parking required and where the required amount of parking would be met.</p>	N/A
CONSTR_TRAFF_06	NYSDOT will coordinate with NFTA to ensure that changes to service (such as	NYSDOT, contractor	Construction	Include requirement in Design-Build contract to maintain bus routes	N/A

Table 3: Short-Term/Construction Effects Mitigation Commitments

Commitment number	Mitigation Commitment	Responsible Entity	Timing	Implementation and Verification Measures	Reporting/ Documentation
	temporary relocation of bus stops, for example) will be communicated to transit users and that temporary bus stops will remain within walkable distance. No bus routes will be discontinued during construction and transit riders will be able to travel using all routes that are available to them under normal conditions.			Involve NFTA concurrently with NYSDOT's review of contractor's plan to maintain bus routes and temporary changes to bus routes. Public notice and communication of bus stop location changes	
CONSTR_PARK_01	The land within MLK Jr. Park to be temporarily occupied will be restored upon the completion of construction. Work near the MLK Jr. Park entrances along Best Street and Fillmore Avenue will be staggered so as not to occur concurrently or at the same time as the work at the southwest park entrance.	NYSDOT, contractor	Final design, construction	Include requirements in construction contracts	N/A

3.0 PUBLIC AND AGENCY COORDINATION

Public involvement is an integral part of the environmental review and decision-making processes, and the Federal Highway Administration (FHWA) and New York State Department of Transportation (NYSDOT) have provided, and will continue to provide, opportunities for meaningful public and agency participation and engagement in the Project.

A public scoping meeting for the Project was held on June 30, 2022 at the Buffalo Museum of Science, 1020 Humboldt Parkway, Buffalo, New York to provide information about the Project; describe the Project development and environmental review processes; and obtain input from attendees. One session was held from 11:00 AM to 2:00 PM and a second session was held from 5:00 PM to 8:00 PM; sessions were held at different times of the day to accommodate varying work schedules and to maximize opportunities for attendance. During the morning session, 122 people attended. During the evening session, 105 people attended (227 attendees total). The attendees consisted of community members, elected officials' representatives, business owners, and members of the local media.

A public information meeting was held on Tuesday, June 20, 2023, at the Buffalo Museum of Science, 1020 Humboldt Parkway, Buffalo, New York to provide updated information on the Project; describe progress on Project development and environmental review processes; and obtain input from attendees. One session was held from 11:00 AM to 2:00 PM and a second session was held from 5:00 PM to 8:00 PM; sessions were held at different times of the day to accommodate varying work schedules and to maximize opportunities for attendance. During the morning session, 126 people attended. During the evening session, 114 people attended (240 attendees total).

A public hearing was held on Wednesday, September 27, 2023 at the Buffalo Museum of Science, 1020 Humboldt Parkway, Buffalo, NY 14211. One session was held between 10:30 AM and 2:00 PM and a second session was held from 4:30 PM to 8:00 PM; sessions were held at different times of the day to accommodate varying work schedules and to maximize opportunities for attendance. Each session consisted of an open forum information session with a formal meeting at 11:30 AM and 5:30 PM for each session. The formal meetings afforded opportunity for public testimony, which have become a part of the project record. Design plans for the Project developed by the NYSDOT in coordination with Federal, State, and local agencies were displayed. NYSDOT representatives were on hand to discuss the Project and answer questions. Tentative schedules for right-of-way acquisition and construction were also available to be discussed. During the morning session, 103 people attended and 20 people gave public testimony. During the evening session, 152 people attended and 32 people gave public testimony (255 attendees and 52 speakers total).

The public comment period on the Draft Design Report/Environmental Assessment began on September 12, 2023, and was originally scheduled to conclude on October 27, 2023 (45 days

total). Based on the level of public interest and to afford the public more time to submit comments, the NYSDOT extended the comment period to November 10, 2023 (59 days total). The NYSDOT and FHWA considered the comments received during the comment period, as well as those received throughout the environmental review process, as part of the overall decision-making process for the Project. New and substantive comments received during the official comment period are responded to in the Final Design Report/EA. The Final Design Report/EA includes revisions that were made in response to new and substantive comments received.

A Project website (<http://kensingtonexpressway.dot.ny.gov>) was established to provide information about the Project. The website serves as a source of Project information, including reports, maps, drawings and Project updates. The site also functions as a continuous means for the public to submit comments at any point during the Project. The website will continue to be updated to include announcements of public meetings and provide access to documents.

On November 1, 2022, the NYSDOT opened a Community Outreach Office for the Project in the FellowshipWorld Church at 878 Humboldt Parkway. The office is centrally located within the defined transportation corridor, in a community with environmental justice populations, and is transit-accessible (direct service by NFTA bus Route #12 on East Utica Street). The office is ADA-accessible. The purpose of the office is to provide a resource for members of the public to access information, ask questions, provide input, and learn about the Project. Typical office hours are Tuesday through Friday – 9:30 AM to 6:30 PM and Saturdays - 10:00 AM to 2:00 PM. Due to the Project team’s experience and observations with success in attending community events, it was determined that a combination of active outreach and open office hours is more effective for community engagement than the passive method of having the community come to the office. Office hours are posted on the Project website and on signage outside the office.

During the office hours, a community outreach liaison dedicated to this Project is available to interact with visitors and is supported by other Project team members as needed to answer questions. The community outreach liaison staffs the outreach office, attends events in the community, communicates public input to the NYSDOT, explains the Project to the community, and answers questions that the community has about the Project.

Updated Project materials are on display at the office, along with comment forms and Project documents (e.g., the Project Scoping Report and the DDR/EA). A computer with access to the Project website and electronic versions of the Project materials is also provided. The office will remain open through the final design and construction phases of the Project to support continuous community engagement.

Lists of contacts, including elected officials, public agency contacts, stakeholders, interested parties, and individuals, have been developed. Opportunities for individuals to be included on the mailing list were provided on the sign-in sheets at the public meetings and on the Project website. These lists have been and will continue to be used to share meeting notices and other communications with the public.

Coordination with the community regarding the Kensington Expressway improvements started as early as 2007, when the Restore our Community Coalition (ROCC) was formed. Meetings were held in 2009 and 2010 to discuss a variety of issues associated with the Kensington Expressway, including the negative effect that the facility has had on the community. In the Fall of 2016, the NYSDOT identified stakeholders for the Project. An official stakeholder group was established, consisting of representatives from the ROCC, residents, businesses, the City of Buffalo, Erie County, the Buffalo Olmsted Parks Conservancy, the Buffalo Museum of Science, elected officials, and others. Between January 2022 and November 2022, NYSDOT conducted several meetings with elected officials and community leaders to discuss the Project. In November 2022, NYSDOT held the first of a series of ongoing monthly meetings with key stakeholder group representatives. These meetings provide for an ongoing two-way dialogue about the Project status, design, and environmental review processes.

In addition to hosting meetings with stakeholders, the NYSDOT has also attended numerous community events to discuss the Project with interested individuals. Community events have included festivals, block club meetings, and meetings with church leadership and congregations. In general, these outreach efforts are intended to disseminate information about the Project and solicit input. At the community events, the NYSDOT staff answer questions about the Project and have Project information available to view. Comment forms and brochures have been provided to interested people. Over 70 community events have been attended between April 2022 and December 2023.

During final design, periodic meetings of the project stakeholder group will continue to provide updates on project progress and obtain input on the various mitigation plans required to be developed in final design (such as the construction noise and vibration plans, construction air quality monitoring plan and work zone traffic control plans). The general public will also have an opportunity to provide input on these mitigation plans through engagement activities to be defined during final design.

During construction of the Project, the Community Outreach Office will accommodate visitors who have questions, comments, and/or concerns about ongoing and upcoming construction activities. The NYSDOT will also include a contract requirement for a community liaison that will conduct proactive outreach during the construction phase. Further, the community liaison will be able to accept comments from the public that will be assessed by the NYSDOT for any appropriate action. The NYSDOT will also communicate with the public via construction updates to the project website, social media, email and attendance at community events.

Additionally, regular meetings have been held with the Project's Cooperating Agencies and Participating Agencies throughout the environmental review process to update them on the status of the Project and discuss other topics as appropriate. In addition, topic-specific meetings have been held with the applicable Cooperating Agencies and Participating Agencies as needed.

The following agencies are Cooperating Agencies for the Project:

- U.S. Environmental Protection Agency (USEPA)
- New York State Office of Parks, Recreation, and Historic Preservation (NYS OPRHP) – State Historic Preservation Office (SHPO)
- New York State Department of Environmental Conservation (NYSDEC)

The following agencies/parties were invited to serve as Participating Agencies for the Project:

- Erie County Department of Environment and Planning
- City of Buffalo (Office of Strategic Planning and Department of Public Works)
- Greater Buffalo Niagara Regional Transportation Council (GBNRTC)
- New York State Thruway Authority (NYSTA)
- Niagara Frontier Transportation Authority (NFTA)
- Seneca Nation of Indians¹
- Tonawanda Seneca Nation
- Seneca Cayuga Tribe of Oklahoma
- Tuscarora Nation

Furthermore, the air quality analysis methodology for this Project was developed in coordination with an interagency air quality working group that included the NYSDOT, the New York State Department of Environmental Conservation, the USEPA, and the Federal Highway Administration. This working group met at least every other month throughout the course of the air quality analysis to discuss the methodology, models, inputs, results, and mitigation measures.

4.0 CHANGES TO THE PROJECT SINCE THE DRAFT DESIGN REPORT/EA BASED ON PUBLIC COMMENTS

The FDR/EA includes responses to substantive comments received on the DDR/EA. Changes to the design of the Build Alternative since the release of the DDR/EA based on public comments and coordination with the City of Buffalo included the following:

¹ In a correspondence dated March 24, 2022, the Seneca Nation of Indians declined their role to become a Participating Agency for the Project.

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- Two-way left turn lane on Best Street east of the Herman Street/West Parade Avenue roundabout to improve access to a church near the roundabout.
- Extension of bicycle lane on Humboldt Parkway southbound from Butler Avenue to East Ferry Street. This eliminates a gap in the bicycle lane network.
- Raised table intersection at Humboldt Parkway southbound and Butler Avenue intersection for traffic calming near Kensington Expressway off-ramp.
- Landscaping plan updates to incorporate tree species recommendations by the City of Buffalo.

Additional studies/investigations performed since the DDR/EA based on public comments included the following:

- Kensington Expressway Removal Supplemental Traffic Study – traffic study was conducted to supplement the analysis that was conducted during project scoping and to develop additional performance measures to further illustrate how poorly traffic would operate with removal of the expressway.
- Asbestos testing via horizontal coring of the retaining walls – based on public comments regarding a waterproofing material that had potential for asbestos containing materials.
- Technologically Enhanced Naturally Occurring Radioactive Material (TENORM) study of soil corings.
- Radon and noxious gas considerations with blasting - additional documentation has been incorporated in the FDR/EA to address these considerations.

Other general updates unrelated to public comments included a new rock profile map (based on more detailed ground-penetrating radar survey), and updates to the stormwater treatment plan based on coordination with NYSDEC and the Buffalo Sewer Authority. In addition, the NYSDOT and FHWA conducted a cost and schedule risk assessment for the Project. This assessment consisted of a risk-based review to verify the reasonableness of the current total cost estimate to complete the Project in year of expenditure dollars. The proposed schedule was also reviewed to determine the impact of identified risks. The cost and schedule for the Project have been updated in the FDR/EA based on the risk assessment.

For a more detailed review of changes made to each section of the FDR/EA, refer to the FDR/EA Preface.

5.0 NEXT STEPS FOR THE PROJECT

The next steps for implementation of the Project include completion of the Design-Build procurement process, final design, and construction. Public engagement will continue through each of these upcoming project stages.

The selected Design-Builder will have the opportunity to develop Alternative Technical Concepts to improve, increase efficiency or reduce the cost of the Project for consideration by the NYSDOT. The review of Alternative Technical Concepts will include environmental considerations and comparison to the effects of the Build Alternative described in the FDR/EA. FHWA will review and determine adequacy of the environmental documentation as the project moves forward consistent with 23 CFR 771.129.