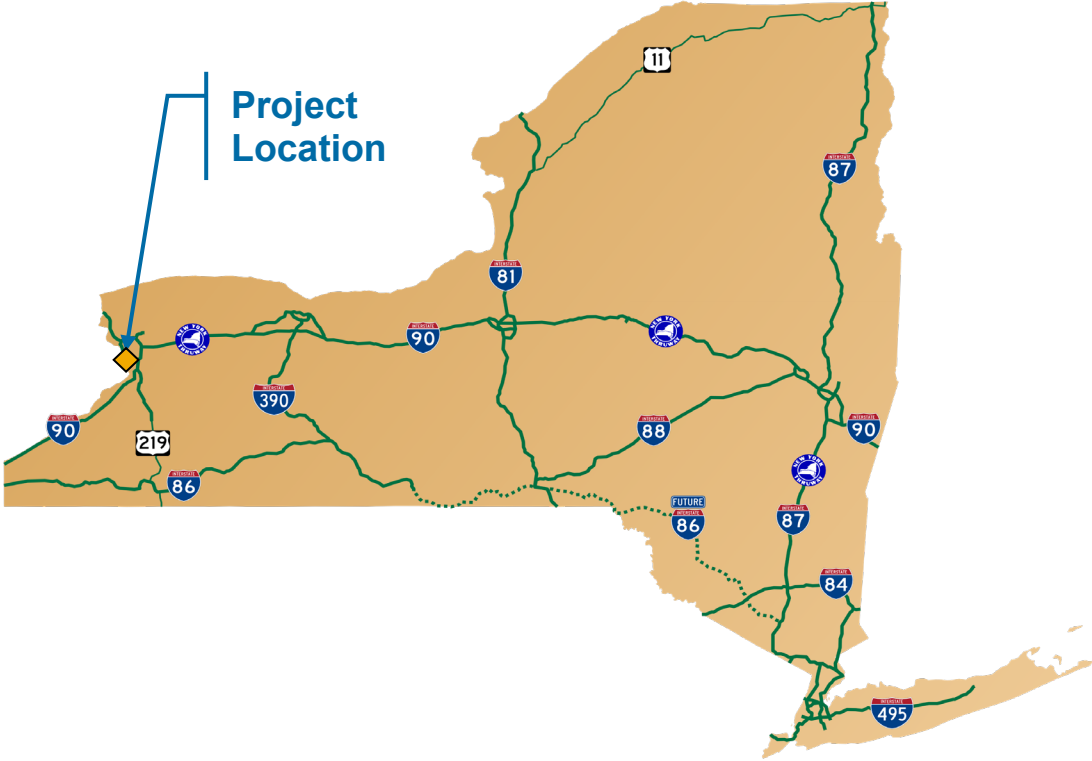


Transportation Project Report

Project Scoping Report

December 2022

NYS Route 33, Kensington Expressway Project
Project Identification Number (PIN): 5512.52
City of Buffalo
Erie County



Department of
Transportation



U.S. Department of Transportation
Federal Highway Administration

Table of Contents

| | |
|---|-----------|
| Section 1 Introduction | 1 |
| Section 2 Project Location and Logical Termini | 2 |
| Section 3 Project History, Needs, Purpose, and Objectives | 6 |
| 3.1 Project History | 6 |
| 3.2 Project Purpose and Objectives | 11 |
| 3.3 Project Needs | 11 |
| 3.3.1 Community Cohesion..... | 11 |
| 3.3.2 Vehicular Capacity | 14 |
| 3.3.3 Multi-Modal Accommodations and Access | 14 |
| 3.3.4 Infrastructure Deficiencies..... | 16 |
| 3.4 Independent Utility | 19 |
| Section 4 Social, Economic, and Environmental Considerations | 20 |
| 4.1 Potential Permits, Approvals, Concurrences, and Consultation | 20 |
| 4.2 Study Areas and Methodologies | 21 |
| 4.2.1 Study Areas | 21 |
| 4.2.2 Analysis Years | 21 |
| 4.2.3 Assessment Methodologies | 21 |
| 4.3 Social, Economic, and Environmental Considerations | 21 |
| 4.3.1 Land Use | 21 |
| 4.3.2 Neighborhood Character and Community Cohesion | 22 |
| 4.3.3 Environmental Justice and Disadvantaged Communities | 22 |
| 4.3.4 Social Groups Benefitted or Harmed..... | 22 |
| 4.3.5 Schools and Places of Worship..... | 22 |
| 4.3.6 Regional and Local Economy, Effects to Businesses | 22 |
| 4.3.7 Wetlands..... | 23 |
| 4.3.8 Navigable Waters..... | 23 |
| 4.3.9 Floodplains | 23 |
| 4.3.10 Coastal Resources | 23 |
| 4.3.11 Groundwater Resources, Aquifers, and Reservoirs | 28 |
| 4.3.12 Stormwater Management | 28 |
| 4.3.13 General Ecology and Wildlife Resources..... | 28 |
| 4.3.14 Threatened and Endangered Species | 28 |
| 4.3.15 Historic/Cultural Resources | 29 |
| 4.3.16 Parks and Recreational Areas | 32 |
| 4.3.17 Visual Resources | 34 |
| 4.3.18 Air Quality | 34 |
| 4.3.19 Energy and Climate Change | 34 |
| 4.3.20 Traffic Noise..... | 35 |
| 4.3.21 Asbestos | 35 |
| 4.3.22 Hazardous Waste/Contaminated Materials..... | 35 |
| 4.3.23 Construction Effects | 36 |
| 4.3.24 Indirect and Secondary Effects..... | 36 |
| 4.3.25 Cumulative Effects | 36 |
| Section 5 Concepts/Alternatives | 37 |
| 5.1 Screening Criteria | 37 |
| 5.2 Concepts Considered | 38 |
| 5.2.1 Concept 1: No Build | 38 |
| 5.2.2 Concept 2: Bridge Rehabilitation with Humboldt Enhancements | 39 |

| | | |
|------------------|--|-----------|
| 5.2.3 | Concept 3: Bridge Replacement with Humboldt Enhancements..... | 40 |
| 5.2.4 | Concept 4: Kensington Reconstruction with Improved Community Connections through Partial Decking..... | 41 |
| 5.2.5 | Concept 5: Kensington Reconstruction with a 6-Lane Tunnel for Improved Community Connections and Establishing Victorian Gardens..... | 42 |
| 5.2.6 | Concept 6: Kensington Reconstruction with a 6-Lane Tunnel for Improved Community Connections, Including a Tree-Lined Parkway Setting..... | 46 |
| 5.2.7 | Concept 7: Kensington Reconstruction with a 4-Lane Tunnel for Improved Community Connections..... | 49 |
| 5.2.8 | Concept 8: Kensington Reconstruction as a 6-Lane Boulevard..... | 51 |
| 5.2.9 | Concept 9: Kensington Reconstruction as a 4-Lane Boulevard with Traffic Diverted to Other Roads..... | 53 |
| 5.2.10 | Concept 10: Removal of NYS Route 33 Including Reestablishing the former Parkway Setting..... | 54 |
| 5.2.11 | Concept Screening Summary..... | 57 |
| 5.3 | Alternatives that Will be Advanced for Detailed Study in the DDR/EA..... | 59 |
| 5.3.1 | No Build Alternative..... | 59 |
| 5.3.2 | Build Alternative..... | 59 |
| 5.3.3 | Potential for Social and Environmental Effects..... | 60 |
| 5.4 | Conclusion..... | 61 |
| Section 6 | Anticipated Costs and Schedule..... | 62 |
| Section 7 | Public Involvement and Agency Coordination..... | 63 |
| 7.1 | Agency Coordination Plan/Public Involvement Plan and Environmental Justice Public Engagement Plan..... | 63 |
| 7.2 | Public Involvement Opportunities..... | 63 |
| 7.2.1 | Initial Outreach Efforts – January 2007 through December 2019..... | 64 |
| 7.2.2 | Stakeholder Meetings/Community Events – January 2022 through Present..... | 64 |
| 7.2.3 | Public Scoping Meeting – June 30, 2022..... | 66 |
| 7.2.4 | Project Website..... | 68 |
| 7.2.6 | Mailing/E-mail Lists..... | 68 |
| 7.2.7 | Community Outreach Office and Community Liaison..... | 68 |
| 7.2.8 | DDR/EA Public Comment Period and Public Hearing..... | 68 |
| 7.3 | Agency Coordination..... | 68 |
| 7.3.1 | Coordination with Cooperating and Participating Agencies..... | 68 |
| 7.3.2 | Section 106 Coordination..... | 69 |
| 7.3.3 | Section 4(f) Coordination..... | 70 |

List of Figures

| | | |
|-------------|---|----|
| Figure 2-1 | Project Location Map..... | 4 |
| Figure 2-2 | General Study Area..... | 5 |
| Figure 3-1: | 1896 Map of Olmsted Park and Parkway System..... | 8 |
| Figure 3-2: | Community Facilities..... | 13 |
| Figure 3-3 | Major Commuter Traffic Patterns Contributing to NYS Route 33, Kensington Expressway Traffic..... | 18 |
| Figure 4-1: | Existing Land Use..... | 24 |
| Figure 4-2: | Existing Zoning..... | 25 |
| Figure 4-3: | Minority Population..... | 26 |
| Figure 4-4: | Low Income Population..... | 27 |
| Figure 4-5: | Known National Register Listed/Eligible Properties..... | 31 |
| Figure 4-6: | Parks and Recreational Areas..... | 33 |

List of Tables

Table 5-1: Overall Average Travel Times & Average Travel Speeds, Existing/No Build Alternative39

Table 5-2: Overall Average Travel Times & Average Travel Speeds, Concept 5 (6-Lane Tunnel)46

Table 5-3: Overall Average Travel Times & Average Travel Speeds, Concept 6 (6-Lane Tunnel)48

Table 5-4: Overall Average Travel Times & Average Travel Speeds, Concept 7 (4-Lane Tunnel)51

Table 5-5: Overall Average Travel Times & Average Travel Speeds, Concept 9 (4-Lane Boulevard) *54

Table 5-6: Concept 10 Volume to Capacity Ratio Summary (2019).....57

Table 5-7: Concept Screening Summary.....58

Table 7-1: Initial Stakeholder Meetings - January 2016 through December 2019.....64

Table 7-2: Stakeholder Meetings and Community Events – January 2022 through Present....65

| Table of Appendices | |
|----------------------------|--|
| A. | Concept Drawings (Figures 5-1 through 5-10B) |
| B. | Safety Study |
| C. | Preliminary Traffic Study |
| D. | Limited English Proficiency Table |
| E. | Public Comments |
| F. | Travel Demand Trends and Projections |

Section 1 Introduction

The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Highway Administration (FHWA), is preparing a Draft Design Report / Environmental Assessment (DDR/EA) for the NYS Route 33, Kensington Expressway Project (hereafter, “the Project”) in accordance with the requirements of the Council on Environmental Quality (CEQ) regulations implementing the National Environmental Policy Act (NEPA), as amended, (40 Code of Federal Regulations [CFR] Parts 1500-1508); the FHWA *Environmental Impact and Related Procedures; Final Rule* (23 CFR 771); and the NYSDOT *Procedures for Implementation of the State Environmental Quality Review Act* (17 NYCRR Part 15). The Project is classified as a Class III (EA) action under NEPA. The FHWA, serving as the Federal Lead Agency, and the NYSDOT, serving as Joint Lead Agency and project sponsor, are progressing the development of the EA. The Project is also classified as a non-Type II (EA) action under the State Environmental Quality Review Act (SEQRA), indicating that it has the potential for environmental impacts or substantial controversy on environmental grounds. The EA process will conclude with a Finding of No Significant Impact (FONSI) under NEPA / Determination of No Significant Effect under SEQRA, or a determination that an Environmental Impact Statement is required.

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.

This NEPA/SEQRA Project Scoping Report has been prepared to provide an overview and record of the scoping process conducted for the Project. The term “scoping” is defined in the CEQ NEPA regulations in 40 CFR §1501.9 as “an early and open process to determine the scope of issues for analysis in an environmental impact statement, including identifying significant issues and eliminating from further study non-significant issues.” Although not required for an Environmental Assessment, early and well-defined scoping can assist in focusing environmental reviews on appropriate issues that would be meaningful to a NEPA/SEQRA decision. The scoping process provides an opportunity for early coordination with appropriate agencies and the public in determining the type of environmental review document an action requires, the scope of the environmental review document, the level of analysis, and other related environmental requirements. Furthermore, the scoping process can produce a wide range of ideas, which can be incorporated, as appropriate, into project concepts for consideration in an alternatives screening process.

A public scoping meeting was held on June 30, 2022, followed by a 30-day public comment period that ended on July 29, 2022. The FHWA and the NYSDOT have considered the comments received during the scoping comment period. **Appendix E** contains the comments received and responses to substantive comments.

For further information about the Project, please visit the Project website at <http://kensingtonexpressway.dot.ny.gov/> or contact:

NYS Route 33, Kensington Expressway Project Team
New York State Department of Transportation, Region 5
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Buffalo, NY 14203
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Section 2 Project Location and Logical Termini

The Project is located in the City of Buffalo, Erie County, New York. The term “transportation corridor” is used to describe the section NYS Route 33 and Humboldt Parkway being studied for improvements under this Project. The transportation corridor is defined as NYS Route 33 (Kensington Expressway) and Humboldt Parkway between Best Street and Sidney Street (see **Figure 2-1: Project Location Map**).

The Project limits (limits of physical disturbance) extend along the Kensington Expressway and Humboldt Parkway from approximately High Street (southern limit) to approximately Northland Avenue (northern limit), a total distance of approximately 7,100 feet, and include areas of proposed disturbance associated with regrading. Five east-west bridges traverse the Kensington Expressway (East Ferry Street, East Utica Street, Northampton Street, Dodge Street and Best Street) within the transportation corridor. Humboldt Parkway, which begins at Dodge Street and extends north beyond the Project limits, is adjacent to the Kensington Expressway on both sides and is part of the Project. As described in Section 5, several Project concepts include the construction of a tunnel; the approximate limits of a proposed tunnel are from Dodge Street to Sidney Street, a distance of approximately 4,100 feet.

The general Study Area for the Project includes a 1,000-foot buffer surrounding the Project limits. A 1,000-foot boundary was selected in order to accommodate for enough area to describe the existing conditions and evaluate the potential effects of the Project (see **Figure 2-2: General Study Area**). The land uses within the general Study Area consist of urban residential neighborhoods generally constructed in the early 1900s. The properties along Humboldt Parkway are primarily residential in nature, including single and multi-family houses. Several churches and assembly buildings are present, particularly along the block between East Ferry and East Utica Streets. At the southern terminus of the Humboldt Parkway are Martin Luther King, Jr. Park (MLK Park) and the Buffalo Museum of Science.

Prior to the June 30, 2022 scoping meeting, the NYSDOT and FHWA initially identified the northern boundary of the transportation corridor as East Ferry Street. During the scoping comment period, the lead agencies received multiple comments requesting an extension of the corridor limits. Based on the consideration of these comments, the lead agencies extended the transportation corridor approximately 600 feet north to Sidney Street.

In establishing the transportation corridor limits, the lead agencies considered the following factors:

- **Presence of depressed highway sections with retaining walls.** The Best Street to Sidney Street segment of NYS Route 33 is depressed and has continuous retaining walls on both sides of the expressway (heights range from approximately 8 feet to 27 feet), except for the east side between Best Street and Parade Avenue. South of Best Street, the NYS Route 33 vertical profile transitions to a more gradual cut section (without retaining walls, except at bridges) and eventually to an at-grade profile. North of Sidney Street, the profile also transitions to at-grade. Potentially converting an at-grade highway section to a tunnel would require substantial excavation and rock removal costs (and the resulting construction impacts). Therefore, to maximize the potential community benefit with the available Project funding, this Project focuses on reconnecting the surrounding community in this depressed section of NYS Route 33. This Project would not preclude the advancement of potential future independent projects to increase community connectivity at other sections of NYS Route 33.
- **Opportunities for connectivity with existing parkland and community resources.** Establishing the southern limit at Best Street allows for a connection between the potential newly created greenspace and MLK Jr. Park. This connection would provide cohesive greenspace with improved pedestrian accessibility to neighborhoods on the west side of the expressway.
- **Physical and environmental constraints.** Scajaquada Creek, carried in a 24.5-foot-wide by 14-foot-high concrete arch located five feet below the expressway, crosses approximately 650 feet north of Sidney Street. Extending a potential tunnel north of Sidney Street would result in major conflicts with the crossing, involving the relocation of the creek below or above the tunnel, while

maintaining connectivity to upstream and downstream sections (which are also underground). This relocation would result in substantial impacts and costs. For example, addressing an elevation difference on the creek profile could require the construction of a major pump station, and right-of-way acquisitions. A second constraint with extending the Project to the north is the NYS Route 33/NYS Route 198 interchange. This complex interchange has roadways and high volume ramps crossing one another at three different vertical levels (NYS Route 33 mainline, the ramp from NYS Route 198 eastbound to NYS Route 33 eastbound, and the ramp from NYS Route 33 eastbound to NYS Route 198 westbound). Accounting for these substantial ramp elevation differentials while accommodating a tunnel system would require reconfiguring the interchange and would likely require property acquisitions.

For these reasons, Best Street and Sidney Street represent logical termini/rational endpoints for this Project.

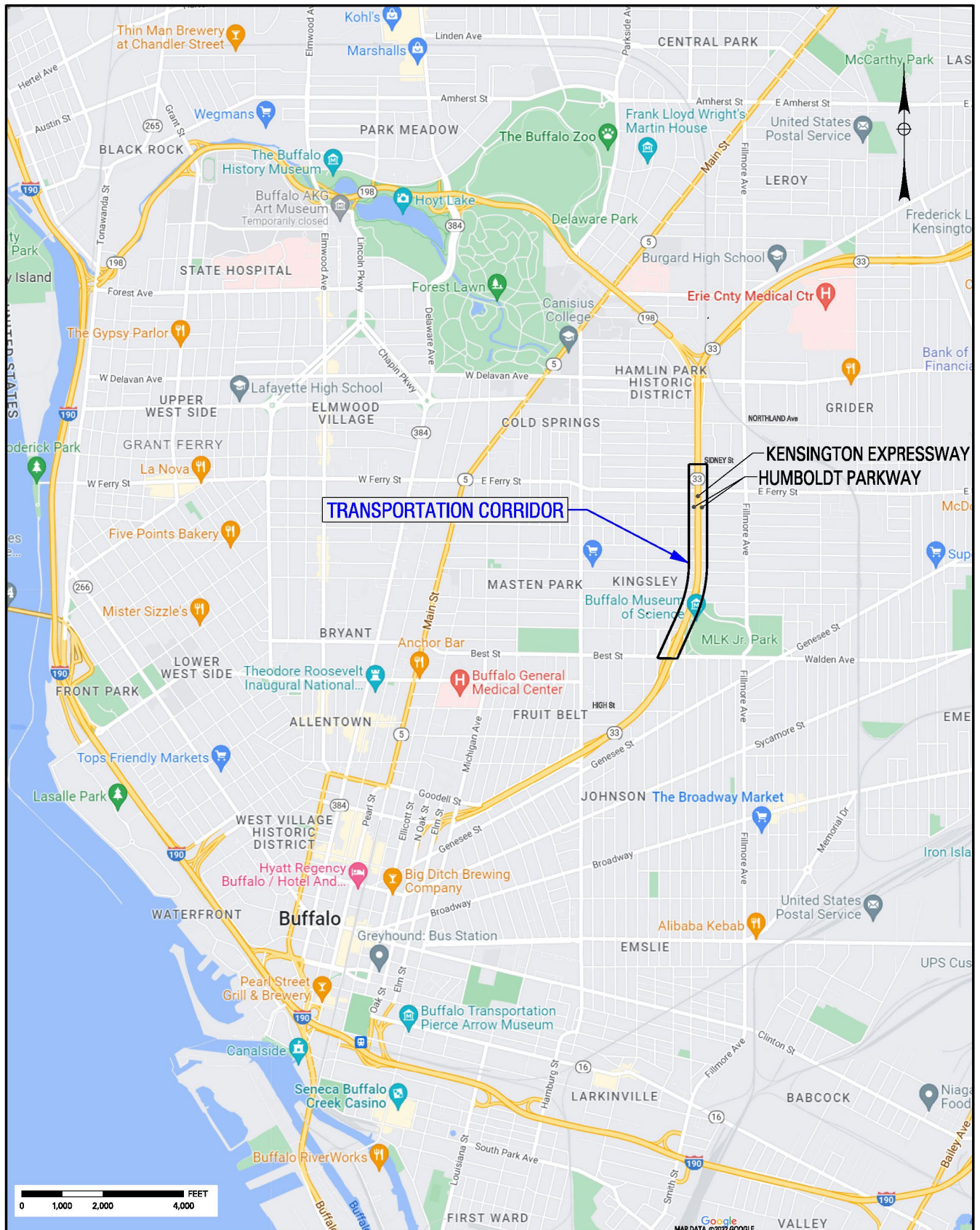


Figure 2-1 Project Location Map

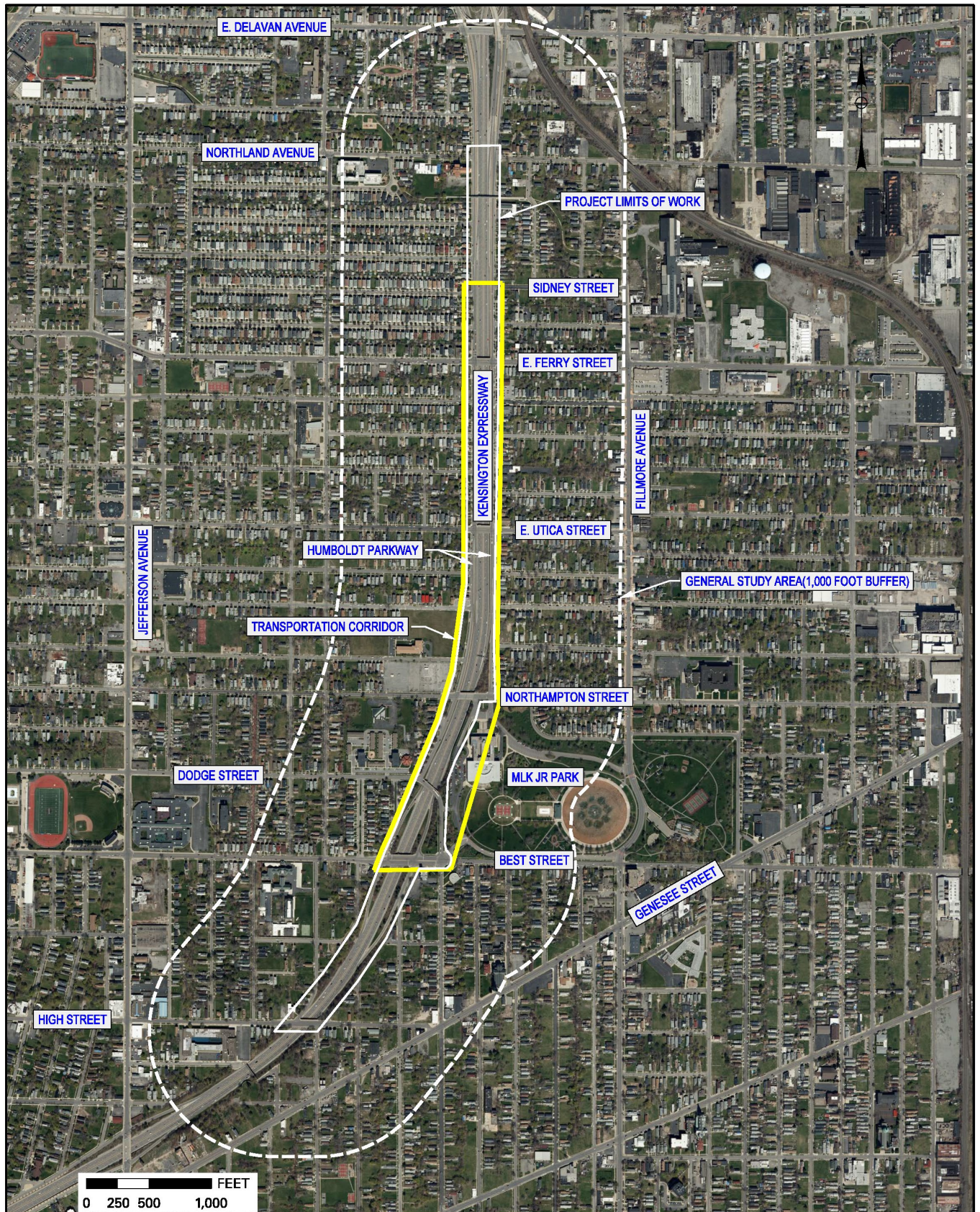


Figure 2-2 General Study Area

Section 3 Project History, Needs, Purpose, and Objectives

3.1 Project History

The original Humboldt Parkway was part of a historic system of parks, parkways, and circles designed by Frederick Law Olmsted and Calvert Vaux in the late 19th century. **Figure 3-1** provides an overview of the historic Olmsted Park and Parkway System in 1896. The Humboldt Parkway was a boulevard with an approximately 86-foot-wide tree-lined median that connected Humboldt Park (now Martin Luther King, Jr. Park) with Delaware Park, creating a park-like neighborhood atmosphere (see Photos 1 and 2). The boulevard served as a focal point for the adjacent neighborhoods, providing a link between the various local streets and nearby recreational attractions, cultural and religious institutions, and local businesses. Photo 3 shows a view facing north from MLK Jr. Park towards the Buffalo Museum of Science and the extensive tree canopy of Humboldt Parkway in the background. Remaining parkways from the parkway system, such as Bidwell and Chapin Parkways, provide some present-day context for the character and scale of the Humboldt Parkway (see Photo 4).

The origins of the concept for the Kensington Expressway date to the 1946 *Report on New York State Thruway and Arterial Routes for the Buffalo Urban Area*, prepared by the New York State Department of Public Works. Post-war trends, such as increased automobile adoption and suburban development, created traffic congestion issues that the new highway system was intended to resolve. The original planned route for the expressway was from downtown, through the Fruit Belt neighborhood, and terminating at the southern end of Humboldt Parkway. In this plan, Humboldt Parkway was maintained as a traffic thoroughfare and traffic was envisioned continuing northeast on an improved Kensington Avenue. Plans were later refined to include an expressway connection to the airport. Demolition and land clearing began in 1957 and approximately 600 households were displaced and relocated (primarily in the Fruit Belt). Several portions of the Humboldt Parkway were removed during the construction in the 1950's and 1960's; however, the segment between Northampton Street and Northland Avenue was initially maintained and became known as the "Humboldt Hourglass." With the increased traffic spurred by the expressway connections on either end, the Humboldt Parkway area experienced a high number of accidents that the NYSDOT addressed by removing the remaining section of the Humboldt Parkway and replacing it with a below grade (depressed) expressway configuration between 1968 and 1970. Local roadway access was provided by construction of the present day Humboldt Parkway on either side of the depressed expressway.

The Kensington Expressway severed several local east-west streets and reduced connectivity between the east and west portions of the neighborhoods. Between Best Street and Sidney Street, east-west street connections (between northbound Humboldt Parkway and southbound Humboldt Parkway) that were terminated by the expressway included: Girard Place, Riley Street, Landon Street, Glenwood Avenue, Winslow Avenue, and Woodlawn Avenue. East-west vehicular, pedestrian and bicycle travel across the expressway was provided on five bridges that carry the local street network (East Ferry Street, East Utica Street, Northampton Street, Dodge Street and Best Street). The limited number of east-west crossings increased the length of east-west pedestrian trips and decreased the accessibility of community services particularly for households without automobile access.

The loss of the wide median with mature trees along the Humboldt Parkway altered the aesthetic character of the neighborhood and substantially reduced greenspace within the corridor. Scattered street trees are present along the Humboldt Parkway sidewalks, but some blocks have few or no trees. The six-lane expressway and concrete retaining walls are the predominant element of the viewshed for residents along the transportation corridor. The Kensington Expressway construction and loss of the historical Humboldt Parkway substantially affected quality of life in adjoining neighborhoods.

In 2009, the NYSDOT initiated a project (PIN 5512.46) to rehabilitate the retaining walls along NYS Route 33, upgrade the railing systems on top of the retaining walls, and install landscape enhancements along Humboldt Parkway bordering the expressway on either side. The original project limits for PIN 5512.46 extended from the Elm-Oak Arterial to NYS Route 198. In May 2009, the scope of PIN 5512.46 was reduced to only include the section of NYS Route 33 between the Elm-Oak Arterial and Best Street, so that the section of NYS Route 33 between Best Street and NYS Route 198 could be evaluated with the goal of

advancing a more comprehensive project to address neighborhood concerns – neighborhood connectivity, economic vitality, and environmental concerns.

In 2011, the NYSDOT commissioned the *Kensington Expressway Concept Design Study – Evaluation of Project Alternatives*, August 2012 (Concept Design Study). The Concept Design Study examined the engineering attributes of a variety of concepts that would address a set of “goals and objectives” identified in coordination with stakeholders in the community. This Concept Design Study was initiated at the request of stakeholders, including former New York State Senator Antoine Thompson, State Assembly Member Crystal Peoples-Stokes, the Buffalo Olmsted Parks Conservancy, and local officials and community organizations. The Concept Design Study was a planning level study; thus, it did not recommend a “preferred alternative.”

Subsequent to the 2012 Concept Design Study, the NYSDOT attended a number of meetings with community stakeholders whereby input was received. The input was primarily in favor of a full enclosure of the expressway, identified as Alternative D in the Concept Design Study.

The NYSDOT began stakeholder outreach for the NYS Route 33, Kensington Expressway Project in 2016 with a stakeholder group meeting. Additional stakeholder meetings were held between 2016 and 2019; topics of discussion included the project purpose and needs, and conceptual designs for Humboldt Parkway and construction of a tunnel between Best Street and East Ferry Street. The meetings included representatives of the Restore Our Community Coalition (ROCC), an organization dedicated to the revitalization of neighborhoods along the Humboldt Parkway, public officials, and the City of Buffalo, among others.

On January 22, 2022, Governor Kathy Hochul announced that the NYSDOT would commence an environmental review to assess concepts for reconnecting the east-west neighborhoods in the City of Buffalo that were divided by the construction of the depressed section of the Kensington Expressway more than six decades ago. The NYSDOT continued developing and considering conceptual designs and evaluating the performance of these concepts, as well as other engineering and environmental considerations. The preliminary design concepts were shared for public input at a Public Scoping Meeting held on June 30, 2022 at the Buffalo Museum of Science, which included multiple methods for the public to provide input on the Project. The Public Scoping Meeting was followed by a 30-day public comment period. Section 7 provides more detailed information on the public outreach efforts for the Project. Public comments were considered and used to inform the development of this PSR.

The Project purpose and objectives, as presented in Section 3.2, were developed in 2022 based on consideration of public input received and studies conducted to-date, and reflect the identified transportation and community needs within the transportation corridor.

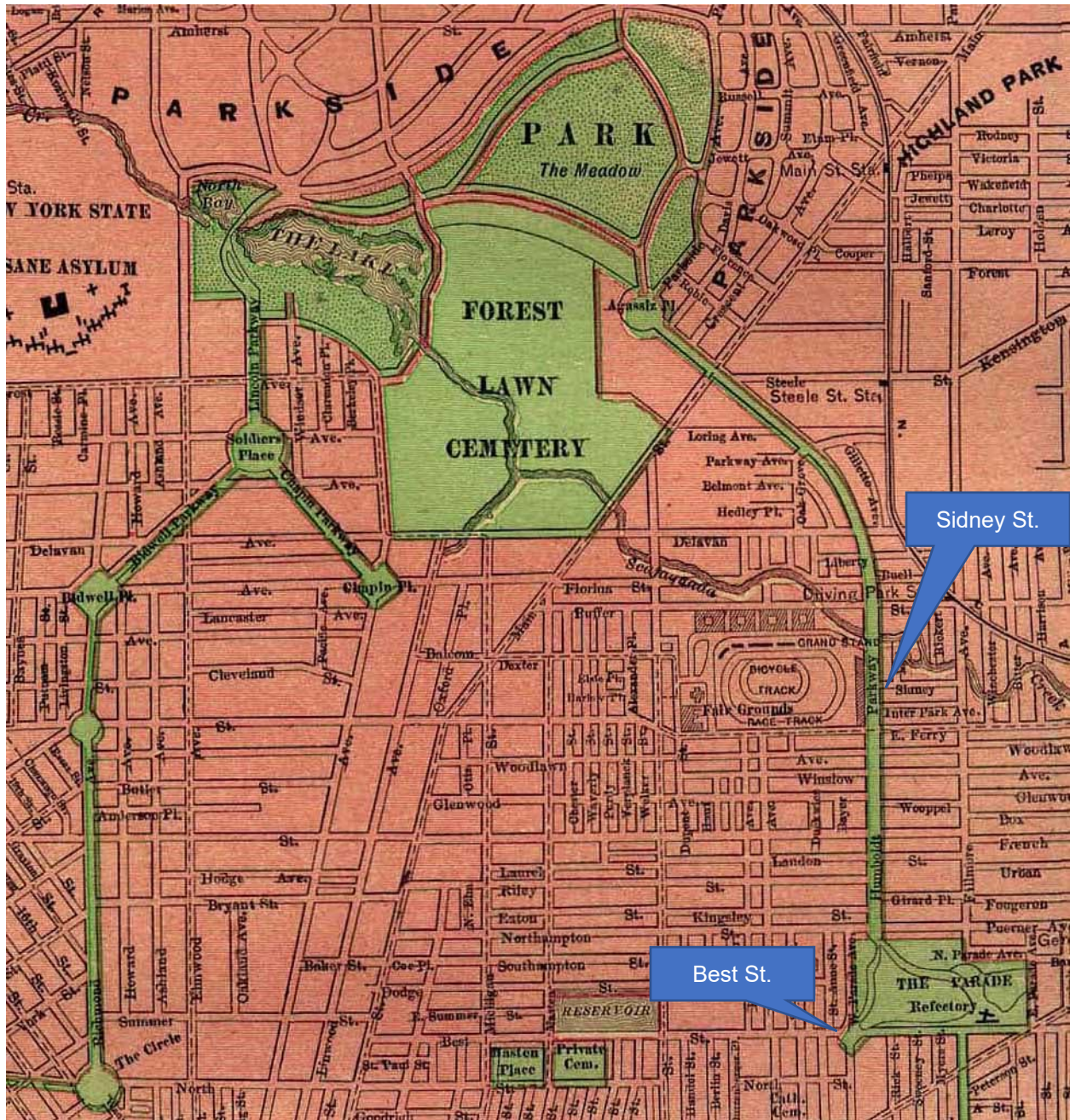


Figure 3-1: 1896 Map of Olmsted Park and Parkway System



Photo 1 Center of Humboldt Parkway (bridle path) at Girard Place (1935)
Source: Buffalo History Museum



Photo 2 Humboldt Parkway at Northland Ave. (1953)
Source: Buffalo History Museum

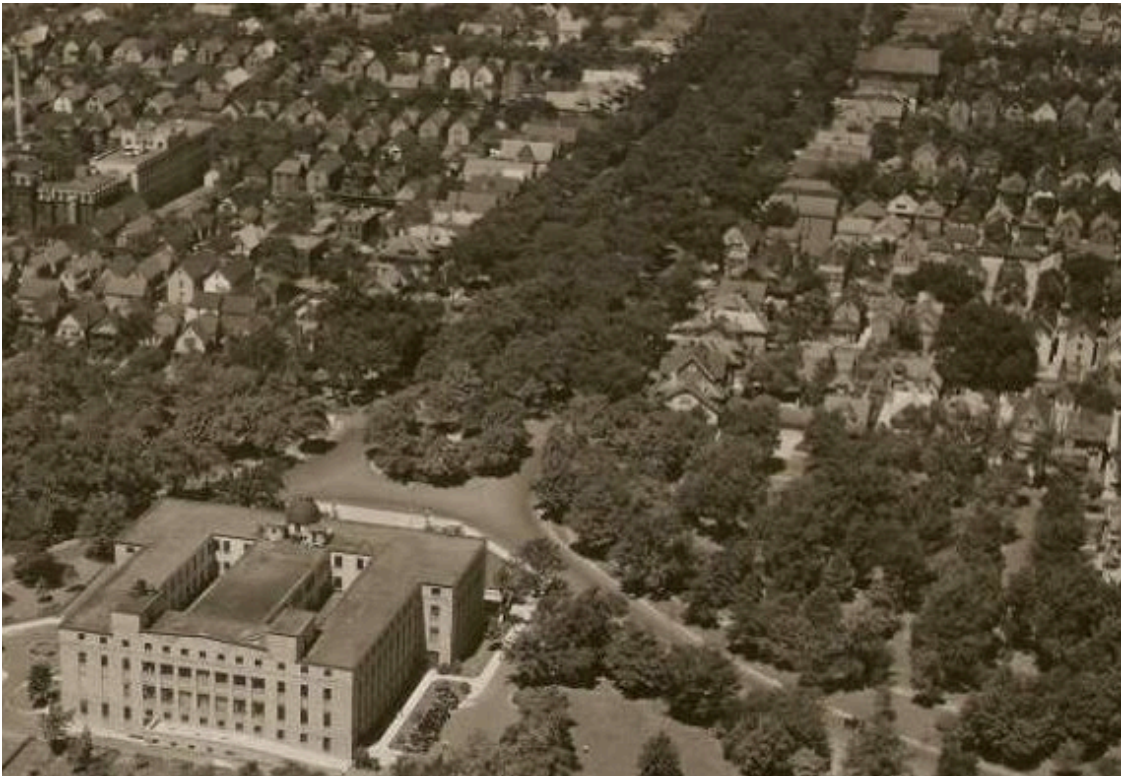


Photo 3 Humboldt Parkway Aerial View facing north from Buffalo Museum of Science

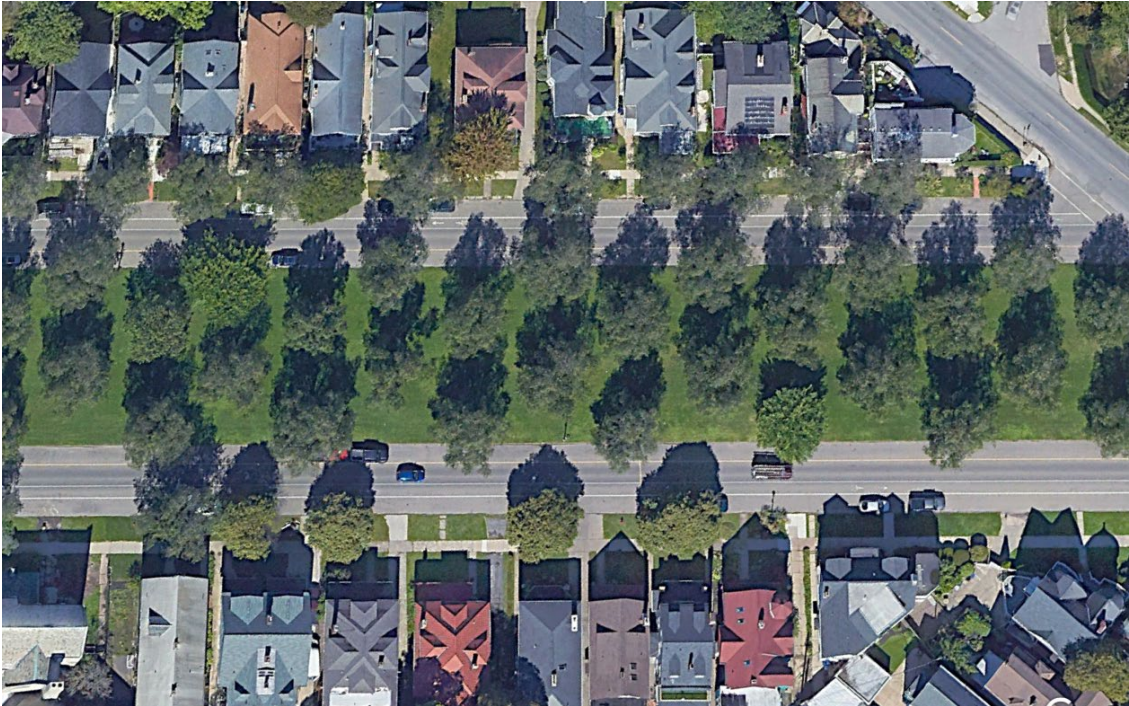


Photo 4: Present Day Bidwell Parkway

3.2 Project Purpose and Objectives

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 following objectives have been established to further refine the Project purpose:

- Reconnect the surrounding community by creating continuous greenspace to enhance the visual and aesthetic environment of the transportation corridor;
- Maintain the vehicular capacity of the existing transportation corridor;
- Improve vehicular, pedestrian, and bicycle mobility and access in the surrounding community by implementing Complete Street roadway design features; and
- Address identified geometric and infrastructure deficiencies within the transportation corridor.

3.3 Project Needs

The Project needs relate to community connectivity and greenspace, vehicular capacity, multi-modal accommodations and access, and deteriorating infrastructure. Each of the needs is described below. The Project purpose and objectives, as stated in Section 3.2, were developed based on these identified needs within the transportation corridor.

3.3.1 Community Cohesion

The Project is located between two *Good Neighbors Planning Alliance (GNPA)* communities: Masten (to the west) and East Delavan (to the east). The GNPA is a network of 10 local volunteer planning groups set up by the City of Buffalo to develop neighborhood-specific plans, within the framework of the City's 2006 Comprehensive Plan ("Buffalo's Comprehensive Plan: Queen City in the 21st Century"). The Comprehensive Plan identifies "...Kensington Expressway enhancements, neighborhood traffic calming measures, pedestrian and bicycle amenities, and streetscape improvements" as priorities to improve regional mobility, accessibility, and quality of life for residents.

Community Connections

The construction of the Kensington Expressway removed Humboldt Parkway and created a barrier to community connectivity, thereby changing the context of the neighborhood from a cohesive residential community to one divided by a major transportation facility. As described in Section 3.1, east-west roadway connections were severed by the expressway construction, resulting in a physical and visual barrier between the east and west sides of the expressway and more circuitous trips to reach community services on either side. For example, to cross the expressway to get from one side of Riley Street to the other (a 200-foot distance in a straight line), a pedestrian would have to travel north along Humboldt Parkway, across East Utica Street, and south on Humboldt Parkway, a distance of approximately 0.25 mile (1,320 feet). This is a substantial additional distance for walking trips. There is a need to reestablish east-west connections across the transportation corridor to improve community cohesion.

There are only five bridges providing opportunity for east-west crossing of the transportation corridor (Best Street, Dodge Street, Northampton Street, East Utica Street, and East Ferry Street). The limited number of east-west crossings increases the length of east-west pedestrian trips and decreases the accessibility of community services particularly for households without automobile access. Within 0.33 mile of the

transportation corridor, approximately 34% of households do not have access to a vehicle.¹ In addition, the available east-west crossings of the expressway within the transportation corridor do not provide adequate pedestrian and bicyclist accommodations (see Section 3.3.3 for further discussion). Crossing the expressway is important to daily living activities, such as attending school, attending a place of worship, grocery shopping, visiting a friend or family member, attending a medical appointment, or visiting the Buffalo Museum of Science. **Figure 3-2** shows some of the civic destinations located on either side of the Kensington Expressway within the vicinity of the Project. There is a need for community members to have improved access to their overall social networks and reduced social isolation.

Greenspace

The historic Frederick Law Olmsted-designed Humboldt Parkway was an important regional asset and influenced the overall character and setting of the surrounding neighborhoods. The wide, landscaped median within the center of the original Humboldt Parkway was lined with numerous mature trees. This created a visually cohesive and continuous greenspace and established a park-like setting for the surrounding neighborhoods. The original treed greenspace within the Humboldt Parkway was minimally interrupted by the traversing east-west local streets, which were needed to provide connectivity between the neighborhoods to the east and west.

The importance of parkland to quality of life was recognized in the original planning of Buffalo's Olmsted park system (including the Humboldt Parkway). The benefits of greenspace extend far beyond aesthetics and one recent literature summary calls them "critical civic infrastructure that can promote equity for communities."² Parks and greenspace have the following potential benefits on urban quality of life:

- **Health benefits** - Convenient access to parkland is associated with greater park usage, and park usage is associated with more physical activity and lower negative health outcomes, such as obesity and type 2 diabetes. Parkland and greenspace are also notable for their benefits on general mental well-being, feeling of social cohesion, and even reductions in the need for mental health services.³
- **Environmental benefits** - Trees and vegetation remove air pollution and sequester carbon emissions. A developed tree canopy serves to mitigate the "urban heat island" effect and helps moderate summer temperatures. Greenspaces also play an important role in improving water quality by filtering and absorbing stormwater runoff.⁴
- **Economic benefits** - The health and environmental benefits of parkland noted above have numerous direct economic benefits, such as lower medical treatment costs. In addition, parks have been associated with business and worker attraction, and improved property values.⁵

Therefore, there is a need to create new continuous greenspace that is not fragmented, is useable by the community for recreation, and is connected to existing park resources.

¹ FHWA Screening Tool for Equity Analysis of Projects. <https://hepgis.fhwa.dot.gov/fhwagis/buffertool/>

² https://www.urban.org/sites/default/files/2022-03/the-health-benefits-of-parks-and-their-economic-impacts_0.pdf

³ https://www.urban.org/sites/default/files/2022-03/the-health-benefits-of-parks-and-their-economic-impacts_0.pdf

⁴ https://www.urban.org/sites/default/files/2022-03/the-health-benefits-of-parks-and-their-economic-impacts_0.pdf

⁵ Buffalo Olmsted Parks Conservancy (2008). The Buffalo Olmsted Park System: Plan for the 21st Century

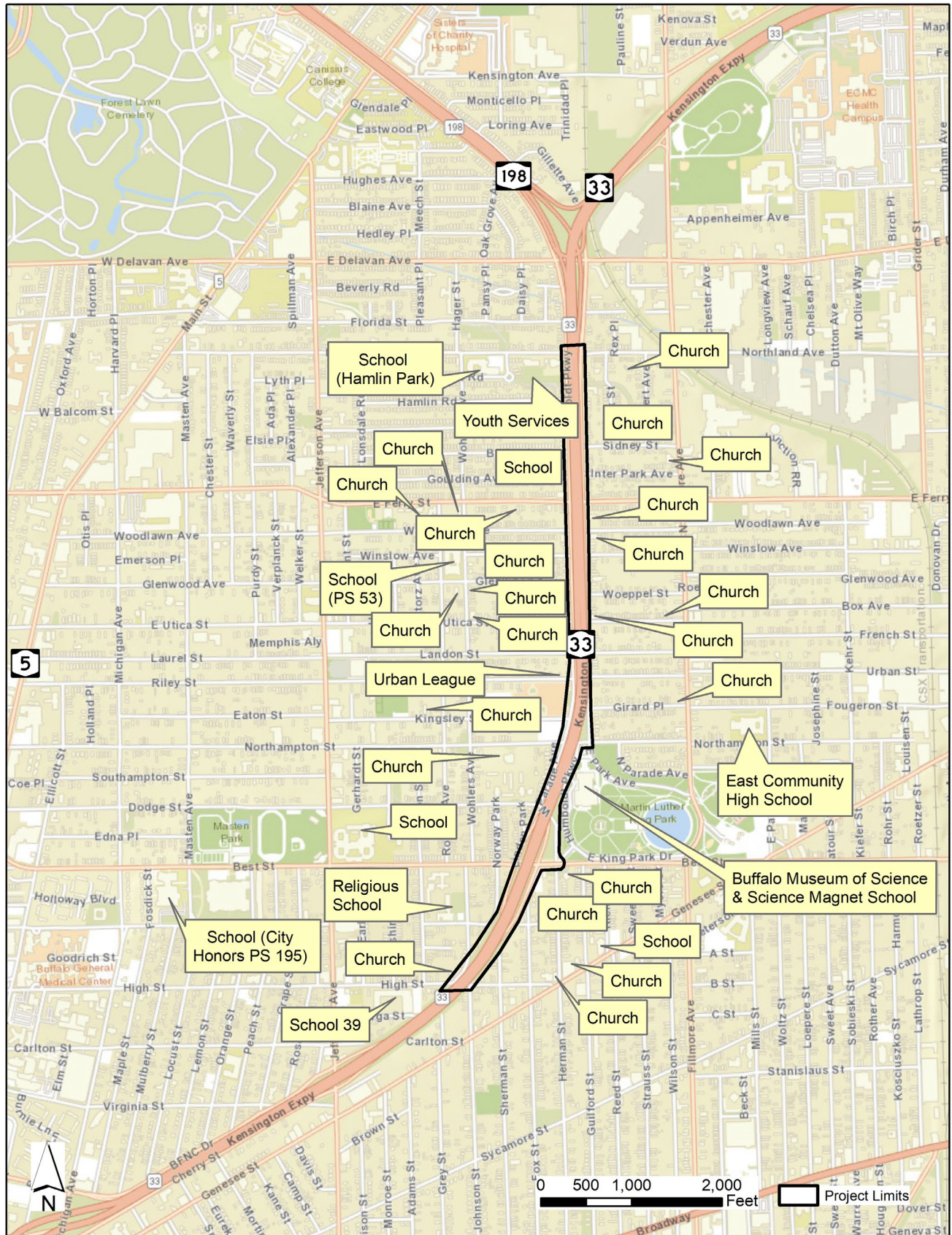


Figure 3-2: Community Facilities

3.3.2 Vehicular Capacity

The section of the Kensington Expressway between the NYS Thruway (I-90) and the Elm-Oak arterial functions as a critical link in the regional transportation system with over 75,000 vehicles per day using the facility. **Figure 3-3** shows the major commuter traffic patterns from the north and east that are directed towards NYS Route 33 into Buffalo. The Kensington Expressway provides a direct link to Downtown Buffalo from major routes, such as the Scajaquada Expressway (NYS Route 198) and the NYS Thruway. The Kensington Expressway is an established commuter route between Downtown Buffalo and the City's northern and eastern neighborhoods as well as the Buffalo International Airport and many suburban communities. As described in further detail below, maintaining the vehicular capacity of the Kensington Expressway is needed based on traffic operations, access to regional medical facilities, and emergency vehicle response times.

Traffic Operations

The need for three lanes in each direction on NYS Route 33 through the defined transportation corridor is supported by the traffic analysis of Concept 7 (see Section 5.2.7 and **Appendix C**). Reducing the capacity of NYS Route 33, which was analyzed as part of Concept 7: Kensington Reconstruction with a 4-Lane Tunnel for Improved Community Connections, identifies unacceptable break down in westbound traffic flow in ETC+20 (year 2047) AM peak and unacceptable traffic delays east of the NYS Route 33 / NYS Route 198 interchange.

Without the Kensington Expressway, parallel routes serving similar traffic movements to NYS Route 33 (e.g., NYS Route 5 Main Street, NYS Route 62 Bailey Avenue) would require substantial upgrades to provide comparable speed and travel time. These roadways are constrained by residential and commercial development, making major improvements to them impracticable. This further supports the need to maintain the vehicular capacity of the NYS Route 33 corridor in its current location.

Travel Time Reliability

Travel time reliability is important to residents and business operations in the region. When congestion is variable day to day, travelers must incorporate additional time into their trips to ensure that they arrive at their destinations at the desired time.⁶ Maintaining the existing capacity of NYS Route 33 is justified to address non-recurring congestion events that cause travel time impacts, such as crashes, emergency vehicles, severe weather events, closures of other routes, construction lane closures, and other lane blocking events such as broken down vehicles.

Access to Medical Facilities

The Kensington Expressway also serves as a direct, uninterrupted throughfare to the Erie County Medical Center (ECMC) on Grider Street, which is a designated Level 1 Adult Trauma Center by the New York State Department of Health. The Kensington Expressway is also a critical access link to the Buffalo Niagara Medical Campus, which is accessed from the Best Street ramps and includes John R. Oishei Children's Hospital and Buffalo General Medical Center, both of which have emergency services. The Roswell Park Comprehensive Cancer Center is located just south of the Buffalo Niagara Medical Campus and also can be reached via the Kensington Expressway and Best Street interchange.

3.3.3 Multi-Modal Accommodations and Access

As described below, there is a need to upgrade the multi-modal accommodations for vehicles, pedestrians, bicyclists, and transit users within the transportation corridor. This need is supported by the City of Buffalo's and NYSDOT's "Complete Street" policies. A "Complete Street" is a roadway planned and designed to consider the safe, convenient access and mobility of all roadway users of all ages and abilities, including pedestrians, bicyclists, public transportation riders, and motorists. It includes children, the elderly, and persons with disabilities. Typical "Complete Street" roadway design features include sidewalks, lane

⁷ <https://www.dot.ny.gov/programs/completestreets>

striping, bicycle lanes, paved shoulders suitable for use by bicyclists, signage, crosswalks, pedestrian control signals, bus pull-outs, curb cuts, raised crosswalks, ramps and traffic calming measures.⁷

The need for multi-modal accommodations and access is also supported by the number of households in the vicinity of the transportation corridor without access to a vehicle. As noted in Section 3.3.1, within 0.33 mile of the transportation corridor, approximately 34% of households do not have access to a vehicle (approximately 881 households). The Bike Buffalo Niagara Regional Bicycle Master Plan identifies the neighborhoods surrounding the transportation corridor as an area of the “highest equity needs” based on an analysis that considered populations who have been historically disadvantaged or are otherwise considered vulnerable to unsafe, disconnected, or incomplete active transportation facilities. The plan suggests prioritizing the highest equity needs areas for funding of active transportation improvements and that such improvements will help improve access to public health and economic/job opportunities.⁸

Pedestrian

Humboldt Parkway and the cross streets in the transportation corridor exhibit a number of sidewalk and crosswalk deficiencies that inhibit safe and accessible use.

Americans with Disabilities Act Accessibility Guidelines (ADAAG) standards require curb ramps in the locations of sidewalk street crossings to enable wheelchair access. Curb ramps are missing for all four pedestrian crossings at the Best Street bridge over NYS Route 33. Similarly, curb ramps are missing on the sidewalks on the bridges over the expressway at East Utica Street and East Ferry Street. Humboldt Parkway lacks crosswalks in key locations, including at the east-west crossings to the bridges over the expressway at East Utica Street and East Ferry Street. Pedestrian crossing signals at signalized intersections are not present, further contributing to pedestrian crossing safety concerns.

The majority of the sidewalks on the bridges within the transportation corridor are narrow (less than five feet). Useable sidewalks are located on the outside edges of Humboldt Parkway only; the curb area along the edge of the depressed expressway is only three feet wide and not intended for pedestrian use. Some curb ramps are in deteriorated condition, such as at the intersection of Humboldt Parkway and Landon Street. Further, intersections lack curb extensions (bump-outs) that typically shorten crosswalk distances and delineate parking. There are no traffic calming measures present.

Bicycle

Humboldt Parkway generally has striped bicycle lanes (northbound and southbound) located in between the travel lane and the on-street parking. There are gaps in the existing Humboldt Parkway bicycle lanes on the west side of the expressway, specifically between East Ferry Street and Brunswick Boulevard and between East Utica Street and Riley Street (in these areas, bikes need to merge with auto traffic). On the east side of the expressway, there is a gap in the Humboldt Parkway bicycle lane between Girard Place and East Utica Street.

The east-west thoroughfares crossing the Kensington Expressway within the defined transportation corridor do not have defined bicycle routes or dedicated space. There is one existing pedestrian/bicycle dedicated crossing of the expressway south of Northland Avenue and three other pedestrian crossing structures between High Street and Elm Street/Oak Street (all of which are located outside the defined transportation corridor).

Local and regional plans note a number of bicycle-related needs in the vicinity of the transportation corridor. The 2020 Regional Bike Buffalo Niagara Master Plan proposes bicycle lanes on Best Street as part of the regional bicycle network. The Buffalo Bicycle Master Plan Update (2016) identifies NYS Route 33 as an “infrastructure barrier” and proposes neighborhood bikeways across the expressway on Northampton and East Utica Streets. Best Street and Ferry Street are also part of the bicycle network as facilities for

⁷ <https://www.dot.ny.gov/programs/completestreets>

⁸ GBNRTC 2021. Bike Buffalo Niagara- Regional Bicycle Master Plan 2020

experienced riders (shared use of travel lanes with auto traffic). Finally, the Buffalo Bicycle Master Plan Update proposes a bicycle route along existing roadways in the MLK Jr. Park area to connect between Best Street and Northampton Street on the east side of the expressway.

Transit

Existing Niagara Frontier Transportation Authority (NFTA) bus routes in the vicinity of the Project include Route 12 Utica (Utica Street), Route 13 Kensington (East Ferry Street), Route 22 Porter-Best (Best Street), Route 66 Williamsville Express (runs on expressway, no stops in vicinity of the Project), and Route 81 Eastside Express (travels westbound on East Ferry Street, southbound Humboldt Parkway and then eastbound on the Kensington Expressway, using the ramp from East Utica Street).

The east-west bus routes in the area generally operate every 20 to 30 minutes during the morning and afternoon commuting periods on weekdays. Evening and weekend service is less frequent (hourly or less). Route 66 operation is commute time focused and weekday only. The Route 81 service connects the University of Buffalo South Campus to downtown and operates in the inbound direction only on weekday mornings.

Bus stops are located on Best Street, and near Humboldt Parkway on East Utica and East Ferry Streets. There are also stops for Route 81 on Humboldt Parkway southbound near Winslow Avenue and East Utica Street. There are no bus stop amenities present at any of the bus stops (e.g., shelters, benches).

3.3.4 Infrastructure Deficiencies

The aging infrastructure of Humboldt Parkway and the Kensington Expressway creates the needs described below.

1. Concrete Retaining Walls:

Retaining walls within the Project limits were constructed in 1963 (Michigan Avenue to Northampton Street) and 1970 (Northampton Street to Northland Avenue). These walls have been deteriorating at a rapid rate over the past 5 to 10 years. The prominent distress is in the lower third of the walls where the snow/salt accumulates during the winter months. Patching treatments would not sufficiently address the deterioration of the retaining walls. Therefore, the retaining walls need replacement.

2. Bridge Structures:

The overhead bridges at Best Street, Dodge Street, and Northampton Street were built in 1963 and the overhead bridges at East Utica Street and East Ferry Street were built in 1970. All five of the bridges have their original decks, which have exceeded their expected 40-year service life. The bridges all have steel multi-girder superstructures with steel slider bearings and are multi-span simple-span bridges. Girder ends are experiencing section-loss up to 64% due to leaking bridge joints. All the bridges have overextended bearings and the Best Street and Dodge Street bridges have girder ends that are touching between spans. The bridges have pier columns without adequate pier protection and are vulnerable to trucks. Additionally, the bridge at Dodge Street has a vertical clearance of 14 feet & 2 inches and the bridge at Northampton Street has a vertical clearance of 14 feet & 3 inches. Both bridges have had their superstructure steel impacted. All the bridges have partial length cover plates with fatigue sensitive welds. The bridges at Best Street, Dodge Street, and East Utica Street have substantial areas of hollow-sounding concrete and exposed rebar on their substructures. Finally, all bridges have inadequate termination of their bridge barriers or railings and need upgrading to current standards.

All five bridges need deck replacements in the next 5 to 10 years, which would include the upgrading of bridge barriers or railings. New bearings would also be needed within this timeframe. Replacement of the bearings would require new pedestals and pier widths. The piers need to be replaced with solid piers to accommodate the new bearings and make them less vulnerable to truck

collisions. Superstructure steel would also need to be repaired and repainted to address steel section-loss. Bridge joints should be eliminated to stop water from leaking onto the superstructure steel, bearings, and substructure. This could be accomplished through the construction of link slabs. Also, concrete substructures need to be repaired and sealed to prevent further deterioration.

3. Pavement:

This section of the Kensington Expressway was originally constructed in the late 1960's with a typical section consisting of 12 inches of subbase and 8 inches of reinforced concrete. In 1974, a two-course asphalt overlay was installed on the entire surface. Since that time, the corridor has had a series of asphalt mill and overlays, some of the treatments being two-course and some only a single course. In 2013, a single course mill and overlay was installed; however, reflective cracking from the underlying concrete pavement was observed soon after. This behavior indicates that the underlying concrete pavement, which is over 65 years old, has seen the end of its useful life and requires replacement. The most recent treatment was a single course mill and overlay in 2022.

The Humboldt Parkway pavement, also constructed in the 1960's, is nearing the end of its service life. The City of Buffalo has conducted periodic resurfacing; however, continued preventative maintenance is no longer considered a viable option when considering factors such as age and the degree of surface and subsurface improvements that would compromise the integrity of the pavement.

4. Drainage Systems:

The existing closed drainage system in the Project limits has been constructed in stages over several contracts and is relatively complex given the following: interconnection of the Kensington Expressway and Humboldt Parkway systems; storm and sanitary flows are combined along some stretches of Humboldt Parkway; and an existing pump station is needed to discharge some of the expressway stormwater. Based on the age of the infrastructure, it is anticipated to be in deteriorating condition (further assessment of drainage features will be conducted as the design/environmental review process advances).

5. Traffic Signal Systems:

The existing traffic signals, poles and controllers are antiquated and in poor condition. There is a lack of pedestrian signal equipment at all locations. The existing traffic signals are estimated to have been constructed in 1963 (Michigan Avenue to Northampton Street) and 1970 (Northampton Street to Northland Avenue).

6. Partial Interchanges:

There is a partial interchange between Northampton Street and East Utica Street, which should be eliminated. Partial interchanges are undesirable because they do not allow for all basic interchange movements, which violates driver expectations and may lead to "wrong-way" movements on ramps.

7. Non-Standard Shoulder Widths:

Shoulder widths along the Kensington Expressway vary, but the inside shoulders are generally 4 feet wide (2 feet wide, at a minimum) along the concrete median barrier. A 10-foot minimum inside shoulder width is required to meet current standards. To achieve the required minimum inside shoulder widths while maintaining three lanes of traffic on both the northbound and southbound Kensington Expressway, relocation of the retaining walls would be necessary.

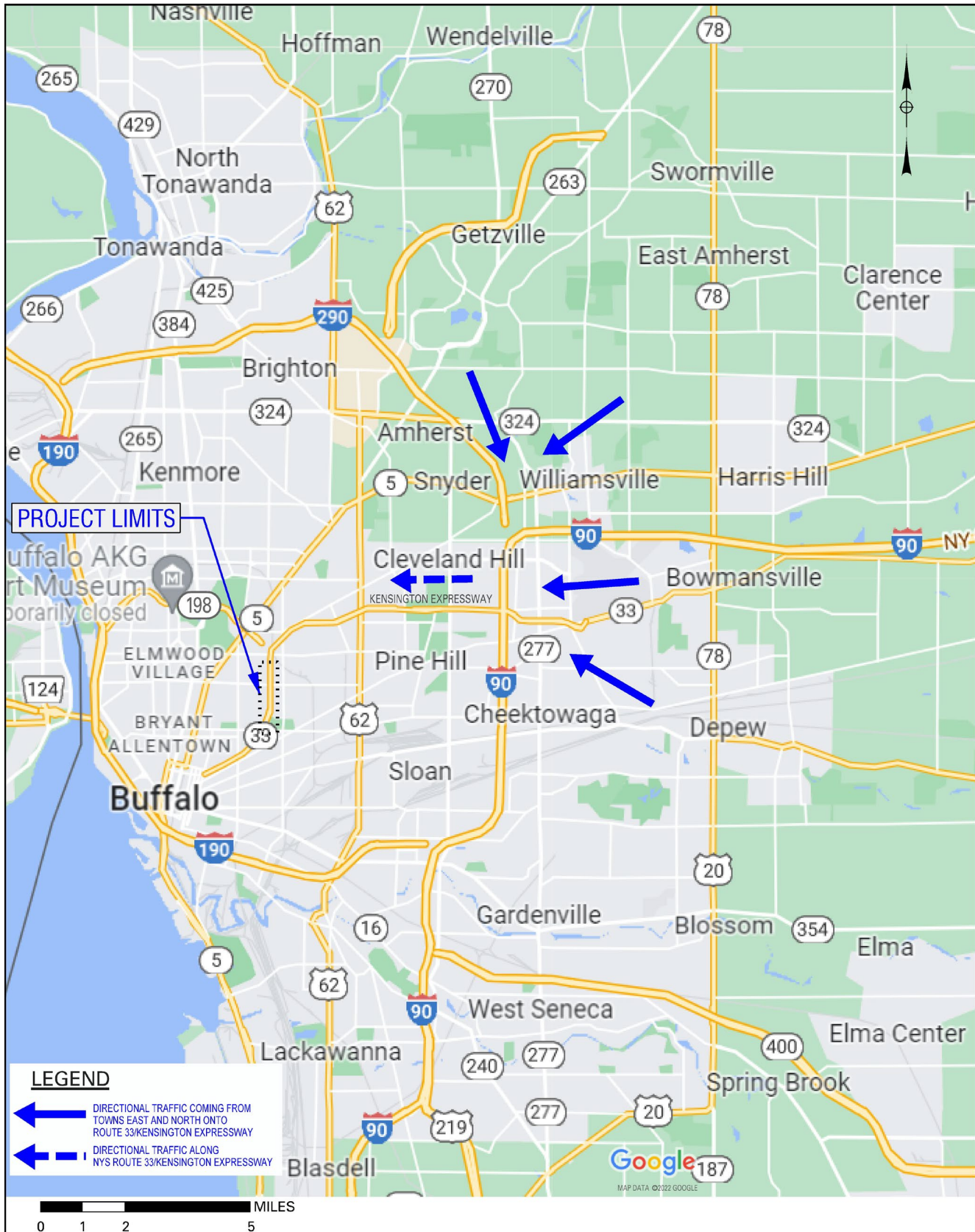


Figure 3-3 Major Commuter Traffic Patterns Contributing to NYS Route 33, Kensington Expressway Traffic

3.4 Independent Utility

In accordance with Part 771 of Title 23 of the Code of Federal Regulations (CFR) (23 CFR § 771.111(f)), the Kensington Expressway Project:

- Connects logical termini and is of sufficient length to address environmental matters on a broad scope;
- Has independent utility; and
- Would not restrict consideration of alternatives for other reasonably foreseeable transportation improvements.

The rationale for the logical termini (Best Street to Sidney Street) is provided in Section 2.

As a separate, independent action, the NYSDOT was advancing the NYS Route 198 Scajaquada Expressway Corridor Project (PIN 5470.22). The NYSDOT had prepared a Final Design Report/Final Environmental Impact Statement; however, a Record of Decision has not been issued. The project is currently on hold while the Greater Buffalo-Niagara Regional Transportation Council (GBNRTC) conducts a planning study called the Region Central Initiative.

The Region Central Initiative study area is based on the boundaries of eight neighborhoods surrounding the NYS Route 198 corridor, including Hamlin Park and Delavan Grider.⁹ With respect to NYS Route 33, the southern extent of the Region Central Initiative study area is East Ferry Street. The Region Central Initiative preliminary scenarios do not overlap with the limits of the NYS Route 33 Project (the Region Central Initiative concept limits end at the Route 33/Route 198 interchange).¹⁰ The Region Central Initiative and the NYS Route 33 Kensington Expressway Project have independent utility and decisions made regarding the transportation corridor between Best Street and Sidney Street will not constrain the consideration of alternatives in the Region Central Initiative study area. The investment to improve community and transportation conditions in the defined transportation corridor will be a reasonable and needed Project regardless of the outcome of the Region Central Initiative.

Although separate, the NYSDOT and FHWA will continue coordination with GBNRTC regarding the Region Central Initiative to inform the NYS Route 33 Kensington Expressway Project design development as the Region Central planning process progresses towards specific recommendations. Also, as stated in Section 7.3, GBNRTC has been invited to participate as a Participating Agency on the NYS Route 33 Kensington Expressway Project. The NYS Route 33 Kensington Expressway Project will be designed to not preclude the consideration of potential future projects in other portions of NYS Route 33 (i.e., north of Sidney Street or south of Best Street) or in the NYS Route 198 corridor.

⁹ https://www.gbnrtc.org/s/Experiential-Guide-to-the-Corridor_11012021.pdf

¹⁰ Draft presentation of four scenarios in March and July 2022. <https://www.gbnrtc.org/regioncentral-events>

Section 4 Social, Economic, and Environmental Considerations

National Environmental Policy Act (NEPA)

The Project is classified as a NEPA Class III action under 23 CFR §771. An Environmental Assessment (EA) will be prepared to determine whether or not the Project has the potential to cause significant environmental impacts, resulting in the preparation of either an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI). The NYSDOT, acting as joint lead agency and project sponsor, in cooperation with the FHWA, acting as federal lead agency, will advance the Project through the NEPA EA process in consideration of public and agency comments.

State Environmental Quality Review Act (SEQRA)

The Project is classified as a SEQRA non-Type II action, and an EA will be prepared in accordance with the SEQRA regulations in 17 NYCRR Part 15.

The Project will comply with applicable environmental legislation, regulations, executive orders, and NYSDOT policies and procedures. The short-term (construction-related) and long-term (operations-related) effects of the Project will be studied and documented in the EA. The key social, economic, and environmental topics of concern for the Project are identified and discussed below.

4.1 Potential Permits, Approvals, Concurrences, and Consultation

Anticipated permits, approvals, concurrences, and consultation for the Project are listed below. This list will be refined as the NYSDOT further develops the Project design and identifies the potential effects that would result from implementation of the Project. The refined list will be presented in the DDR/EA. The expected timetable for Project permitting is available at the [Federal Infrastructure Projects permitting dashboard](#).

- Federal Highway Administration (FHWA)
 - Determination under Section 4(f) of the U.S. Department of Transportation Act of 1966: *Parks, Recreation Areas, Wildlife and Waterfowl Refuges, and Historic Sites* (23 CFR § 774)
 - Determination under Section 106 of the National Historic Preservation Act of 1966 (NHPA; Section 106)
- U.S. Department of Interior, Fish and Wildlife Service (USFWS)
 - Consultation under Section 7 of the Endangered Species Act of 1973, the Migratory Bird Treaty Act, and the Bald and Golden Eagle Protection Act
- U.S. Environmental Protection Agency (USEPA)
 - Consultation regarding the air quality analysis
- NYS Department of Environmental Conservation (NYSDEC)
 - State Pollutant Discharge Elimination System (SPDES) Permit (ECL Article 17)
 - Consultation regarding the air quality analysis
 - Consultation with the Natural Heritage Program (ECL 11-0535)
- NYS Office of Parks, Recreation, and Historic Preservation (OPRHP), State Historic Preservation Office (SHPO)
 - Consultation under Section 106 of the National Historic Preservation Act
 - Section 4(f) coordination as official with jurisdiction for historic sites

The Project will also be designed and assessed in consideration of the requirements of New York's Climate Leadership and Community Protection Act.

Consultation and coordination with Cooperating Agencies and Participating Agencies will occur throughout the project development process, as appropriate, to meet obligations pertaining to permits, approvals, concurrences, and consultation.

4.2 Study Areas and Methodologies

4.2.1 Study Areas

The general Study Area for the Project includes a 1,000-foot buffer surrounding the Project limits. A 1,000-foot boundary was selected in order to accommodate for enough area to describe the existing conditions and evaluate the potential effects of the Project (see **Figure 2-2: General Study Area**). For some topics, the study area will vary from the general Study Area. For example, the study area for topics such as wetlands and surface waterbodies and watercourses will include the Project limits and those areas immediately adjacent to the Project limits. The study area for social conditions, including environmental justice, will include all census tracts that are within or intersect the general Study Area for the Project. All resource specific study areas will be established and documented in the DDR/EA for the Project.

4.2.2 Analysis Years

The analysis years will be chosen based on standard NEPA protocols and NYSDOT procedures and will vary depending on the particular topic. For example, analysis of socioeconomic issues, including environmental justice, will use the range of years 2016-2020 for population, housing, and income data from the U.S. Census Bureau – American Community Survey (ACS), supplemented by available updated information. For the traffic noise analysis, the design year (ETC+20) will be modeled in accordance with the NYSDOT Noise Policy. Air quality will be analyzed for the Estimated Time of Completion (ETC) and ETC+20 years.

4.2.3 Assessment Methodologies

The methodologies to be used to evaluate the potential social, economic, and environmental effects resulting from implementation of the Project will follow the FHWA Technical Advisory T6640.8A, *Guidance for Preparing and Processing Environmental and Section 4(f) Documents* (October 30, 1987), the procedures in the NYSDOT *Project Development Manual* (PDM) and *The Environmental Manual* (TEM), and applicable guidance and regulations. The DDR/EA will include an assessment of the social, economic, and environmental effects of the Build Alternative (see Section 5.3) in comparison to that of the No Build Alternative.

Section 4.3 describes the social, economic, and environmental topics to be reviewed in the DDR/EA and summarizes the methodologies that will be used for each topic.

4.3 Social, Economic, and Environmental Considerations

4.3.1 Land Use

Effects to land use and consistency with local plans within the applicable study area will be assessed as part of the DDR/EA. Local land use patterns, zoning, and recent development trends will be addressed. Projects in the study area that are under construction or reasonably foreseeable will be identified and cumulative effects assessed. The land use study area will be developed in consideration of the areas to be affected by the Project.

The potential for property acquisitions will also be assessed as part of the DDR/EA. Existing land use and zoning classifications are shown in **Figures 4-1 and 4-2**, respectively. The area within the vicinity of the Project limits consists of multiple land uses, including commercial, community services, industrial, public services, recreation and entertainment, residential, vacant land, and wild, forested, conservation lands, and public parks. The majority of the area is varied with a dominance of residential and mixed-use zoning classifications.

4.3.2 Neighborhood Character and Community Cohesion

Potential effects to neighborhood character and community cohesion, including the potential to divide neighborhoods, isolate communities, generate new development, and affect development trends, will be assessed as part of the DDR/EA. The study area for assessment of effects to neighborhood character and community cohesion will be developed in consideration of the areas to be affected by the Project and will include the full extent of the census tracts that intersect with the general Study Area for the Project.

4.3.3 Environmental Justice and Disadvantaged Communities

Executive Order 12898 *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* directs federal agencies to take the appropriate and necessary steps to identify and address disproportionately high and adverse effects of federal projects on the health or environment of minority and/or low-income populations to the greatest extent practicable and permitted by law. The potential for the Project to result in disproportionately high and adverse effects on minority and low-income (environmental justice) populations will be assessed as part of the environmental review for the Project, consistent with the FHWA's "Guidance on Environmental Justice and NEPA."

A preliminary assessment using U.S. Census Bureau data from 2015-2019 indicates that there are minority and/or low-income populations present adjacent to the Project limits (see **Figure 4-3** and **Figure 4-4**). The study area will be developed in consideration of the areas to be affected by the Project and will include the full extent of the census tracts that intersect with the general Study Area for the Project.

In March 2022, NYSDEC released draft disadvantaged community criteria for use in implementation of New York's Climate Leadership and Community Protection Act (CLCPA). Designated disadvantaged communities are defined at the census tract level based on 45 indicators of climate-related burdens, environmental risks (pollution exposure), and population / health vulnerabilities (including indicators related to income, race and ethnicity, health outcomes, and housing).¹¹ One key purpose of the disadvantaged communities criteria is to provide metrics for equitable investments under the CLCPA (disadvantaged communities should receive at least 35% of clean energy/energy efficiency investment, with a goal of 40%). Disadvantaged communities are present within the vicinity of the Project.

4.3.4 Social Groups Benefitted or Harmed

The DDR/EA will include an assessment of effects on persons with disabilities, elderly populations (i.e., those over 65 years of age), transit-dependent populations, and non-driver populations. The study area will be developed in consideration of the areas to be affected by the Project and will include the full extent of the census tracts that intersect with the general Study Area for the Project.

4.3.5 Schools and Places of Worship

There are numerous schools and places of worship within the vicinity of the Project limits (see **Figure 4-1**). The DDR/EA will include an assessment of effects on schools and places of worship within an appropriate study area. This evaluation will consider impacts to schools, including construction impacts on busing, effects to nearby pedestrian and bicyclist accommodations, and temporary/permanent changes in access to schools and places of worship within an appropriate study area. Changes to traffic volumes and flow patterns, and the potential for temporary noise increases during construction will be considered and assessed as part of the DDR/EA.

4.3.6 Regional and Local Economy, Effects to Businesses

Multiple small commercial and mixed-use properties and businesses are located within the Project vicinity. There is a pocket of Light Industrial and Heavy Industrial zoned parcels to the northeast of the Project limits, but these areas are largely abandoned in use and do not directly abut the Kensington Expressway. The

¹¹ <https://climate.ny.gov/DAC-Criteria>

immediate Project vicinity is predominantly comprised of residential and mixed-use properties with no Waterfront or Metro Rail Zoning Overlays. The City of Buffalo's Central Business District is not mapped in the Project vicinity. Potential effects to businesses, including effects to access and operation of businesses in the applicable study area, effects to the local tax base, changes to traffic patterns, and modifications to the transport of goods, will be assessed as part of the DDR/EA.

4.3.7 Wetlands

There are no NYSDEC-mapped freshwater wetlands or regulated 100-foot adjacent areas within the Project vicinity, as per the NYSDEC's Environmental Resource Mapper (ERM), 2022. National Wetland Inventory (NWI) mapping was reviewed for the Project limits. The only wetland resource indicated by the NWI mapping is an R4SBC (Riverine, Intermittent, Streambed, Seasonally Flooded) wetland, which is shown in the vicinity of the Project near Dignity Circle. This NWI mapped wetland is associated with the Scajaquada Creek. These preliminary findings and potential effects to wetlands will be assessed as part of the DDR/EA. The study area for this assessment will consider the proposed limits of construction and an appropriate buffer.

4.3.8 Navigable Waters

There are no state regulated navigable waters located within the vicinity of the Project. The Niagara River and Lake Erie are located west of the City of Buffalo, approximately 3.3 miles west of the Project.

4.3.9 Floodplains

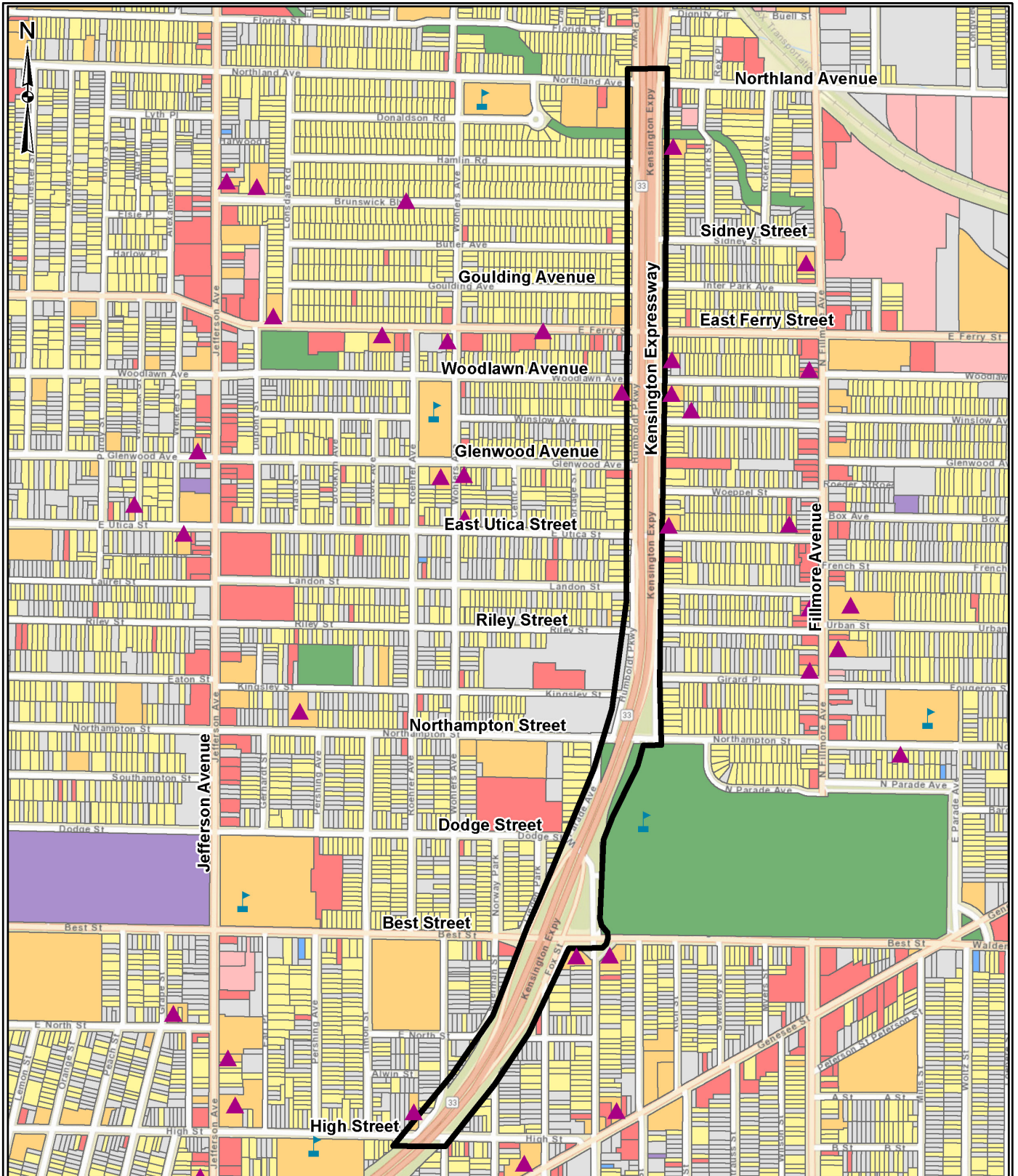
Based on a review of the Federal Emergency Management Agency's (FEMA) flood zone data for Erie County, the Project limits are not located within the 100-year or 500-year FEMA-mapped floodplains or flood zones.

4.3.10 Coastal Resources

The Project is not located in a state or federally designated Coastal Area, according to the New York State Department of State (NYSDOS) Coastal Boundary Map. The City of Buffalo Local Waterfront Revitalization Program (LWRP) was adopted in July 2018 and was approved by the NYSDOS in April 2019. Applicability of the LWRP boundary to the Project will be assessed in the DDR/EA once a study area is developed.

The Project is not located in, or near, a coastal erosion hazard area (CEHA), according to NYCDEC's list of DEC regulated CEHA Communities and Certified CEHA Communities.

The Project is not located in a Coastal Barrier Resources System (CBRS), according to the U.S. Fish and Wildlife Service's (USFWS) CBRS Mapper.



Legend

- Hospitals (none in extent)
- House of Worship
- School
- Project Limits
- Land Use**
- Commercial
- Community Services
- Residential
- Industrial
- Public Services
- Recreation & Entertainment
- Vacant Land
- Wild, Forested, Conservation Lands and Public Parks

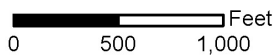
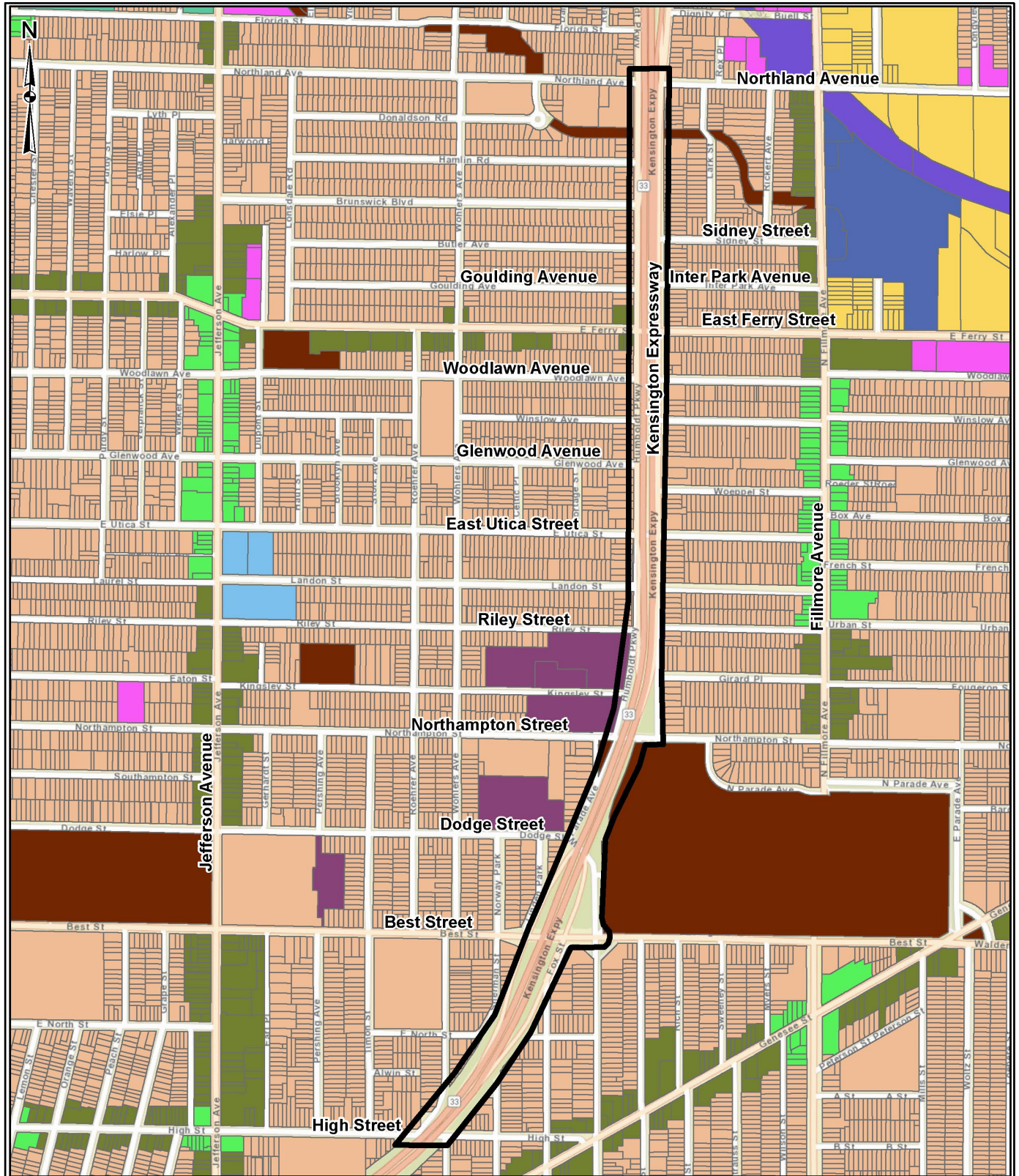


Figure 4-1
Land Use
PIN 5512.52

NYS Route 33, Kensington Expressway Project
Erie County, NY

Sources: B&L, 2022; World Street Map basemap - ESRI, ArcGIS Online; Parcels - Erie County, 2021; Hospital/School/Worship- HIFLD, 2021 and 2022;

Figure 4-1: Existing Land Use



Legend

| | | | |
|--------------------|------------------|------------------|--------------------|
| Project Limits | Flex Commercial | Medical Campus | Residential |
| Existing Zoning | Green | Mixed-Use Center | Residential Campus |
| Educational Campus | Heavy Industrial | Mixed-Use Edge | Retail Strip |
| | Light Industrial | Rail Corridor | |

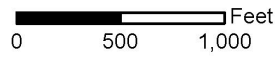
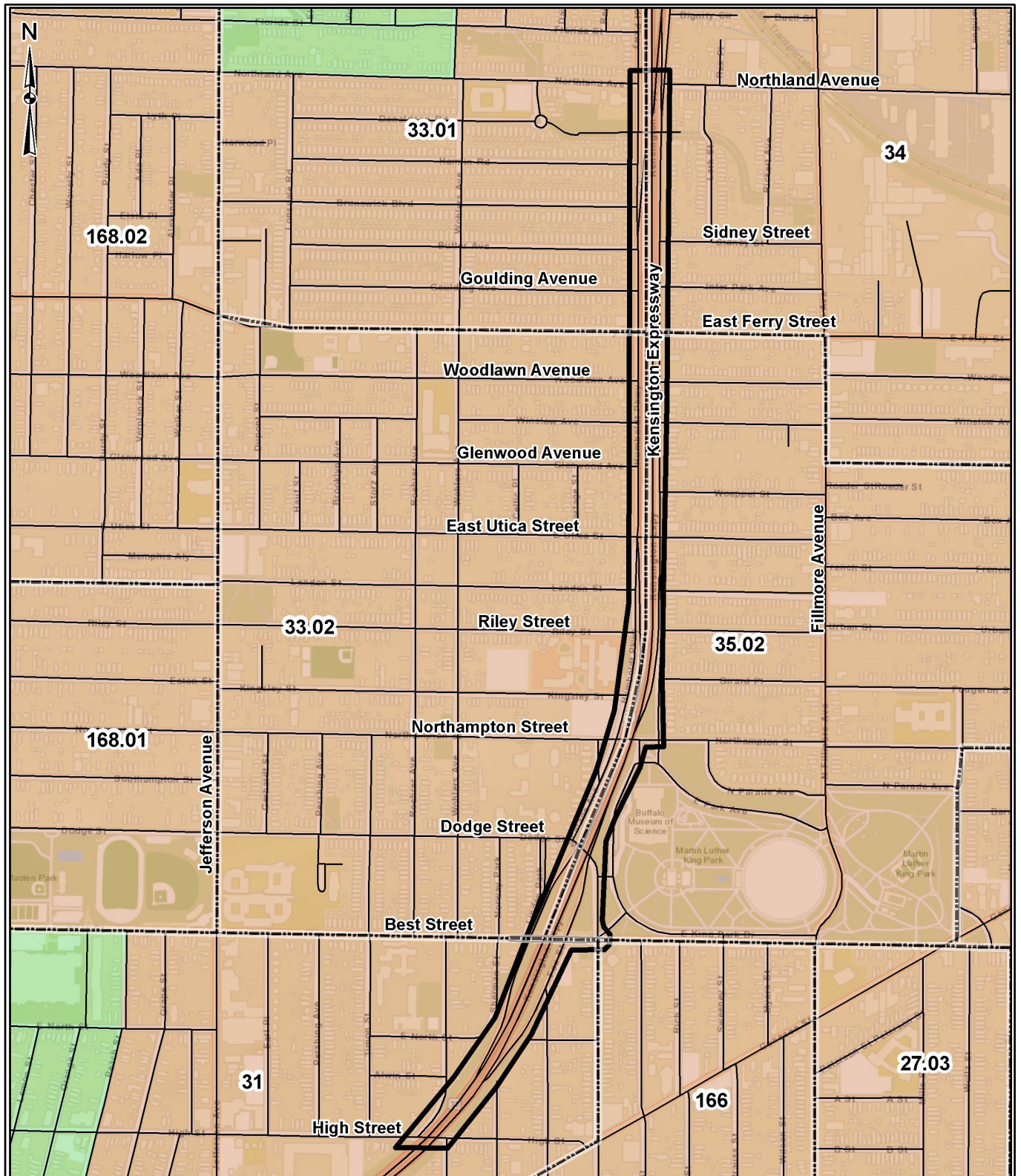




Figure 4-2
Existing Zoning
 PIN 5512.52
 NYS Route 33, Kensington Expressway Project
 Erie County, NY

Sources: B&L, 2022; World Street Map basemap - ESRI, ArcGIS Online; Parcels- Erie County, 2021; Hospital/School/Worship- HIFLD, 2021 and 2022;




Figure 4-2: Existing Zoning



Legend

-  Census Tract Boundary and ID
-  Project Limits

Percent Minority Population by Census Block Group

-  25-50%
-  50-75%
-  >75%

0 500 1,000 Feet

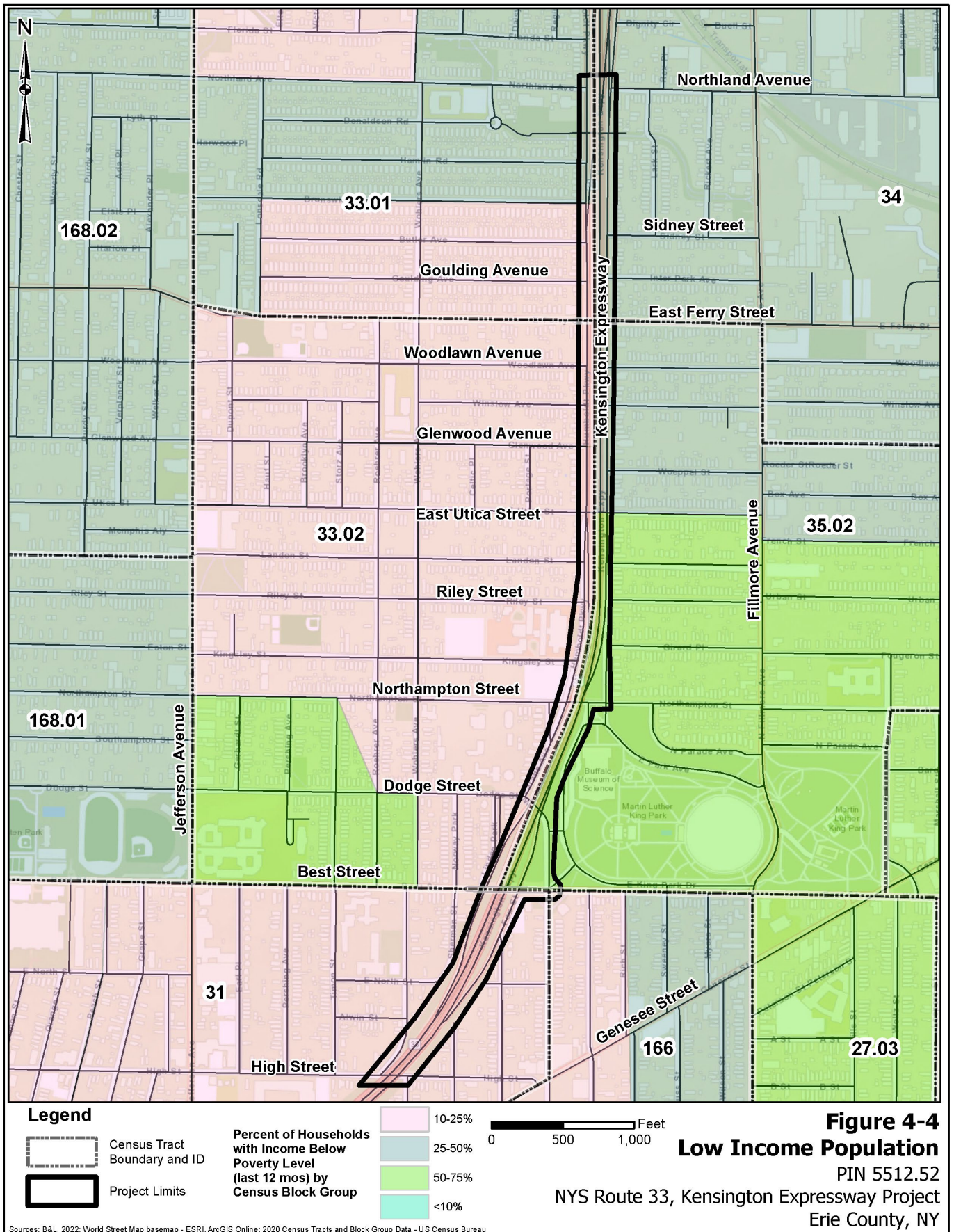
Figure 4-3
Minority Population

PIN 5512.52

NYS Route 33, Kensington Expressway Project
Erie County, NY

Sources: B&L, 2022; World Street Map basemap - ESRI, ArcGIS Online; 2020 Census Tracts and Block Group Data - US Census Bureau

Figure 4-3: Minority Population



Sources: B&L, 2022; World Street Map basemap - ESRI, ArcGIS Online; 2020 Census Tracts and Block Group Data - US Census Bureau

Figure 4-4: Low Income Population

4.3.11 Groundwater Resources, Aquifers, and Reservoirs

NYSDEC aquifer data have been reviewed and it has been determined that the Project is not located in an identified state mapped Primary Water Supply or Principal Aquifer Area or mapped within a USEPA Sole Source Aquifer. The Project is located just east of an unconfined aquifer (NYSDEC mapped Principal Aquifer) within the City of Buffalo limits. There are no municipal drinking water wells, wellhead influence zones, or reservoirs within or near the Project. The residential neighborhoods and businesses located along Humboldt Parkway and Kensington Expressway are serviced by a public drinking water system maintained by the Buffalo Water Board, which sources drinking water from Lake Erie.

Effects to groundwater resources and local groundwater quality will be assessed as part of the DDR/EA by estimating additional drainage, pollutant loads and impediments to groundwater. The study area will consider the proposed limits of construction and an appropriate buffer.

4.3.12 Stormwater Management

Projects that disturb soils and increase the extent of impervious surfaces have the potential to affect the quality and quantity of stormwater runoff that may discharge into subsurface or surface waters. As part of the DDR/EA, the potential effects to surface water quality, including erosion and sediment control practices proposed in the vicinity of surface water bodies, storm system connections, and combined sewer outfall connections, will be evaluated and documented. The study area will include the proposed limits of construction and an appropriate buffer. As part of the DDR/EA, the potential effects to surface water quality, including erosion and sediment control practices proposed in the vicinity of surface water bodies, storm sewer connections, and combined sewer outfall connections, will be evaluated and documented. Consultation with the NYSDEC and the City of Buffalo will occur, as necessary.

Coverage under the NYSDEC State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity and a Stormwater Pollution Prevention Plan would be required if the total disturbed area under the Project exceeds permitting thresholds.

4.3.13 General Ecology and Wildlife Resources

There are no designated or special habitats or breeding areas for fish, wildlife, or waterfowl in the vicinity of the Project. The Project is located in an urban area that is heavily developed. The MLK Park is the largest area of greenspace within the vicinity of the Project. As part of the DDR/EA, the nature and extent of potential effects of the Project on ecological communities and habitats will be evaluated. The study area will consider the proposed limits of construction and an appropriate buffer. If adverse effects are anticipated, mitigation measures will be identified in consultation with the appropriate agencies. As part of the DDR/EA, the nature and extent of potential effects of the Project on ecological communities and habitats will be evaluated.

4.3.14 Threatened and Endangered Species

Based on the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) System, there is one federally-listed species with the potential to occur within the vicinity of the Project: the northern long-eared bat (*Myotis septentrionalis* – threatened). Additionally, IPaC also identified the potential for the monarch butterfly (*Danaus plexippus*) to occur within the Project vicinity. The monarch butterfly is a candidate species and does not currently have federal protection.

The New York Natural Heritage Program (NYNHP) database was reviewed for information regarding the presence of any state-listed endangered species, threatened species, species of special concern, or significant natural communities within the vicinity of the Project. There are three state-listed protected, rare, threatened, or endangered plant and animal species within the vicinity of the Project identified in the NYNHP

database. Species identified as potentially occurring within the vicinity of the Project, and within a 1.5-mile buffer, include the following:

- Peregrine Falcon (*Falco peregrinus*, Endangered)
- Golden Dock (*Rumex fueginus*, Endangered)
- Canada Bluets (*Houstonia canadensis*, Threatened)

The NYNHP mapping shows the Project is not within the vicinity of any significant natural communities.

Effects to federally and state-listed threatened, endangered, and rare species, will be assessed as part of the DDR/EA. The study area will consider the proposed limits of construction and an appropriate buffer. The DDR/EA will include documentation of the habitat types in the Project vicinity and determining whether suitable habitats exist for the identified species. If adverse effects to species are anticipated, mitigation measures will be identified in consultation with appropriate agencies.

4.3.15 Historic/Cultural Resources

State and National Heritage Areas

The State Heritage Area (SHA) System is a state-local partnership aimed at preserving and developing areas that have unique significance to NYS. The Project is located within the Western Erie Canal Heritage Corridor, a SHA that includes communities in the Counties of Erie, Monroe, Orleans, Niagara, and Wayne. The Western Erie Canal Alliance is the managing entity of the NYS Management Plan for the Western Erie Canal Heritage Corridor. A determination will be made as to whether proposed activities are consistent with the approved management plan. The Western Erie Canal Alliance will be contacted, as necessary, and coordination would be undertaken.

National Heritage Areas (NHA) are designated by Congress and are representative of natural, cultural, and/or historic resources that form a nationally important landscape. The Project is located within the Erie Canalway National Heritage Corridor. This NHA spans 524 miles across New York State and showcases the history and engineering success of the Erie Canalway. A review of the NHA Management Plan will be conducted. If impacts to the National Heritage Area are likely to occur, the Erie Canalway National Heritage Corridor will be contacted to confirm that the preferred design concept is consistent with the Erie Canalway Preservation and Management Plan.

National Historic Preservation Act – Section 106

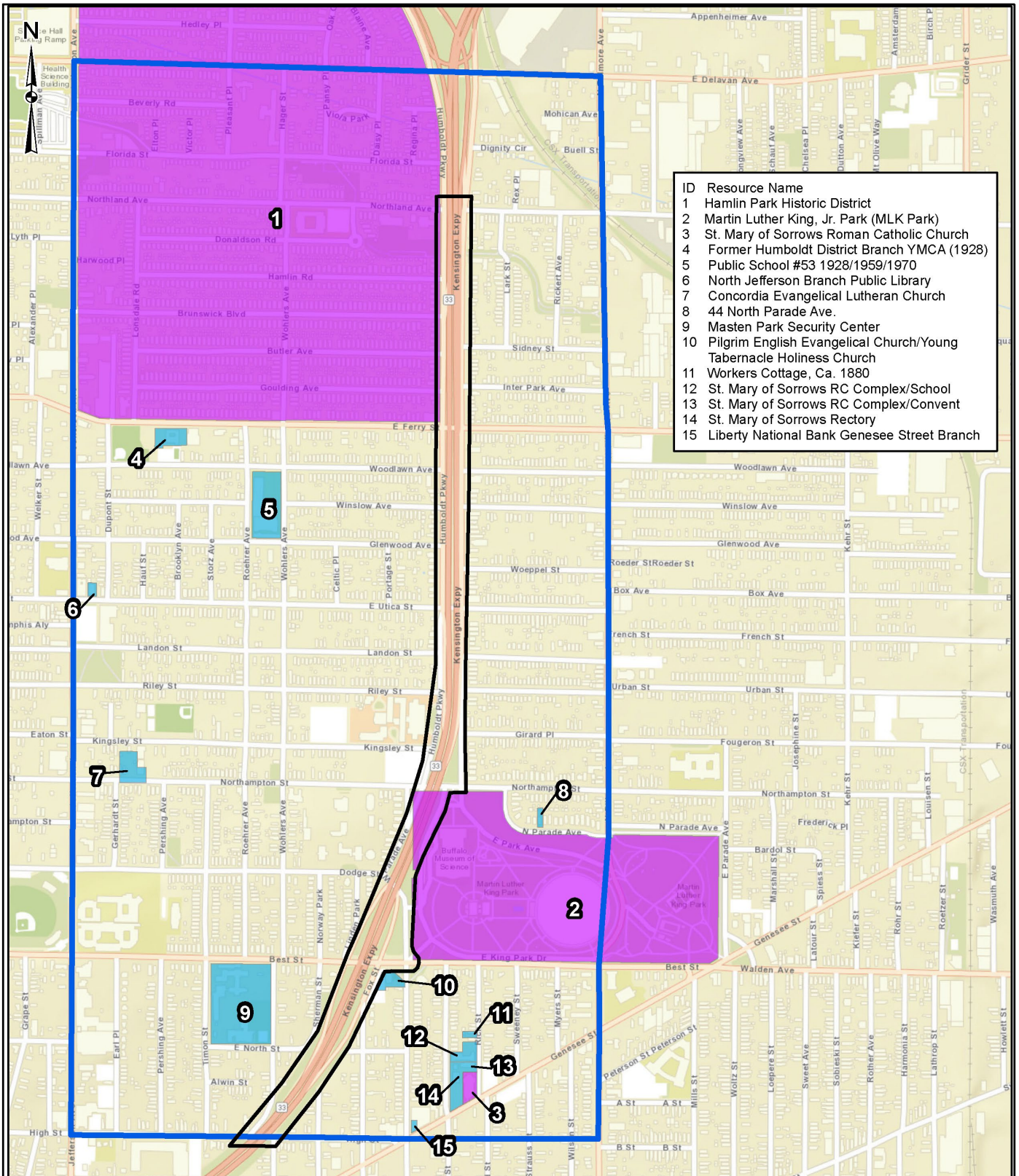
The Project is a federal undertaking subject to review under Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, and its implementing regulations, 36 CFR Part 800. Section 106 requires federal agencies to take into account the potential effects of their undertakings on historic properties, defined as “any prehistoric or historic district, site, building, structure or object included in, or eligible for inclusion in the National Register of Historic Places (NRHP)” (36 CFR §800.16(I)(1)), and to provide the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment. The Project’s effects on historic properties will be evaluated through the Section 106 process, with the goal of seeking ways to avoid, minimize, or mitigate any adverse effects, if present.

A *Cultural Resources Screening*, dated April 8, 2022, was conducted for the Project. Information on previously identified historic properties within the established screening area (the area bounded by E. Delavan Avenue, Jefferson Avenue, High Street and Fillmore Avenue) was obtained from the NYS Office of Parks, Recreation and Historic Preservation (OPRHP) online database, the Cultural Resource Information System (CRIS). Historic properties identified within the screening area used in the *Cultural Resources Screening* are depicted on **Figure 4-5** and include:

- Hamlin Park Historic District
- Martin Luther King, Jr. Park – a component of the Olmsted Parks and Parkways Thematic Resources Multiple Property

- St. Mary of Sorrows Roman Catholic Church
- St. Mary of Sorrows Roman Catholic Rectory
- St. Mary of Sorrows Roman Catholic Complex/Convent
- St. Mary of Sorrows Roman Catholic Complex/School
- Masten Park Security Center
- North Jefferson Branch Public Library
- 44 North Parade Ave.
- Concordia Evangelical Lutheran Church
- Public School #53 (1928/1959/1970)
- Pilgrim English Evangelical Church/Young Tabernacle Holiness Church
- Liberty National Bank Genesee Street Branch
- Workers Cottage ca. 1880
- Former Humboldt District Branch YMCA (1928)

Following established standards and procedures, the identification of historic properties within the Area of Potential Effects (APE) will be completed, and the effects to those properties will be evaluated as part of the Section 106 process and documented in the DDR/EA.



- | ID | Resource Name |
|----|---|
| 1 | Hamlin Park Historic District |
| 2 | Martin Luther King, Jr. Park (MLK Park) |
| 3 | St. Mary of Sorrows Roman Catholic Church |
| 4 | Former Humboldt District Branch YMCA (1928) |
| 5 | Public School #53 1928/1959/1970 |
| 6 | North Jefferson Branch Public Library |
| 7 | Concordia Evangelical Lutheran Church |
| 8 | 44 North Parade Ave. |
| 9 | Masten Park Security Center |
| 10 | Pilgrim English Evangelical Church/Young Tabernacle Holiness Church |
| 11 | Workers Cottage, Ca. 1880 |
| 12 | St. Mary of Sorrows RC Complex/School |
| 13 | St. Mary of Sorrows RC Complex/Convent |
| 14 | St. Mary of Sorrows Rectory |
| 15 | Liberty National Bank Genesee Street Branch |

Legend

- Project Limits
- Cultural Resources
- National Register Listed Property
- National Register Eligible Property
- Screening Area

0 500 1,000 Feet

Figure 4-5 National Register Listed/Eligible Properties

PIN 5512.52
 NYS Route 33, Kensington Expressway Project
 Erie County, NY

Sources: B&L, 2022; World Street Map basemap - ESRI; ArcGIS Online; National Register Properties, 2018; Eligible Properties, CRIS 2022;

Figure 4-5: Known National Register Listed/Eligible Properties

4.3.16 Parks and Recreational Areas

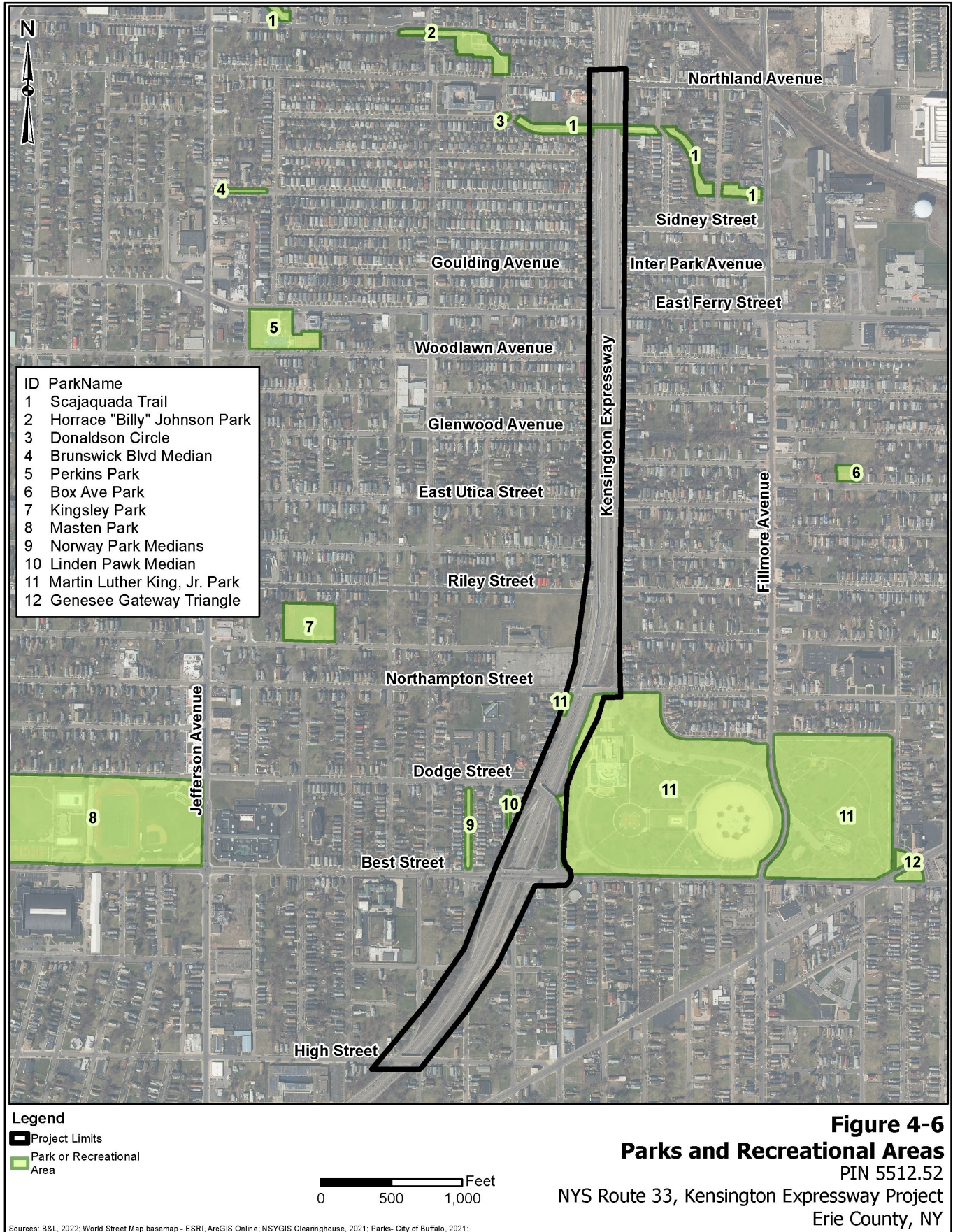
Section 4(f) (49 U.S. Code 303) of the U.S. Department of Transportation Act of 1966 applies to publicly owned parks, recreation areas, and wildlife and waterfowl refuges and public or private owned historic properties. Section 4(f) also applies to the historic properties identified during the Section 106 process, described above. Section 4(f) prohibits the FHWA from approving the use of any Section 4(f) resource for a transportation project, except where there is no feasible and prudent alternative that would avoid the use of the Section 4(f) resource, and when the project includes all possible planning to minimize harm to that property.

Section 4(f) resources are present within the vicinity of the Project (see **Figure 4-6**) and a Section 4(f) Evaluation will be conducted as part of the DDR/EA. If a Section 4(f) use is identified, mitigation for the use of the Section 4(f) resource will be developed in consultation with the official with jurisdiction over the resource.

The Land and Water Conservation Fund (LWCF) (54 USC 2003 et seq.) state assistance program is a federal matching grant program administered by the National Park Service (NPS) to provide grants to states and, through states, to local governments and tribes to plan, acquire, or develop land for public outdoor recreation. Conversion of parkland that received funding from the LWCF receives special protections. However, LWCF funds have not been received by MLK Jr. Park or any of the parks within the vicinity of the Project.¹²

Section 1010 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. § 2501–2514) protects recreation sites that received funding under the Urban Park and Recreation Recovery (UPARR) Program. This program provided federal funds to economically distressed urban communities for the rehabilitation and renovation of recreational facilities. Pursuant to Section 1010 of the Act, no property improved or developed with UPARR assistance can be converted to other than public recreation uses without the approval of the NPS. A conversion will be approved only if it is found to be in accordance with the current local park and recreation Recovery Action Program and/or equivalent recreation plans and only upon such conditions as deemed necessary to assure the provision of adequate recreation properties and opportunities of reasonably equivalent location and usefulness. If any impacts to parkland are identified, research and coordination (including with the Buffalo Olmsted Parks Conservancy and the City of Buffalo) will be conducted during the preparation of the DDR/EA to determine if the affected parks have received funding from the UPARR Program.

¹² <https://lwcf.tplgis.org/mappast/>



| ID | ParkName |
|----|------------------------------|
| 1 | Scajaquada Trail |
| 2 | Horrace "Billy" Johnson Park |
| 3 | Donaldson Circle |
| 4 | Brunswick Blvd Median |
| 5 | Perkins Park |
| 6 | Box Ave Park |
| 7 | Kingsley Park |
| 8 | Masten Park |
| 9 | Norway Park Medians |
| 10 | Linden Pawk Median |
| 11 | Martin Luther King, Jr. Park |
| 12 | Genesee Gateway Triangle |

Figure 4-6: Parks and Recreational Areas

4.3.17 Visual Resources

A Visual Impact Assessment (VIA) will be completed for the Project consistent with the Guidelines for the Visual Impact Assessment of Highway Projects issued by the FHWA in 2015 (FHWA-HEP-15-029), the NYSDOT visual assessment policy, and the NYSDEC Program and Policy Assessing and Mitigating Visual Impacts (NYSDEC DEP-00-2). The VIA will consist of an evaluation of the Project, including photo simulations, to assess its impacts, both positive and negative, on the visual resources within the applicable study area. The visual environment includes schools, places of worship, parkland and parkland facilities, residences, and historic sites. If adverse visual effects are anticipated, measures to avoid, minimize, and/or compensate for the adverse effect, in accordance with the FHWA's guidelines, will be considered.

As part of the environmental review process, an "Area of Visual Effect" will be established for the Project using desktop analysis, mapping, subsequent site visits, and consideration of the limits of view, which can be constrained by landform (topography), land cover (vegetation), and land use (structures).

4.3.18 Air Quality

Air quality analyses will be conducted for the Project as part of the DDR/EA in accordance with the methodologies in the NYSDOT TEM, FHWA guidance, and USEPA guidance. Erie County is classified as an attainment area, meaning that the air quality in this area meets or is cleaner than the National Ambient Air Quality Standards (NAAQS) established by the USEPA.

The emissions modeling will be conducted using the most recent version of USEPA's Motor Vehicle Emission Simulator (MOVES) model and modeling guidance. Dispersion modeling to predict pollutant concentrations at sensitive receptor locations surrounding the Project will be conducted using USEPA's AERMOD model and guidance. The study area and analyses will be based on traffic data developed for the Project and will focus on comparing the No Build Alternative to the Build Alternative.

The air quality analyses will address the following:

- Carbon monoxide (CO)
- Particulate matter (PM)¹³
- Mobile source air toxics
- Mesoscale emissions
- Construction air quality

The analyses will address tunnel-related air quality considerations, including emissions from the tunnel portals and emissions from any exhaust stacks associated with the tunnel ventilation system (see Section 5.2.5 for a description of the ventilation and air treatment options under consideration).

If adverse effects are identified, mitigation measures will be considered.

4.3.19 Energy and Climate Change

An energy consumption and greenhouse gas emissions analysis will be conducted as part of the DDR/EA. Operational greenhouse gas emissions and energy consumption from the No Build Alternative and Build Alternative will be estimated using the most recent version of USEPA's MOVES model and the same traffic and roadway physical characteristics as developed for the mesoscale air quality emissions modeling. Electricity consumption for tunnel ventilation systems will be estimated during the design process and converted into greenhouse gas emissions using the USEPA Emissions and Generation Resource Integrated Database (eGRID). Construction-related energy consumption and greenhouse gas emissions will be estimated for onsite construction equipment, haul truck trips, and construction worker commutes

¹³ All references to PM refer to both coarse and fine particulate matter (PM₁₀ and PM_{2.5}, respectively)

using MOVES. The embedded greenhouse gas emissions associated with construction materials such as concrete will be discussed.

The DDR/EA will include an assessment of the consistency of the Project with the applicable policy goals from New York's Climate Leadership and Community Protection Act (CLCPA) (including, but not limited to, discussion of the effect of the Project on CLCPA designated Disadvantaged Communities, greenhouse gas emissions, vehicle miles travelled, active transportation, and support of transit). The DDR/EA will also include an evaluation of potential climate change effects on the Project (such as more intense precipitation events) and how these effects were considered consistent with NYSDOT and FHWA guidance.

4.3.20 Traffic Noise

The Project is categorized as a Type I noise project per FHWA noise regulations (23 CFR §772) and NYSDOT Noise Policy (TEM Section 4.4.18), and thus, requires a traffic noise analysis. The analysis will follow the procedures in the NYSDOT Noise Policy and use traffic data developed for the Project. Existing and future traffic noise levels will be predicted using the FHWA Traffic Noise Model (TNM). Additionally, point noise sources from the proposed ventilation and mechanical systems will be evaluated and included logarithmically with the proposed traffic model to determine impacts. If traffic noise impacts are identified, noise abatement measures will be assessed.

Construction noise will also be evaluated utilizing the FHWA Roadway Construction Noise Model (RCNM). If adverse effects are identified, mitigation measures will be considered.

4.3.21 Asbestos

An asbestos screening will be conducted as part of the DDR/EA to determine whether asbestos containing materials (ACM) are expected to be disturbed as a result of the Project. The results of the asbestos screening will be used to identify and prescribe subsequent asbestos assessment and quantification efforts at locations where suspect ACM are expected. Asbestos screening and assessment and quantification efforts will be performed in accordance with NYSDOT's TEM. Asbestos screening will include review of available as-built plans and existing survey reports for Humboldt Parkway, the Kensington Expressway, and the five overpass bridges that would be disturbed as a result of the Project. Additionally, utilities within the applicable study area that are expected to be disturbed as a result of the Project will be evaluated for the presence of ACM. The five overpass bridges that will be disturbed as a result of the Project are:

- BIN 1022609 - Best Street over NYS Route 33
- BIN 1022610 - Dodge Street over NYS Route 33
- BIN 1022620 – Northampton Street over NYS Route 33
- BIN 1022630 – East Utica Street over NYS Route 33
- BIN 1022640 – East Ferry Street over NYS Route 33

4.3.22 Hazardous Waste/Contaminated Materials

A hazardous waste/contaminated materials site screening will be conducted as part of the DDR/EA in accordance with the NYSDOT's TEM to document the likely presence or absence of hazardous waste and contaminated materials within or adjacent to the Project. The study area will consider the proposed limits of construction and an appropriate buffer. Site visits will be conducted to look for observable physical evidence of potential contamination.

Potential impacts to hazardous waste sites as a result of the planned construction work will be evaluated and, if needed, measures to properly handle, transport, and dispose of any excess material will be identified to protect public health, worker safety, and the environment.

4.3.23 Construction Effects

Construction effects resulting from implementation of the Project, such as effects to traffic, air quality, noise, and land use, will be evaluated as part of the DDR/EA.

4.3.24 Indirect and Secondary Effects

Indirect effects are reasonably foreseeable effects that could be caused by the Project, but occur at a later time or are farther removed in distance. Indirect and/or secondary effects will be assessed as part of the DDR/EA.

4.3.25 Cumulative Effects

Cumulative effects are effects on the environment that would result from the incremental impact of the action when added to past, present, and reasonably foreseeable future actions. Cumulative effects will be assessed as part of the DDR/EA. If adverse effects are identified to occur as a result of the action, mitigation measures will be evaluated.

Section 5 Concepts/Alternatives

This section describes the screening process that was used to evaluate a broad range of concepts¹⁴ and identifies reasonable alternatives that will be advanced for detailed study in the DDR/EA.

The NYSDOT conducted a comprehensive evaluation, in cooperation with the community and other Project stakeholders, to develop and identify reasonable (feasible and practical) alternatives for the Project to be advanced for detailed study in the DDR/EA. As stated in Council on Environmental Quality (CEQ) guidance¹⁵, “Reasonable alternatives include those that are practical or feasible from the technical and economic standpoint and using common sense, rather than simply desirable from the standpoint of the applicant.”

5.1 Screening Criteria

This section documents how the Project objectives (see Section 3.2) were used to screen the Project concepts and determine whether a Project concept is a reasonable alternative for the Project.

Objective 1: Reconnect the surrounding community by creating continuous greenspace to enhance the visual and aesthetic environment of the transportation corridor.

Objective 1 screening criteria:

- *Reconnect community* - A concept that meets this criterion would provide new and cohesive east-west crossing options for pedestrians, bicycles, and vehicles to cross the Kensington Expressway.
- *Continuous greenspace* - A concept that meets this criterion would create new greenspace that is not fragmented and is suitable for active and/or passive recreational use by the community. To be continuous, the concept must not create discontinuities within newly created greenspace that is suitable for active and/or passive recreational use by the community.

Objective 2: Maintain the vehicular capacity of the existing transportation corridor.

Objective 2 screening criterion: A concept meets this objective if it provides traffic operational conditions (vehicle density and speeds) on the NYS Route 33 mainline in the year 2047 (the design year) that are the same or better than the operational conditions projected for the No Build condition in the year 2047 within the Project limits.

This criterion also addresses the capacity to handle non-recurring congestion events (e.g., vehicle break downs, maintenance closures of a lane, adverse weather), and capacity for emergency vehicles.

Objective 3: Improve vehicular, pedestrian, and bicycle mobility and access in the surrounding community by implementing Complete Street roadway design features.

Objective 3 screening criteria:

- *Pedestrian accommodations* - A concept meets this criterion if it would improve pedestrian safety and mobility for users (including accommodations for persons with disabilities).
- *Bicycle accommodations* - A concept meets this criterion if it would improve bicycle safety and mobility through dedicated bicycle lanes or paths.

¹⁴ For the purpose of the PSR, the term “concept” refers to a Preliminary Alternative that was evaluated through a screening process.

¹⁵ CEQ, “Forty Most Asked Questions Concerning CEQ’s National Environmental Policy Act Regulations,” March 23, 1981

- *Transit accommodations* - A concept meets this criterion if it would improve bus accommodations in the transportation corridor, such as bus stop amenities.
- *Traffic calming* - A concept meets this criterion if it would incorporate design elements to calm traffic on Humboldt Parkway, including at intersections with cross streets.

Objective 4: Address identified geometric and infrastructure deficiencies within the transportation corridor.

Objective 4 screening criterion: To meet this objective, a concept must address the deteriorating condition of existing infrastructure, including retaining walls, pavement, drainage systems, and traffic signals, and eliminate the partial interchange at East Utica Street.

5.2 Concepts Considered

This section describes the concepts that were considered for the Project. The NYSDOT explored and objectively evaluated 10 concepts in identifying the reasonable range of alternatives for the Project that will be carried forward and evaluated in the DDR/EA. In doing so, the NYSDOT evaluated the concepts based on available information, appropriate analyses, and public and agency input received. Each of the concepts were evaluated to determine the extent to which they satisfy the Project purpose and objectives. Those concepts that satisfy the Project purpose and all of the objectives will be evaluated as reasonable alternatives in the DDR/EA.

5.2.1 Concept 1: No Build

The No Build assumes no improvements would be made to the corridor other than those planned by others or implemented by routine maintenance. Although the No Build does not address the identified needs or meet the stated purpose and objectives for the Project, it must be carried forward for evaluation in the DDR/EA to serve as the baseline condition against which the potential benefits and impacts of the build alternative(s) are evaluated, in accordance with Part 1502 of Title 40 of the Code of Federal Regulations (CFR) (40 CFR § 1502.14(c)).

Refer to Figure 5-1: *Project Concept 1 Plan – No Build* in **Appendix A**.

Existing and No Build Traffic Analysis Results

A preliminary traffic study was conducted to assess the effects of the Project concepts on traffic operations on the Kensington Expressway (from Elm Street/Oak Street in downtown Buffalo to the Scajaquada Expressway [NYS Route 198] interchange to the northeast) and surrounding local streets. To provide a baseline for comparison with other concepts, the traffic study results for existing conditions and the future No Build condition are summarized below.

For the Kensington Expressway Mainline analysis, peak hour average speed and travel times are the key performance metrics. For further details on the traffic analysis methodology and results, refer to **Appendix C**. A detailed report of intersection Level of Service and corresponding delay for signalized and unsignalized intersections is also provided in **Appendix C**.

AM Peak Hour (Kensington Expressway Mainline)

The AM peak analysis indicates that the mainline expressway under current traffic conditions is operating with 50 mph average speeds during the AM peak hour in the eastbound direction and 54 mph average speeds in the westbound direction. Existing traffic operations are generally maintained at similar travel times and speeds through 2027, which is the Estimated Time of Completion (ETC) for this Project.

For the ETC+20 condition (year 2047), the AM peak analysis for the eastbound direction indicates a one minute increase in average travel time and a slight decrease in average travel speed to 49 mph. Westbound operations in 2047 are projected to be the same as existing conditions.

PM Peak Hour (Kensington Expressway Mainline)

The PM peak analysis indicates that the mainline expressway under current traffic conditions is operating with 49 mph average speeds in the eastbound direction and 54 mph average speeds in the westbound direction. Existing traffic operations are generally maintained at similar travel times and speeds through 2027 (ETC).

For the ETC+20 condition (year 2047), the AM peak analysis for the eastbound direction indicates a 0.1 minute increase in average travel time and a slight decrease in average travel speed to 49 mph. Westbound operations in 2047 are projected to be the same as existing conditions.

In conclusion, the overall travel time and operating speeds for the No Build condition are predicted to be acceptable through year 2047 (ETC+20), as summarized in Table 5-1.

Table 5-1: Overall Average Travel Times & Average Travel Speeds, Existing/No Build Alternative

| Segment | AM Peak Hour | | | PM Peak Hour | | |
|--|--------------|------|------|--------------|------|------|
| | 2021 | 2027 | 2047 | 2021 | 2027 | 2047 |
| <i>Eastbound – Oak to East Delavan – 2.72 miles</i> | | | | | | |
| Average Travel Time (minutes) | 3.3 | 3.3 | 3.4 | 3.3 | 3.3 | 3.4 |
| Average Travel Speed (mph) | 50 | 50 | 49 | 49 | 49 | 49 |
| | | | | | | |
| <i>Westbound – Suffolk to Michigan – 4.50 miles</i> | | | | | | |
| Average Travel Time (minutes) | 5.0 | 5.0 | 5.0 | 5.0 | 5.0 | 5.0 |
| Average Travel Speed (mph) | 54 | 54 | 54 | 54 | 54 | 54 |
| | | | | | | |

5.2.2 Concept 2: Bridge Rehabilitation with Humboldt Enhancements

This concept would involve rehabilitation and widening of the bridges within the transportation corridor along with pavement rehabilitation, and streetscape enhancements, including landscaping, along Humboldt Parkway. The bridges at Best Street, Dodge Street, Northampton Street, East Utica Street, and East Ferry Street would be rehabilitated and widened to provide additional sidewalk space and landscaped greenspace. The bridge widening would be accomplished by constructing an independent bridge approximately 19 feet wide on each side of the existing structures and directly adjacent to a bridge fascia line. The new structures would provide additional sidewalk space for a total width, when finished, of at least 10 feet. The new structures would also include landscaped green space approximately 15 feet wide.

The Kensington Expressway would remain in its current location with the existing ramps maintained as-is. The pavement would be rehabilitated with a mill and overlay treatment. The retaining walls would be rehabilitated where they are expected to remain in service. Existing drainage systems located in the median would need to be relocated where new piers are constructed.

Humboldt Parkway (northbound and southbound) would be rehabilitated, and, where practicable, “Complete Street” roadway features would be incorporated into the design¹⁶.

For Concept 2, the roadways would remain on their current alignment. The existing pavement would receive a mill and overlay treatment. Traffic signals, pavement markings and signs would be replaced. Sidewalks and curb ramps would be replaced to meet Americans with Disabilities Act (ADA) requirements. Enhancements would include new concrete decorative barrier (if not already present), a landscaped buffer

¹⁶ <https://www.dot.ny.gov/programs/completestreets>.

(approximately 12 feet wide) in the reclaimed space between Humboldt Parkway and the existing Expressway retaining wall, and a new lighting system, potentially with ornamental fixtures.

Temporary impacts to property access would occur during the rehabilitation of Humboldt Parkway. Minor right-of-way (ROW) acquisitions (fee take) would potentially be required to install ADA compliant facilities at street corners. Minor temporary easements could be required for grading/landscaping at miscellaneous locations.

Refer to Figure 5-2A: *Project Concept 2 Plan - Bridge Rehabilitation with Humboldt Enhancements and Project Concept 3 Plan- Bridge Replacement with Humboldt Enhancements*, Figure 5-2B: *Project Concepts 2 and 3 Section B-B*, and Figure 5-2C: *Project Concepts 2 and 3 Section C-C* in **Appendix A**.

Concept 2 Screening and Conclusion

Concept 2 would not create continuous greenspace suitable for active and/or passive recreational use by the community. Greenspace would be added along Humboldt Parkway and on the cross streets, but these landscaped areas would not be appropriate for recreational use due to their size and location relative to traffic. The greenspace would function to improve aesthetics but would not meet the Project objective and associated screening criterion to provide continuous greenspace.

In addition, Concept 2 would not eliminate the safety/design standard concerns associated with the partial interchange (ramp from East Utica Street to NYS Route 33 southbound and ramp from NYS Route 33 northbound to East Utica Street). Therefore, Concept 2 does not meet the purpose and objectives for the Project, is not a reasonable Project alternative, and will not be advanced for further study in the DDR/EA.

5.2.3 Concept 3: Bridge Replacement with Humboldt Enhancements

This concept would involve the replacement of the bridges within the transportation corridor, along with pavement rehabilitation, and streetscape enhancements, including landscaping, along the Humboldt Parkway. The bridges at Best Street, Dodge Street, Northampton Street, East Utica Street, and East Ferry Street would be replaced with wider structures to provide additional sidewalk space and landscaped green space. The new structures would provide at least 10-foot-wide sidewalks and an approximately 15-foot-wide landscaped green space.

The Kensington Expressway would remain in its current location with the existing ramps maintained as-is. The pavement would be rehabilitated with a mill and overlay treatment. The retaining walls would be rehabilitated where expected to remain in service. Existing drainage systems located in the median would need to be relocated where new piers are constructed.

Humboldt Parkway (northbound and southbound) would be rehabilitated, and, where practicable, "Complete Street" roadway features would be incorporated into the design. The roadways would remain on their current alignments. The existing pavement would receive a mill and overlay treatment. Traffic signals, pavement markings and signs would be replaced. Sidewalks and curb ramps would be replaced to meet ADA requirements. Enhancements would include new concrete decorative barrier (if not already present), a landscaped buffer (approximately 12 feet wide) in the reclaimed space between Humboldt Parkway and the existing expressway retaining wall, and a new lighting system, potentially with ornamental fixtures.

Temporary impacts to property access would occur during the rehabilitation of Humboldt Parkway. Minor ROW acquisitions (fee take) could be required to install ADA compliant facilities at street corners. Minor temporary easements could be required for grading/landscaping at miscellaneous locations.

Refer to Figure 5-2A: *Project Concept 2 Plan - Bridge Rehabilitation with Humboldt Enhancements and Project Concept 3 Plan- Bridge Replacement with Humboldt Enhancements*, Figure 5-2B: *Project Concepts 2 and 3 Section B-B*, and Figure 5-2C: *Project Concepts 2 and 3 Section C-C* in **Appendix A**.

Concept 3 Screening and Conclusion

Concept 3 would not create continuous greenspace suitable for active and/or passive recreational use by the community. Greenspace would be added along Humboldt Parkway and on the cross streets, but these landscaped areas would not be appropriate for recreational use due to their size and location relative to traffic. The greenspace would function to improve aesthetics but would not meet the Project objective and associated screening criterion to provide continuous greenspace.

In addition, Concept 3 would not eliminate the safety/design standard concerns associated with the partial interchange (ramp from East Utica Street to NYS Route 33 southbound and ramp from NYS Route 33 northbound to East Utica Street). Therefore, Concept 3 does not meet the purpose and objectives for the Project, is not a reasonable Project alternative, and will not be advanced for further study in the DDR/EA.

5.2.4 Concept 4: Kensington Reconstruction with Improved Community Connections through Partial Decking

This concept would involve covering sections of the Kensington Expressway with a concrete decking system and leaving the remaining portions open. Locations for the three deck sections were selected to incorporate the current street crossings at Dodge Street, Northampton Street, East Utica Street and East Ferry Street. The deck sections are located as follows: Dodge Street to Riley Street (1,575 feet long); approximately 200 feet south of East Utica Street to 250 feet north of East Utica Street (500 feet long); and East Ferry Street to Winslow Avenue (630 feet long). The decking would allow the reconnection of Winslow Avenue and Riley Street, as well as the realignment of West Parade Avenue and Dodge Street, consistent with pre-expressway conditions. Humboldt Parkway southbound, between Riley Street and Dodge Street, would be relocated to align with West Parade Avenue. The expressway would remain on a similar horizontal alignment; however, the vertical alignment would be lowered approximately 8 feet to establish a 17-foot minimum clearance under the decking. The partial interchange between Northampton Street and East Utica Street would be eliminated and improvements to the ramps on Best Street would be incorporated.

The expressway would be completely reconstructed and widened from 103 feet 6 inches wide to approximately 124 feet wide. The widening would accommodate standard lane widths, shoulders, and safety walks as well as any equipment (e.g., lighting, fans, signs) necessary under the decking. Northbound and southbound traffic outside the decked sections would be separated by a 9-foot-4-inch-wide concrete median barrier. New retaining walls would be constructed along the length of the Project limits. Existing drainage systems located in the median would need to be relocated where the new continuous decking median pier would be constructed.

Humboldt Parkway would be fully reconstructed using "Complete Street" design guidelines. At locations between decking sections, the parkway would be partially cantilevered over the widened Kensington Expressway. Traffic signals, pavement markings and signs would be replaced. Sidewalks and curb ramps would be replaced as needed for ADA compliance. Streetscape enhancements (e.g., landscaping, ornamental lighting fixtures, stamped concrete) would be incorporated to better integrate the corridor with surrounding land uses.

The superstructure type would most likely consist of steel beams with a concrete deck. The substructure would be cast-in-place, reinforced concrete abutments, with a continuous median pier along the decked sections. Extended lengths of decked sections would need to include fire and life safety provisions. Lighting would be required throughout all extended sections as well as jet fans for air movement, closed circuit TV (CCTV) cameras, traffic monitors, air and fire detection monitors, fireproofing, communication systems and fire suppression systems. Emergency egress under the deck sections would comply with the National Fire Protection Association (NFPA) code.

The new decking would provide an opportunity to create additional greenspace within the defined transportation corridor. Portions of the decking would have a layer of soil (approximately 3 feet deep) to allow landscaping (gardens, shrubs, and small trees). Other streetscape amenities, such as benches and

sidewalks/walkways, would be incorporated into the overall design. Additional greenspace would be created adjacent to the MLK Park and could be used to better integrate the corridor with adjacent land uses.

Temporary access impacts to driveways along Humboldt Parkway would occur during construction. Construction activities would likely extend beyond the existing highway boundary, requiring temporary easements. Minor ROW acquisitions (fee take) could be required to install ADA compliant facilities at street corners.

Refer to Figure 5-3A: *Project Concept 4 Plan - Kensington Reconstruction with Improved Community Connections through Partial Decking*, Figure 5-3B: *Project Concept 4 Section D-D*, Figure 5-3C: *Project Concept 4 Section E-E*, and Figure 5-3D: *Project Concept 4 Section F-F* in **Appendix A**.

Concept 4 Screening and Conclusion

Concept 4 would not provide continuous greenspace because there would be several discontinuities in the greenspace created by the partial decking. The presence of large gaps in the greenspace, visual proximity to the depressed roadway traffic (and associated noise), and the relatively small sizes (approximately 0.5 to 1.2 acres) of the individual created areas would limit the usability of the greenspace for active or passive recreation. The created greenspace would be fragmented and lack cohesion. Therefore, Concept 4 does not meet the purpose and objectives for the Project, is not a reasonable Project alternative, and will not be advanced for further study in the DDR/EA.

5.2.5 Concept 5: Kensington Reconstruction with a 6-Lane Tunnel for Improved Community Connections and Establishing Victorian Gardens

This tunnel concept was originally presented to community stakeholders in 2019. It includes the full reconstruction of the Kensington Expressway from approximately High Street to the south and approximately Northland Avenue to the north. The limits of the tunnel would extend approximately 4,100 feet, with the southern portal at Dodge Street and the northern portal at Sidney Street. Based on comments received during the scoping comment period, the NYSDOT extended the tunnel length approximately 600 feet north from what was presented at the public scoping meeting.

Under Concept 5, the Kensington Expressway between approximately Dodge Street and Sidney Street would be reconstructed on a new vertical alignment approximately 8 feet to 14 feet below the existing pavement surface. To transition back to existing grade, the northern limit of pavement reconstruction would be as far north as Northland Avenue and as far south as High Street. The horizontal alignment would be similar to the existing alignment. The existing bridge structures at East Ferry Street, East Utica Street, Northampton Street, and Dodge Street would be removed; the newly constructed tunnel would reconnect these streets at-grade. The bridge at Best Street would be replaced. The partial interchange between Northampton Street and East Utica Street would be eliminated and improvements to the ramps on Best Street would be incorporated.

Humboldt Parkway would be completely reconstructed on a new alignment while implementing "Complete Street" roadway design features (e.g., traffic calming, curb ramps, crosswalks, bicycle lanes, and pedestrian/bicycle signals). Northbound Humboldt Parkway would align with the Buffalo Museum of Science's eastern driveway on Northampton Street and continue north, parallel to southbound Humboldt Parkway, reconnecting with its existing alignment at East Ferry Street. Southbound Humboldt Parkway would be reconstructed beginning at East Ferry Street and continue south above the covered Kensington Expressway before realigning with West Parade Avenue.

The newly created greenspace above the Kensington Expressway (between the northbound and southbound Humboldt Parkway) would be an at-grade median with landscaping and pedestrian amenities. A layer of soil would be placed on top of the roof slab (approximately 3 feet deep) to allow for landscaping. Under this concept, the landscaping would include Victorian gardens and shrubs. Victorian gardens often include flower beds arranged in intricate geometric shapes, lawns, and pathways. Other streetscape amenities, such as benches and sidewalks/walkways, would be incorporated into the overall design.

Additional greenspace would be located adjacent to the MLK Jr. Park and would provide landscaping opportunities, better integrating the corridor with this recreational resource.

Concept 5 would include between one and four utility building complexes for tunnel systems equipment, depending on the ventilation option selected (see the Tunnel Ventilation Options discussion later in this section). At this point in the design/environmental review process, the potential location(s) of the utility building(s) has not been determined.

The proposed tunnel structures would provide 3 lanes in each direction. While not being considered as part of this Project, providing three travel lanes in each direction would also support the ability of the transportation corridor to accommodate potential future transit service (such as bus rapid transit) or operational strategies (such as high occupancy vehicle lanes) if advanced as potential future independent actions.

The proposed tunnel structures would be approximately 130 to 133 feet wide. In comparison, the existing expressway is approximately 103 feet wide between the retaining walls. This increase in width compared to the existing expressway is needed to accommodate design features such as increased shoulder width; a safety walk along the outside shoulder; and a center utility corridor running the length of the tunnel (between eastbound and westbound traffic lanes), which would include a separate enclosed egress hallway. To minimize construction effects to the houses along Humboldt Parkway, a vertical excavation support system, assumed to be a soldier pile wall and/or secant wall, would be required to construct the tunnel. The overall excavation width (outside of soldier pile wall to outside of soldier pile wall) would be approximately 145 to 151 feet wide. The excavation for a tunnel of this width would likely impact most of the utilities along Humboldt Parkway.

Due to the excavation width for the tunnel, most properties fronting the corridor would temporarily lose driveway access during portions of construction. The construction staging and phasing for the Project would be designed to minimize the disruption of driveway access to a one-time-only occurrence, if practicable. Construction activities would likely extend beyond the existing highway boundary, requiring temporary easements. Minor ROW acquisitions (fee take) could be required to install ADA compliant facilities at street corners. ROW impacts would be determined as part of the DDR/EA.

During the design/environmental review process, a preferred structure type for the tunnel will be chosen based on construction cost and considerations, long-term operation and maintenance costs, and other factors such as ventilation, lighting, and vertical clearance.

Refer to Figure 5-5A: *Project Concept 5 Plan - Kensington Reconstruction with a 6-Lane Tunnel for Improved Community Connections and Establishing Victorian Gardens*, and Figure 5-5B: *Project Concept 5 Section F-F* contained in **Appendix A**.

Tunnel Operational Systems

The tunnel would include a number of operational systems that are necessary to safely maintain the tunnel for motorists, maintenance workers, and the surrounding community. A listing of operational systems often included in a tunnel are as follows: ventilation; electrical; communication; security; fire suppression; carbon monoxide and/or nitrous oxide monitoring; illumination; traffic detection and monitoring; and vehicle control. These operational systems are common to Concepts 5, 6, and 7.

Tunnel Ventilation Options

As described below, two tunnel ventilation options are under consideration; these options are common to Concepts 5, 6 and 7. For conceptual illustrations of the ventilation options, refer to Figure 5-8A: *Tunnel Ventilation Option 1* Figure 5-8B: *Tunnel Ventilation Option 2A* and Figure 5-8C: *Tunnel Ventilation Option 2B* located in **Appendix A**.

At this point in the design/environmental review process, the location of the utility building(s) has not been determined. ROW acquisitions would be required and determined during the DDR/EA. For Ventilation Options 1 and 2A, one property acquisition would be required for the utility building complex. For Ventilation Option 2B, multiple property acquisitions would be required, potentially including residential relocations. Public input will be considered in the decision on the preferred ventilation option.

Ventilation Option 1: Required Ventilation

Ventilation Option 1 provides the required tunnel ventilation without air treatment equipment. Ventilation equipment (e.g., fans, ducts, dampers) would be located within the tunnel's center utility corridor running the length of the tunnel between the eastbound and westbound traffic lanes. Exhaust air would be discharged through a series of structures (assumed to be around 14 feet wide x 14 feet long x 16 feet high) located in the greenspace above. Exhaust structures would be designed to allow for appropriate dispersion and to minimize air quality effects. Fresh air would be drawn into the tunnel via 150-square-foot intake areaways located outside of the footprint of the tunnel spaced at 500-foot intervals along Humboldt Parkway northbound and southbound. Air would also be taken in through the ends of the tunnel.

Ventilation Option 1 would include a single utility building complex that would have a footprint of approximately 60 feet long x 60 feet wide. The size of the utility building complex would be confirmed during the design/environmental review process when equipment requirements are identified. The complex would house electrical equipment and would serve as a Tunnel Operations Center (TOC) where it would be anticipated that a Supervisory Control and Data Acquisition (SCADA) system would monitor, manage, and control the operational systems of the tunnel under normal and emergency conditions. Tunnel personnel would be present in the TOC 24 hours a day, seven days a week. The appearance of the utility building complex would be designed to be architecturally compatible with the appearance of other structures in the neighborhood to the extent practicable. The estimated yearly maintenance cost would be approximately \$5 million for the full tunnel, including: dedicated personnel; building, tunnel, and equipment upkeep; and operational costs.

Ventilation Option 2: Required Ventilation Plus Air Treatment

Ventilation Option 2 provides the required ventilation with the addition of air treatment equipment. Two sub-options are under consideration. Ventilation Option 2A places the combined equipment (e.g., large fans, electrostatic precipitators [ESPs], scrubbers, generators, electrical gear) in one large, centralized utility building complex. Ventilation Option 2B includes four smaller de-centralized utility buildings complexes, each handling a particular zone within the tunnel. With Option 2B, there would be two complexes to handle air from the eastbound traffic side and two complexes to handle air from the westbound traffic side. The utility building complexes would also serve as operations centers for tunnel control systems.

At this point in the design/environmental review process, the location of the utility building complex(es) has not been determined. For both Option 2A and Option 2B, the appearance of the utility building(s) would be designed to be architecturally compatible with other structures in the neighborhood to the extent practicable.

Ventilation Option 2A

For Option 2A, fresh air intake would be accomplished through air intake structures located above the tunnel's center utility corridor and evenly spaced along the tunnel length. Exhaust air would be drawn out through continuous ducts along the outside of the tunnel below ground and conveyed to the utility building complex.

To house all of the needed equipment, the utility building complex would have an estimated footprint of 220 feet long x 130 feet wide with 2 stories below grade.

The air treatment equipment would be integrated with the ventilation systems and designed to remove a portion of the pollutants (CO, NO_x, and PM) to lower levels. The treated exhaust air would be discharged into the atmosphere through stacks of appropriate height for dispersion. The air treatment process would require a sufficient water supply for the operation of the scrubbers as well as regularly scheduled hauling and disposal of wastewater containing contaminants removed from the air stream. The estimated yearly maintenance cost would be approximately \$12 million for the full tunnel, including: dedicated personnel; building, tunnel, and equipment upkeep; and operational costs.

Ventilation Option 2B

Option 2B includes four smaller de-centralized utility building complexes, each handling a particular zone within the tunnel. There would be two utility building complexes to handle air from the eastbound traffic side and two complexes to handle air from the westbound traffic side. Specific locations for the utility buildings have not yet been determined. Each building would include fans, electrostatic precipitators (ESPs), scrubbers, generators, and electrical gear for air treatment within that zone. The utility building complexes would have a footprint of approximately 80 feet long x 80 feet wide with 3 stories below grade. One of the four buildings would also serve as a Tunnel Operations Center (TOC) where it would be anticipated that a Supervisory Control and Data Acquisition (SCADA) system would monitor, manage, and control the operational systems of the tunnel under normal and emergency conditions. Tunnel personnel would be present in the TOC 24 hours a day, seven days a week.

In order to construct the four utility building complexes for this option, ROW acquisitions of multiple properties would be required, potentially including residential relocations. ROW impacts would be determined as part of the DDR/EA. The appearance of the utility buildings would be designed to be architecturally compatible with the appearance of other structures in the neighborhood to the extent practicable.

For Option 2B, fresh air would be drawn into the tunnel through air intake structures located above the tunnel's center utility corridor and evenly spaced along the tunnel length. Exhaust air would be drawn out through continuous ducts along the outside of the tunnel below ground and conveyed to the four utility building complexes. The air treatment equipment would be integrated with the ventilation systems and designed to remove a portion of the pollutants (CO, NO_x, and PM) to lower levels. The treated exhaust air would be discharged into the atmosphere through an exhaust stack of appropriate height for dispersion. The air treatment process would require a sufficient water supply for the operation of the scrubbers as well as regularly scheduled hauling and disposal of wastewater containing contaminants removed from the air stream. The estimated yearly maintenance cost would be approximately \$12 million for the full tunnel, including: dedicated personnel; building, tunnel, and equipment upkeep; and operational costs.

Concept 5 Traffic Analysis Results

From an operations perspective, traffic flow under Concept 5 would be maintained on the expressway, Humboldt Parkway, and other city streets. The elimination of the partial interchange at East Utica Street would shift traffic to the full interchange at Best Street. A preliminary traffic analysis was completed to examine the local and regional effects of these changes (see **Appendix C**). While a tunnel would physically accommodate all vehicle types, it could be necessary to reroute fuel tankers and other hazardous cargo vehicles and prohibit them from using the tunnel for safety purposes (this will be determined as part of the DDR/EA).

The Concept 5 traffic analysis (Table 5-2) indicates that mainline expressway operations would generally be comparable to the existing/no build condition. Therefore, for Concept 5, the overall travel time and operating speeds on the expressway are predicted to be acceptable through year 2047 (ETC+20).

Table 5-2: Overall Average Travel Times & Average Travel Speeds, Concept 5 (6-Lane Tunnel)

| Segment | 2027 AM Peak | | 2027 PM Peak | | 2047 AM Peak | | 2047 PM Peak | |
|---|--------------|-----------|--------------|-----------|--------------|-----------|--------------|-----------|
| | No Build | Concept 5 | No Build | Concept 5 | No Build | Concept 5 | No Build | Concept 5 |
| Eastbound – Oak to East Delavan – 2.72 miles | | | | | | | | |
| Average Travel Time (minutes) | 3.3 | 3.2 | 3.3 | 3.2 | 3.4 | 3.2 | 3.4 | 3.3 |
| Average Travel Speed (mph) | 50 | 51 | 49 | 51 | 49 | 51 | 49 | 50 |
| | | | | | | | | |
| Westbound – Suffolk to Michigan – 4.50 miles | | | | | | | | |
| Average Travel Time (minutes) | 5.0 | 5.0 | 5.0 | 5.0 | 5.0 | 5.1 | 5.0 | 5.0 |
| Average Travel Speed (mph) | 54 | 54 | 54 | 54 | 54 | 53 | 54 | 54 |

Concept 5 Screening and Conclusion

Concept 5 meets the Project objective and associated screening criteria related to reconnecting the surrounding community. This concept would provide new east-west crossing options for pedestrians, bicycles and vehicles at Riley Street, Winslow Avenue, and Sidney Street/Butler Avenue. In addition, the gardens on the tunnel deck would create an environment supportive of non-motorized transportation and recreation. The gardens and trails on the tunnel deck would support active and/or passive recreational use and connections to MLK Jr. Park.

Concept 5 meets the Project objective and associated screening criterion related to maintaining vehicular capacity. The concept would maintain three travel lanes in each direction and the traffic analysis results show acceptable operating conditions in the year 2047 (see **Appendix C**).

Concept 5 meets the Project objective and associated screening criteria related to improving vehicular, pedestrian, and bicycle mobility and access. The concept would provide improved pedestrian accommodations (including ADA-compliant sidewalks and crossings), dedicated bicycle lanes on Humboldt Parkway, and consideration of improvements in transit accommodations (in coordination with NFTA).

Concept 5 meets the Project objective and associated screening criterion related to addressing geometric and infrastructure deficiencies. The concept eliminates the identified infrastructure and geometric needs in the transportation corridor.

Thus, Concept 5 meets the purpose and objectives for the Project and is a reasonable Project alternative. Concept 5, in combination with Concept 6 (as described below), will be advanced for further study in the DDR/EA.

5.2.6 Concept 6: Kensington Reconstruction with a 6-Lane Tunnel for Improved Community Connections, Including a Tree-Lined Parkway Setting

Concept 6 was developed as a refinement of Concept 5 in response to public input received during early outreach activities. This concept includes the full reconstruction of the Kensington Expressway from approximately High Street to the south and approximately Northland Avenue to the north. The limits of the

tunnel would extend approximately 4,100 feet, with the southern portal at Dodge Street and the northern portal at Sidney Street. Based on comments received during the scoping comment period, the NYSDOT extended the tunnel length approximately 600 feet north from what was presented at the public scoping meeting.

Under Concept 6, the Kensington Expressway between approximately Dodge Street and Sidney Street would be reconstructed on a new vertical alignment approximately 8 feet to 14 feet below the existing pavement surface. To transition back to existing grade, the northern limit of pavement reconstruction would be as far north as Northland Avenue and as far south as High Street. The horizontal alignment would be similar to the existing alignment. The existing bridge structures at East Ferry Street, East Utica Street, Northampton Street, and Dodge Street would be removed; the newly constructed tunnel would reconnect these streets at-grade. The bridge at Best Street would be replaced. The partial interchange between Northampton Street and East Utica Street would be eliminated and improvements to the ramps on Best Street would be incorporated.

Humboldt Parkway would be completely reconstructed on a new alignment while implementing “Complete Street” roadway design features (e.g., traffic calming, curb ramps, crosswalks, bicycle lanes, and pedestrian/bicycle signals). Northbound Humboldt Parkway would align with the Buffalo Museum of Science’s eastern driveway on Northampton Street and continue north, parallel to southbound Humboldt Parkway, reconnecting with its existing alignment at East Ferry Street. Southbound Humboldt Parkway would be reconstructed beginning at East Ferry Street and continue south above the covered Kensington Expressway before realigning with West Parade Avenue.

The newly created greenspace above the Kensington Expressway (between the northbound and southbound Humboldt Parkway) would be an at-grade median with landscaping and pedestrian amenities. A layer of soil would be placed on top of the roof slab (approximately 3 feet deep) to allow for landscaping. Under this concept, the landscaping would include small and medium size trees (trees eventually growing to approximately 20 to 40 feet in height). Other streetscape amenities, such as benches and sidewalks/walkways, would be incorporated into the overall design. Additional greenspace would be located adjacent to the MLK Jr. Park and would provide landscaping opportunities, better integrating the corridor with this recreational resource.

Concept 6 would include between one and four utility building complexes for tunnel systems equipment, depending on the ventilation option selected (see Section 5.2.5). At this point in the design/environmental review process, the potential location(s) of the utility building(s) has not been determined.

The proposed tunnel structures would provide 3 lanes in each direction. While not being considered as part of this Project, providing three travel lanes in each direction would also support the ability of the transportation corridor to accommodate potential future transit service (such as bus rapid transit) or operational strategies (such as high occupancy vehicle lanes) if advanced as potential future independent actions.

The proposed tunnel structures would be approximately 130 to 133 feet wide. In comparison, the existing expressway is approximately 103 feet wide between the retaining walls. This increase in width compared to the existing expressway is needed to accommodate design features such as increased shoulder width; a safety walk along the outside shoulder; and a center utility corridor running the length of the tunnel (between eastbound and westbound traffic lanes), which would include a separate enclosed egress hallway. To minimize construction effects to the houses along Humboldt Parkway, a vertical excavation support system, assumed to be a soldier pile wall and/or secant wall, would be required to construct the tunnel. The overall excavation width (outside of soldier pile wall to outside of soldier pile wall) would be approximately 145 to 151 feet wide. The excavation for a tunnel of this width would likely impact most of the utilities along Humboldt Parkway.

The tunnel operational systems would be the same as described above under Concept 5.

For Concept 6, two ventilation options are under consideration for housing mechanical and electrical equipment for the tunnel. These options are described above under Concept 5.

Due to the excavation width for the tunnel, most properties fronting the corridor would temporarily lose driveway access during portions of construction. The construction staging and phasing for the Project would be designed to minimize the disruption of driveway access to a one-time-only occurrence, if practicable. Construction activities would likely extend beyond the existing highway boundary, requiring temporary easements. Minor ROW acquisitions (fee take) could be required to install ADA compliant facilities at street corners. ROW impacts would be determined as part of the DDR/EA.

During the design/environmental review process, a preferred structure type for the tunnel will be chosen based on construction cost and considerations, long-term operation and maintenance costs, and other factors such as ventilation, lighting, and vertical clearance.

Refer to Figure 5-6A: *Project Concept 6 Plan - Kensington Reconstruction with a 6-Lane Tunnel for Improved Community Connections, including a Tree-Lined Parkway Setting*, Figure 5-6B: *Project Concept 6 Section G-G*, and Figure 5-6C: *Project Concept 6 Section H-H* contained in **Appendix A**.

Concept 6 Traffic Analysis Results

Concept 6 is identical to Concept 5 in terms of traffic operations. Traffic flow under Concept 6 would be maintained on the expressway, Humboldt Parkway, and other city streets. The elimination of the partial interchange at East Utica Street would shift traffic to the full interchange at Best Street. A preliminary traffic analysis was completed to examine the local and regional effects of these changes (see **Appendix C**). While a tunnel would physically accommodate all vehicle types, it could be necessary to reroute fuel tankers and other hazardous cargo vehicles and prohibit them from using the tunnel for safety purposes (this will be determined as part of the DDR/EA).

The Concept 6 traffic analysis (Table 5-3) indicates that mainline expressway operations would generally be comparable to the existing/no build condition. Therefore, for Concept 6, the overall travel time and operating speeds on the expressway are predicted to be acceptable through year 2047 (ETC+20).

Table 5-3: Overall Average Travel Times & Average Travel Speeds, Concept 6 (6-Lane Tunnel)

| Segment | 2027 AM Peak | | 2027 PM Peak | | 2047 AM Peak | | 2047 PM Peak | |
|---|--------------|-----------|--------------|-----------|--------------|-----------|--------------|-----------|
| | No Build | Concept 6 | No Build | Concept 6 | No Build | Concept 6 | No Build | Concept 6 |
| Eastbound – Oak to East Delavan – 2.72 miles | | | | | | | | |
| Average Travel Time (minutes) | 3.3 | 3.2 | 3.3 | 3.2 | 3.4 | 3.2 | 3.4 | 3.3 |
| Average Travel Speed (mph) | 50 | 51 | 49 | 51 | 49 | 51 | 49 | 50 |
| | | | | | | | | |
| Westbound – Suffolk to Michigan – 4.50 miles | | | | | | | | |
| Average Travel Time (minutes) | 5.0 | 5.0 | 5.0 | 5.0 | 5.0 | 5.1 | 5.0 | 5.0 |
| Average Travel Speed (mph) | 54 | 54 | 54 | 54 | 54 | 53 | 54 | 54 |

Concept 6 Screening and Conclusion

Concept 6 meets the Project objective and associated screening criteria related to reconnecting the surrounding community. This concept would provide new east-west crossing options for pedestrians,

bicycles and vehicles at Riley Street, Winslow Avenue, and Sidney Street/Butler Avenue. In addition, the park area with trees on the tunnel deck would create an environment supportive of non-motorized transportation and recreation. The trees and greenspace on the tunnel deck would support active and/or passive recreational use and connections to MLK Jr. Park.

Concept 6 meets the Project objective and associated screening criterion related to maintaining vehicular capacity. The concept would maintain three travel lanes in each direction and the traffic analysis results show acceptable operating conditions in the year 2047 (see **Appendix C**).

Concept 6 meets the Project objective and associated screening criteria related to improving vehicular, pedestrian, and bicycle mobility and access. The concept would provide improved pedestrian accommodations (including ADA-compliant sidewalks and crossings), dedicated bicycle lanes on Humboldt Parkway, and consideration of improvements in transit accommodations (in coordination with NFTA).

Concept 6 meets the Project objective and associated screening criterion related to addressing geometric and infrastructure deficiencies. The concept eliminates the identified infrastructure and geometric needs in the transportation corridor.

Thus, Concept 6 meets the purpose and objectives for the Project and is a reasonable Project alternative. Concept 6, in combination with Concept 5 (as described above), will be advanced for further study in the DDR/EA.

5.2.7 Concept 7: Kensington Reconstruction with a 4-Lane Tunnel for Improved Community Connections

Concept 7 includes the full reconstruction of the Kensington Expressway from approximately High Street to the south to approximately Northland Avenue to the north. The Kensington Expressway would be reduced in size from three travel lanes in each direction to two travel lanes in each direction. A tunnel would be constructed, extending approximately 4,100 feet, with the southern portal at Dodge Street and the northern portal at Sidney Street. Based on comments received during the scoping comment period, the NYSDOT extended the tunnel length approximately 600 feet north from what was presented at the public scoping meeting.

Under Concept 7, the Kensington Expressway between approximately Dodge Street and Sidney Street would be reconstructed on a new vertical alignment approximately 8 feet to 14 feet below the existing pavement surface. To transition back to existing grade, the northern limit of pavement reconstruction would be as far north as Northland Avenue and as far south as High Street. The horizontal alignment would be similar to the existing alignment. The existing bridge structures at East Ferry Street, East Utica Street, Northampton Street, and Dodge Street would be removed; the newly constructed tunnel would reconnect these streets at-grade. The bridge at Best Street would be replaced. The partial interchange between Northampton Street and East Utica Street would be eliminated and improvements to the ramps on Best Street would be incorporated.

Humboldt Parkway would be completely reconstructed on a new alignment while implementing "Complete Street" roadway design features (e.g., traffic calming, curb ramps, crosswalks, pedestrian crossing signals). Northbound Humboldt Parkway would align with the Buffalo Museum of Science's eastern driveway on Northampton Street and continue north, parallel to southbound Humboldt Parkway, reconnecting with its existing alignment at East Ferry Street. Southbound Humboldt Parkway would be reconstructed beginning at East Ferry Street and continue south above the covered Kensington Expressway before realigning with West Parade Avenue.

The newly created greenspace above the Kensington Expressway (between the northbound and southbound Humboldt Parkway) would be an at-grade median with landscaping and pedestrian amenities. A layer of soil would be placed on top of the roof slab (approximately 3 feet deep) to allow for landscaping. Other streetscape amenities, such as benches and sidewalks/walkways, would be incorporated into the

overall design. Additional greenspace would be located adjacent to the MLK Jr. Park and would provide landscaping opportunities, better integrating the corridor with this recreational resource.

Concept 7 would include between one and four utility building complexes for tunnel systems equipment, depending on the ventilation option selected (see Section 5.2.5). At this point in the design/environmental review process, the potential location(s) of the utility building(s) has not been determined.

The proposed tunnel structures with 2 lanes in each direction would be approximately 115 feet wide. In comparison, the current expressway is approximately 103 feet wide between the retaining walls. This increase in width compared to the existing expressway is needed to accommodate design features such as standard shoulder widths; a safety walk; ventilation ducts; and a center utility corridor. The increased width would be partially offset by the elimination of two 12-foot-wide travel lanes. The overall excavation width for Concept 7 (outside soldier pile wall to outside of soldier pile wall) would be approximately 127 feet. The excavation limits for Concept 7 would likely impact most of the utilities along Humboldt Parkway.

The tunnel operational systems would be the same as described above under Concept 5.

Due to the excavation width for the tunnel, most properties fronting the corridor would temporarily lose driveway access during portions of construction. The construction staging and phasing for the Project would be designed to minimize the disruption of driveway access to a one-time-only occurrence, if practicable. Construction activities would likely extend beyond the existing highway boundary, requiring temporary easements. Minor ROW acquisitions (fee take) could be required to install ADA compliant facilities at street corners.

During the design/environmental review process, a preferred structure type for the tunnel would be chosen based on construction cost and considerations, long-term operation and maintenance costs and other factors such as ventilation, lighting, and vertical clearance.

Refer to Figure 5-7: *Project Concept 7 Section – Kensington Reconstruction with a 4-Lane Tunnel for Improved Community Connections* contained in **Appendix A**.

Concept 7 Traffic Analysis

From an operations perspective, traffic flow under Concept 7 would be maintained on the expressway; however, the capacity of the facility would be reduced by one travel lane in each direction. The elimination of the partial interchange at East Utica Street would shift traffic to the full interchange at Best Street. The local street network would be improved by making additional east-west street connections across the expressway. A preliminary traffic analysis was completed to examine the local and regional effects of these changes.

The results of the traffic analysis for Concept 7 are summarized below. Refer to **Appendix C** for further detailed information regarding traffic operations.

AM Peak

The AM peak eastbound mainline expressway is predicted to operate with an average speed of 51 to 52 mph in 2027 and 2047.

The AM peak westbound mainline expressway (East Suffolk Street to Michigan Avenue) is predicted to operate with an average travel speed of 50 mph in 2027, a 4 mph decrease compared to the No Build condition. For 2047, average travel speed would decrease to 28 mph and travel time would almost double from 5.0 minutes in the No Build condition to 9.7 minutes under Concept 7. The analysis indicates that there is insufficient capacity to adequately accommodate the projected traffic volumes in the westbound direction during the AM peak under ETC+20 conditions (year 2047).

PM Peak

During the PM peak hour, there is sufficient capacity with 2 lanes to adequately accommodate the projected eastbound traffic under the ETC condition (year 2027). Average travel times are approximately 3.3 minutes with average speeds reduced to 49 mph. Under the ETC+20 condition (year 2047), there is marginally sufficient capacity on the eastbound expressway (average travel time 3.9 minutes, average speeds 42 mph). The westbound mainline expressway would operate with a travel time of 5 minutes and average speed of 54 mph under both the 2027 and 2047 scenarios.

In conclusion, with a reduction in the number of lanes from 3 to 2, travel times and operating speeds would be substantially impacted in the predominant direction of flow, which is towards the city center in the AM peak hour and out of the city center in the PM peak hour. Travel times would increase by as much as 94% over the existing/no build condition in the westbound direction during the AM peak hour and by as much as 18% over the existing/no build condition in the eastbound direction during the PM peak hour. These traffic conditions would not meet the Project screening criterion related to maintaining traffic operations compared to the No Build condition. The results are summarized in Table 5-4.

Table 5-4: Overall Average Travel Times & Average Travel Speeds, Concept 7 (4-Lane Tunnel)

| Segment | 2027 AM Peak | | 2027 PM Peak | | 2047 AM Peak | | 2047 PM Peak | |
|---|--------------|-----------|--------------|-----------|--------------|-----------|--------------|-----------|
| | No Build | Concept 7 | No Build | Concept 7 | No Build | Concept 7 | No Build | Concept 7 |
| Eastbound – Oak to East Delavan – 2.72 miles | | | | | | | | |
| Average Travel Time (minutes) | 3.3 | 3.2 | 3.3 | 3.3 | 3.4 | 3.1 | 3.4 | 3.9 |
| Average Travel Speed (mph) | 50 | 51 | 49 | 49 | 49 | 52 | 49 | 42 |
| | | | | | | | | |
| Westbound – Suffolk to Michigan – 4.50 miles | | | | | | | | |
| Average Travel Time (minutes) | 5.0 | 5.4 | 5.0 | 5.0 | 5.0 | 9.7 | 5.0 | 5.0 |
| Average Travel Speed (mph) | 54 | 50 | 54 | 54 | 54 | 28 | 54 | 54 |

Concept 7 Screening and Conclusion

Concept 7 is projected to result in a deterioration in traffic operations compared to the No Build condition (with the most severe impact occurring in the westbound direction in the AM peak), as summarized above. Thus, Concept 7 would not meet the Project objective and associated screening criterion related to maintaining the vehicular capacity of the existing transportation corridor. Concept 7 would also have the potential to result in traffic diversions from a controlled access facility to local streets with higher crash rates and greater potential conflicts with pedestrians/bicyclists. Based on these considerations, Concept 7 does not meet the purpose and objectives for the Project, is not a reasonable Project alternative, and will not be advanced for further study in the DDR/EA.

5.2.8 Concept 8: Kensington Reconstruction as a 6-Lane Boulevard

Concept 8 would replace the Kensington Expressway and Humboldt Parkway with an at-grade multiway boulevard between Best Street and Sidney Street. The concept would include a mixed-use roadway,

including a divided main boulevard for through traffic, one-way frontage roads along each side for access to properties, and landscaped medians. The expressway would be removed, and the depressed section of the Kensington Expressway would be filled in to allow for at-grade signalized intersections with East Ferry Street, East Utica Street, Northampton Street, and Dodge Street. Best Street would remain a grade-separated intersection. South of Best Street and north of Sidney Street the boulevard would transition back to an expressway configuration.

The boulevard under Concept 8 would have three 12-foot-wide travel lanes in each direction separated by a 16-foot-wide grass median. The median would be reduced to 4 feet where turn lanes are needed at cross streets. The space occupied by the 6-lane boulevard generally corresponds to the space currently occupied by the expressway. The northern limit of this concept would be approximately 850 feet north of East Ferry Street while the southern limit would be approximately 600 feet south of Dodge Street. The boulevard would be on a similar horizontal alignment to the expressway. However, the vertical grade would be raised, so the intersections of East Ferry Street, East Utica Street, Northampton Street and Dodge Street would function as at-grade intersections and generally match the elevation of surrounding neighborhoods. The expressway interchange at Best Street would remain grade-separated. The existing ramps would remain with the exception of the eastbound “on” ramp from Best Street, which would be eliminated.

The existing Humboldt Parkway (northbound and southbound) would become one-way frontage roads with a single travel lane, bike lane, on-street parking and sidewalks that are separated from the roadway by a 5-foot-wide grass strip that could be used for landscaping (potentially including street trees). “Complete Street” roadway design features would be incorporated. The frontage roads would be separated from the boulevard by a grass strip that varies in width from 16 feet to 4 feet, depending on the location of turn lanes. In the southbound direction, the approximate limits of the frontage road would be from Brunswick Boulevard to Dodge Street. In the northbound direction, the approximate limits would be from Northampton Street to a point 200 feet north of Sidney Street. Streetscape amenities, including landscaping, could include the following: trees planted in the medians, upgraded pedestrian accommodations, including benches, sidewalks/walkways, and curb ramps; and other streetscape improvements, such as decorative paving materials and potentially ornamental lighting.

From an operations perspective, traffic flow under Concept 8 would not be maintained on the expressway. The 6-lane multi-way boulevard would accommodate the NYS Route 33 traffic, but create a completely different operating scenario. “Free flow” operations would not be maintained in the boulevard section. At-grade signalized intersections would be located at major cross streets (East Ferry Street, East Utica Street, Northampton Street and Dodge Street). At each location, there would be three signals: one controlling the southbound frontage road; one controlling the main boulevard; and one controlling the northbound frontage road. The entire system would be interconnected and coordinated to optimize traffic progression.

During construction, Humboldt Parkway would be reduced to “local traffic only.” Properties fronting the corridor would retain driveway access; however, some intermittent temporary disruption would be anticipated. Construction staging and phasing would be designed to minimize the disruption of driveway access to a one-time-only occurrence, if practicable. The construction staging and phasing for the Project would be designed to minimize the disruption of driveway access.

Minor ROW acquisitions (fee take) could be required for sidewalk and curb ramp construction (ADA compliance) at street corners. Construction activities are likely to extend beyond the existing highway boundary, requiring temporary easements for grading/landscaping at miscellaneous locations.

Refer to Figure 5-9A: *Project Concept 8 Plan– Kensington Reconstruction as a 6-Lane Boulevard* and Figure 5-9B: *Project Concept 8 Sections A-A and B-B* contained in **Appendix A**.

Concept 8 Screening and Conclusion

Concept 8 would not provide continuous greenspace suitable for active and/or passive recreational use by the community. Greenspace would be added in the median, but these landscaped areas would not be appropriate for recreational use due to the size of the areas (4 to 16 feet wide) and location relative to traffic.

The greenspace would function to improve aesthetics but would not meet the screening criterion to provide continuous greenspace. Concept 8 would also have the potential to result in traffic diversions to local streets with higher crash rates and greater potential conflicts with pedestrians/bicyclists. Therefore, Concept 8 does not meet the purpose and objectives for the Project, is not a reasonable Project alternative, and will not be advanced for further study in the DDR/EA.

5.2.9 Concept 9: Kensington Reconstruction as a 4-Lane Boulevard with Traffic Diverted to Other Roads

Concept 9 would replace the Kensington Expressway and Humboldt Parkway with an at-grade multiway boulevard between Best Street and Sidney Street. The concept would include a mixed-use roadway, including a divided main boulevard for through traffic, one-way frontage roads along each side for access to properties, and landscaped grass strips. The expressway would be removed, and the depressed section of the Kensington Expressway would be filled in to allow for at-grade signalized intersections with East Ferry Street, East Utica Street, Northampton Street, and Dodge Street. Best Street would remain a grade-separated intersection. South of Best Street and north of Sidney Street the boulevard would transition back to an expressway configuration.

The boulevard under Concept 9 would have two 12-foot-wide travel lanes in each direction separated by a 16-foot-wide grass median. The median would be reduced to 4 feet where turn lanes are needed at cross streets. The frontage roads would be separated from the boulevard by a grass strip that varies in width from 11 feet to 23 feet, depending on the location of turn lanes. The existing Humboldt Parkway (northbound and southbound) would become one-way frontage roads with a single travel lane, bike lane, on-street parking and sidewalks that are separated from the roadway by a 10-foot-wide grass strip. "Complete Street" roadway design features would be incorporated.

From an operations perspective, traffic flow under Concept 9 would not be maintained on the expressway. The 4-lane multi-way boulevard would accommodate the NYS Route 33 traffic, but create a completely different operating scenario. "Free flow" operations would not be maintained in the boulevard section. At-grade signalized intersections would be located at major cross streets (East Ferry Street, East Utica Street, Northampton Street and Dodge Street). At each location, there would be three signals: one controlling the southbound frontage road; one controlling the main boulevard; and one controlling the northbound frontage road. The entire system would be interconnected and coordinated to optimize traffic progression.

During construction, Humboldt Parkway would be reduced to "local traffic only." Properties fronting the corridor would retain driveway access; however, some intermittent temporary disruption would be anticipated. Construction staging and phasing would be designed to minimize the disruption of driveway access to a one-time-only occurrence, if practicable.

Minor ROW acquisitions (fee take) could be required for sidewalk and curb ramp construction (ADA compliance) at street corners. Construction activities would likely extend beyond the existing highway boundary, requiring temporary easements.

Refer to Figure 5-10A: *Project Concept 9 Plan – Kensington Reconstruction as a 4-Lane Boulevard with traffic diverted to other roads* and Figure 5-10B: *Project Concept 9 Sections A-A and B-B* contained in **Appendix A**.

Concept 9 Traffic Analysis

Concept 9 includes the conversion of the expressway to an at-grade boulevard that has two lanes in each direction. The Concept 9 traffic analysis predicts that vehicles would experience extreme delay while proceeding through the four signalized intersections. Excessive queue length would be formed between each intersection; during the PM peak hour, the queue persists for the entire length between the intersections. Refer to **Appendix C** for more details regarding the traffic analysis.

The arterial Level of Service (LOS) for each of the sections (ETC and ETC+20) ranges from D to F in the AM peak hour and LOS F for all sections under the PM peak hour.

In conclusion, travel times and operating speeds would be substantially impacted by creating an at-grade boulevard in comparison to the No Build condition (Table 5-1). The intersections created along the boulevard would not operate at an acceptable LOS and would not adequately handle the volume of traffic. The results are summarized in Table 5-5.

Table 5-5: Overall Average Travel Times & Average Travel Speeds, Concept 9 (4-Lane Boulevard) *

| Segment | AM Peak Hour | | PM Peak Hour | |
|---|--------------|------|--------------|------|
| | 2027 | 2047 | 2027 | 2047 |
| <i>Eastbound – Best to East Delavan – 0.75 miles</i> | | | | |
| Average Travel Time (minutes) | 4.1 | 3.9 | 36.2 | 36.4 |
| Average Travel Speed (mph) | 11 | 11 | 1 | 1 |
| | | | | |
| <i>Westbound – Delavan to Best – 0.78 miles</i> | | | | |
| Average Travel Time (minutes) | 30.3 | 33.8 | 23.1 | 23.5 |
| Average Travel Speed (mph) | 2 | 1 | 2 | 2 |
| | | | | |

* Concept 9 was analyzed using SYNCHRO and therefore a direct comparison to the No Build condition travel times and speeds analyzed with VISSIM is not available.

Concept 9 Screening and Conclusion

Concept 9 is projected to result in deterioration in traffic operations compared to the No Build condition. Thus, Concept 9 would not meet the Project objective and associated screening criterion related to maintaining the vehicular capacity of the existing transportation corridor. Concept 9 would also have the potential to result in traffic diversions from a controlled access facility to local streets with higher crash rates and greater potential conflicts with pedestrians/bicyclists. In addition, Concept 9 would not provide continuous greenspace useable by the community for active and/or passive recreation. Therefore, Concept 9 does not meet the purpose and objectives for the Project, is not a reasonable Project alternative, and will not be advanced for further study in the DDR/EA.

5.2.10 Concept 10: Removal of NYS Route 33 Including Reestablishing the former Parkway Setting

Concept 10 would remove NYS Route 33 from the NYS Route 198 interchange to Goodell Street. This would allow for the creation of a parkway setting along the route of the historic Humboldt Parkway. The Kensington Expressway between I-90 (Thruway) and the NYS Route 198 interchange could remain, including its connection to NYS Route 198; however, NYS Route 33 would terminate around East Delavan Avenue. At that point, the city street network could be used by motorists whose destination is the city center. Traffic would be diverted to other existing roadways and Humboldt Parkway.

Concept 10 is inspired by the historic Humboldt Parkway design details but would not be an exact replica of historic conditions given that the facility must be designed to accommodate automobiles and meet modern design standards for safe accommodations of pedestrians and bicycles (including signage, crosswalks, signals, and bike lanes). Northbound Humboldt Parkway and southbound Humboldt Parkway would each be 38 feet wide to match the historic pavement section. This would be enough space to accommodate a travel lane, turn lanes (where needed), bike space and parking. The tree lined grass lawn that separates the northbound and southbound parkway would be 86 feet wide to match the historic width.

From an operations perspective, Concept 10 would result in a major redistribution of 75,000 average daily vehicles throughout the region. The reconstructed Humboldt Parkway would not be able to replace the capacity provided by the expressway and drivers would select alternate routes that would minimize their

travel time to their destination under the revised network conditions. It would be difficult for the surrounding roadways, such as NYS Route 198 (Scajaquada Expressway), Interstate 190 (I-190), and arterial roads, such as Genesee Street, Broadway, and William Street, to accommodate the increase in traffic and delays without capacity improvements.

During construction, Humboldt Parkway would be reduced to “local traffic only.” Properties fronting the corridor would retain driveway access; however, some intermittent temporary disruption is anticipated. The construction staging and phasing for the Project would be designed to minimize the disruption of driveway access to a one-time-only occurrence, if practicable.

Minor ROW acquisitions (fee take) could be required for sidewalk and curb ramp construction (ADA compliance) at street corners. Construction activities would likely extend beyond the existing highway boundary, requiring temporary easements for grading/landscaping at miscellaneous locations.

Concept 10 Screening and Conclusion

Concept 10 does not meet the project objective and associated screening criterion related to maintaining the vehicular capacity of the existing transportation corridor. The redistribution of expressway traffic to local streets that are not designed to handle that volume and type of traffic would involve the following:

- **Crash rates and safety.** Based on pre-COVID-19 data, the crash rate on NYS Route 33 was 0.46-0.47 accidents per million vehicle miles. Recent 2018-2020 data show a higher crash rate of 0.81 to 0.97 (see **Appendix B**), but even this rate is one-third of the average crash rate on undivided two-lane state highways without access control (3.5 accidents per million vehicle miles).¹⁷ Controlled access facilities eliminate some of the conflicts associated with crashes at intersections, such as left turns. Analysis of crashes throughout Buffalo shows that Genesee Street has two segments that are designated high crash corridors and high injury corridors.¹⁸ Since Genesee Street would be expected to experience a substantial increase in traffic volumes as a result of Concept 10, these already elevated crash levels would increase, resulting in unacceptably higher levels of injuries and fatalities.
- **Pedestrian and bicyclists.** An advantage of accommodating regional traffic movements on an expressway is that direct conflicts with pedestrians and bicyclists are avoided. Pushing traffic flows onto local streets that are also used by pedestrians and bicyclists would increase the number of crashes, injuries and fatalities affecting these vulnerable road users. Further, adding traffic to surface roads conflicts with local and regional plans. For example, Genesee Street is designated a proposed on-road bicycle route in the Regional Bicycle Master Plan.¹⁹
- **Emergency response times.** The expressway is an important route for emergency responders to access critical medical facilities, such as the Erie County Medical Center. Under Concept 10, the section of NYS Route 33 from the NYS Route 198 interchange to the airport would still exist. However, it would take longer for an ambulance from Erie County Medical Center to reach destinations west or south of NYS Route 198 on the local street network (where congestion and intersections create conflict points). Similarly, the Buffalo General Medical Center and John R. Oishei Children’s Hospital are located near the western end of NYS Route 33 and patients/providers would be impacted by increased travel times to get north and east. For medical emergencies, the time that it takes for an ambulance to reach the patient and get to the hospital could have a major effect on the outcome of the patient.²⁰

¹⁷ https://www.dot.ny.gov/divisions/operating/osss/highway-repository/Average%20Accidents%20Rates%20Table_2016.pdf

¹⁸ <https://gobikebuffalo.org/wp-content/uploads/2022/03/Crash-Report-2022.pdf>

¹⁹ <https://www.gbnrtc.org/regional-bike-buffalo-niagara-master-plan>

²⁰ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6156551/>

- **Air quality.** Vehicle emissions of CO, PM2.5, NOx, and VOC under stop-and-go traffic conditions on local streets with traffic signals result in higher emissions than the same traffic travelling in free-flow conditions on an expressway. As vehicles accelerate away from an intersection on a green signal, this increases engine load and emissions. Emission rates (e.g., grams of pollutant per mile travelled) when average speeds are 0 to 20 mph (as occurs on over-capacity roadways) can be four times higher than the emission rates on roadways with speeds between 25 and 75 mph.²¹ Thus, Concept 10 has the potential to increase mobile source emissions regionally and near specific locations.
- **Travel time reliability.** Travel time reliability is important to residents and business operations in the region. An advantage of NYS Route 33 not being over-capacity under current conditions is that it has greater potential to maintain traffic flow even during non-recurring congestion events. Examples of non-recurring congestion sources include crashes, emergency vehicles, severe weather events, closures of other routes, construction lane closures, and other lane blocking events such as broken down vehicles. With traffic diverted to other lower capacity roadways, there is much greater likelihood of non-recurring events to make travel times unpredictable, adversely affecting the roadway users.
- **Community character.** The diverted traffic would travel on local roadways that have residential uses and community facilities (including places of worship and schools). Thus, traffic would increase on roadways where local populations live, go to school, and use community facilities.
- **Volume to capacity.** Traffic that would be redistributed under Concept 10 would impact traffic volumes on the remaining NYS Route 33 and surrounding roadways, relative to their respective capacities. One method to evaluate the operation of a roadway is to find the volume to capacity (V/C) ratio. A roadway with a V/C above 1.0 has exceeded the volume that it can manage and will operate poorly with reduced speeds. Using data obtained from GBNRTC regional travel demand model, the following roadways would be most impacted by the redistribution of traffic due to the implementation of Concept 10 based on 2019 traffic conditions. See Table 5-6 for further details.
 - NYS Route 33 Eastbound from NYS Route 198 to Grider Street V/C ratio would increase over 30% in the AM and PM peak hours and has a V/C above 1.0.
 - I-90 is already operating near or above a V/C ratio of 1.0; the V/C ratio would increase with implementation of Concept 10.
 - Main Street Southbound from NYS Route 198 to East Ferry Street V/C ratio would increase around 50% in the AM and PM peak hours to have a V/C over 1.0.

Concept 10 would not meet the project objective and associated screening criterion related to maintaining the vehicular capacity of the existing transportation corridor. Based on this, and the concerns identified above related to redistributing expressway traffic to the local streets, Concept 10 is not a reasonable Project alternative, and will not be advanced for further study in the DDR/EA.

²¹ <https://www.sciencedirect.com/science/article/pii/S2095756415300921>

Table 5-6: Concept 10 Volume to Capacity Ratio Summary (2019)

| Roadway | Segment | | Direction | AM Peak Hour | | | PM Peak Hour | | |
|-------------------|---------------|---------------|-----------|--------------------|----------------------|----------|--------------------|----------------------|----------|
| | Start | End | | Existing V/C ratio | Concept 10 V/C ratio | % Change | Existing V/C ratio | Concept 10 V/C ratio | % Change |
| NYS Rte. 33 | NYS Rte. 198 | Grider St. | EB | 0.93 | 1.27 | 37% | 1.31 | 1.74 | 33% |
| | Grider St. | NYS Rte. 198 | WB | 0.89 | 0.47 | -47% | 0.85 | 0.45 | -47% |
| NYS Rte. 198 | Main St. | NYS Rte. 33 | EB | 0.51 | 0.67 | 31% | 0.62 | 0.79 | 27% |
| | NYS Rte. 33 | Main St. | WB | 1.56 | 1.51 | -3% | 1.57 | 1.45 | -8% |
| | Parkside Ave. | Main St. | EB | 0.87 | 1.16 | 33% | 0.98 | 0.71 | -28% |
| | Main St. | Parkside Ave. | WB | 0.57 | 0.7 | 23% | 1.45 | 1.11 | -23% |
| I-90, NYS Thruway | Walden Ave. | NYS Rte. 33 | EB | 0.93 | 0.99 | 6% | 1.03 | 1.12 | 9% |
| | NYS Rte. 33 | Walden Ave. | WB | 0.82 | 0.91 | 11% | 1.09 | 1.16 | 6% |
| | William St. | Walden Ave. | EB | 0.96 | 1.02 | 6% | 0.96 | 1.06 | 10% |
| | Walden Ave. | William St. | WB | 0.7 | 0.8 | 14% | 1.09 | 1.18 | 8% |
| | I-190 | William St. | EB | 0.9 | 0.96 | 7% | 0.93 | 1.03 | 11% |
| | William St. | I-190 | WB | 0.72 | 0.8 | 11% | 1.06 | 1.15 | 8% |
| Main St. | E. Ferry St. | NYS Rte. 198 | NB | 0.45 | 0.6 | 33% | 0.71 | 0.97 | 37% |
| | NYS Rte. 198 | E. Ferry St. | SB | 0.66 | 1.04 | 58% | 0.72 | 1.06 | 47% |

5.2.11 Concept Screening Summary

The results of the above concept screening are summarized in Table 5-7.

Table 5-7: Concept Screening Summary

| Concept | Advanced for further evaluation in DDR/EA? | Rationale for Dismissal /Notes |
|--|--|--|
| 1- No Build | Yes | Does not address Project purpose or objectives but required under NEPA as a baseline for comparison. |
| 2- Bridge Rehabilitation with Humboldt Enhancements | No | Does not meet Project objective to provide continuous greenspace. Greenspace created on bridges would not be suitable for active and/or passive recreational use. |
| 3- Bridge Replacement with Humboldt Enhancements | No | |
| 4- Kensington Reconstruction with Improved Community Connections through Partial Decking | No | Does not meet Project objective to provide continuous greenspace because there would be several discontinuities in the greenspace created by the partial decking. Greenspace created would not be suitable for active and/or passive recreational use. |
| 5- Kensington Reconstruction with a 6-Lane Tunnel for Improved Community Connections and Establishing Victorian Gardens | Yes | Meets Project objectives. Concepts 5 and 6 combined for analysis in DDR/EA as one Build Alternative with options for different landscaping and tunnel ventilation/air treatment infrastructure configurations. |
| 6- Kensington Reconstruction with a 6-Lane Tunnel for Improved Community Connections, Including a Tree-Lined Parkway Setting | Yes | |
| 7- Kensington Reconstruction with a 4-Lane Tunnel for Improved Community Connections | No | Does not meet Project objective to maintain the vehicular capacity of the existing transportation corridor due to breakdown in expressway traffic flow in the design year. |
| 8- Kensington Reconstruction as a 6-Lane Boulevard | No | Does not meet Project objective to provide continuous greenspace. Greenspace created in center median would not be suitable for active and/or passive recreational use. |
| 9- Kensington Reconstruction as a 4-Lane Boulevard with Traffic Diverted to Other Roads | No | Does not meet Project objective to maintain the vehicular capacity of the existing transportation corridor because of the breakdown in expressway traffic flow in the estimated year of completion and the design year. |
| 10- Removal of NYS Route 33 Including Reestablishing the former Parkway Setting | No | Does not meet Project objective to maintain the vehicular capacity of the existing transportation corridor and results in other concerns from redistribution of expressway traffic to local streets (safety, emergency response, travel time reliability and air quality). |

5.3 Alternatives that Will be Advanced for Detailed Study in the DDR/EA

5.3.1 No Build Alternative

The No Build Alternative assumes no improvements would be made to the corridor other than those planned by others or implemented by routine maintenance. Although this alternative does not address the identified needs or meet the stated purpose and objectives for the Project, the No Build Alternative must be carried forward for evaluation in the DDR/EA to serve as the baseline condition against which the potential benefits and impacts of the build alternative are evaluated, in accordance with Part 1502 of Title 40 of the Code of Federal Regulations (CFR) (40 CFR § 1502.14(c)).

5.3.2 Build Alternative

The NYSDOT undertook a comprehensive and objective evaluation of a range of concepts for the Project. Of the 10 concepts considered, it was determined that two concepts (Concepts 5 and 6) would meet the project purpose and all of the project objectives.

Concepts 5 and 6 are similar except for the type of landscaping proposed for the newly created greenspace above the tunnel. Given the similarities between these two concepts, and to allow for the further evaluation of both types of landscaping during the design/environmental review process, Concepts 5 and 6 will be combined as one Build Alternative for further study in the DDR/EA. Both Victorian gardens and a tree-lined parkway setting will be assessed, with potentially both types of landscaping incorporated into the Project design.

The Build Alternative will include options for the ventilation system (required ventilation only, required ventilation with air treatment), which will be assessed as part of the DDR/EA. The assessment of air treatment will include information on the effectiveness of potential air treatment technologies for specific pollutants and costs (capital cost and maintenance costs).

As described in the discussions of Concepts 5 and 6 above (Sections 5.2.5 and 5.2.6), the Build Alternative involves reconstruction of the Kensington Expressway to construct a 6-lane tunnel between Dodge Street and Sidney Street, a tunnel length of 4,100 feet. Grading and pavement work could extend to High Street to the south and Northland Avenue to the north. The tunnel would replace existing bridges at East Ferry Street, East Utica Street, Northampton Street, and Dodge Street. The Best Street bridge would also be replaced.

The Build Alternative also includes reconstruction of Humboldt Parkway while implementing “Complete Street” roadway design features. Northbound Humboldt Parkway would align with the Buffalo Museum of Science’s eastern driveway on Northampton Street and continue north, parallel to southbound Humboldt Parkway, reconnecting with its existing alignment at East Ferry Street. Southbound Humboldt Parkway would be reconstructed beginning at East Ferry Street and continuing south above the covered Kensington Expressway before realigning with West Parade Avenue. Bicycle lane design will be further investigated as part of the design process.

Publicly accessible greenspace would be constructed on top of the tunnel, potentially including gardens and/or trees, pathways, benches, and other streetscape amenities.

The Build Alternative includes tunnel ventilation and a potential air treatment system to treat tunnel exhaust, as described in greater detail in Section 5.2.5.

The NYSDOT will continue to solicit public input and further refine the Build Alternative during the development of the DDR/EA.

5.3.3 Potential for Social and Environmental Effects

A preliminary evaluation of the potential for social and environmental effects resulting from implementation of the Build Alternative was undertaken, as described below. The following topics were evaluated:

- Neighborhood Character and Community Cohesion
- Environmental Justice/Disadvantaged Communities
- Historic/Cultural Resources
- Parks and Recreation Areas
- Visual Resources
- Air Quality
- Energy Consumption

A full evaluation of potential effects of the Project on social, economic, and environmental resources, as described in Section 4 above, will be conducted and will be documented in the DDR/EA for the Project.

Neighborhood Character and Community Cohesion

Numerous City of Buffalo neighborhoods are within the vicinity of the Project. The transportation corridor is the boundary between four neighborhoods: Masten Park, MLK Park, Hamlin Park and Delavan Grider defined by the City of Buffalo's Planning and Zoning Department. The neighborhoods are currently divided, and under existing conditions are only connected via five different overpass locations within the transportation corridor. The Build Alternative would affect the neighborhood character and community cohesion in the surrounding area.

Environmental Justice/Disadvantaged Communities

The Project is located in an area with low-income and minority populations. The Project is also located in an area identified as a disadvantaged community under New York's Climate Leadership and Community Protection Act. **Figure 4-3** depicts the percentage of the population within census block groups where race/ethnicity is self-identified as something other than "White, Not Hispanic, or Latino Non-Hispanic" (minority population). **Figure 4-4** depicts the percentage of households within census block groups where income is below the federal poverty level (low-income population). The Build Alternative would result in effects to these populations.

Historic/Cultural Resources

Figure 4-5 depicts known National Register eligible and listed properties, within the vicinity of the Build Alternative. MLK, Jr. Park is a National Register-listed property located in close proximity to the Build Alternative. Construction activities could temporarily impact a park access road. Therefore, the Build Alternative has the potential to affect this historic resource.

Parks and Recreational Areas

Figure 4-6 depicts parks and recreation areas within the vicinity of the Project. MLK, Jr. Park is located in close proximity to the Build Alternative. Construction activities could temporarily impact a park access road. Therefore, the Build Alternative has the potential to affect this park resource.

Visual Resources

The Build Alternative involves reconstruction of a segment of the Kensington Expressway and construction of a tunnel structure that extends from Dodge Street to Sidney Street. The tunnel would be topped with newly created continuous green space, including landscaping and pedestrian amenities. This newly created greenspace would alter the visual environment within the transportation corridor.

Air Quality

The Project could affect air quality through the construction of the tunnel (emissions from ventilation system and tunnel portals), as well as through changes in traffic patterns. An air quality analysis will be prepared as part of the DDR/EA.

Energy Consumption

The Build Alternative would require the installation of a number of operational and safety systems (including ventilation). These new operational systems would consume additional energy.

5.4 Conclusion

Based on a comprehensive and objective evaluation of a range of concepts (potential alternatives) during the scoping process, the NYSDOT has determined that the Build Alternative (Concepts 5 and 6, combined) is the only reasonable (feasible and practical) alternative for the Project. The documentation within this section of the Scoping Report supports this determination. None of the other project concepts would meet the Project purpose and all of the Project objectives, and therefore, would not address the identified transportation needs within the transportation corridor. The potential effects resulting from implementation of the Build Alternative will be assessed and documented in the DDR/EA for the Project. Measures to mitigate adverse effects, including measures to avoid, minimize, and compensate for adverse effects, will also be developed if any adverse effects are identified.

Section 6 Anticipated Costs and Schedule

The estimated total construction cost of the Build Alternative is shown below. Construction of the Build Alternative would take approximately three years.

- Total cost without air treatment: \$705 M to \$755 M
- Total cost with air treatment: \$805 M to \$855 M

The NYSDOT anticipates that the NEPA/SEQR EA process will be complete in early 2024.

Section 7 Public Involvement and Agency Coordination

7.1 Agency Coordination Plan/Public Involvement Plan and Environmental Justice Public Engagement Plan

The environmental provisions in 23 USC §139 require that joint lead agencies (FHWA and NYSDOT) establish a plan for coordinating public and agency participation and comment on the environmental review process for a Project. Accordingly, a *Joint Agency Coordination Plan/Public Involvement Plan (ACP/PIP)* has been developed, which describes the process and communication methods for coordinating with the agencies involved in the Project and providing meaningful opportunities for public involvement. The Joint ACP/PIP contains an Environmental Justice Public Engagement Plan that describes methods for targeted outreach to identified EJ communities in the vicinity of the Project. This Joint ACP/PIP will be in effect throughout the project development process. The Joint ACP/PIP is a flexible, “living” document that can be amended as needed during the process.

7.2 Public Involvement Opportunities

Public involvement is an integral part of the scoping process. The FHWA and NYSDOT have provided, and will continue to provide, meaningful opportunities for public and agency participation throughout the project development process.

Executive Order 12898 “*Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*” requires federal agencies to provide meaningful opportunities for affected minority and/or low-income communities to provide input on a Project. Public meetings have been and will continue to be sited, scheduled, advertised, and planned to provide meaningful opportunities for participation by minority and/or low-income (environmental justice) populations.

Individuals who do not speak English as their primary language and/or those who have limited ability to read, speak, write, or understand English are considered “limited English proficient” (LEP). As shown in **Appendix D: Limited English Proficiency Census Data**, English is the primary language spoken (approximately 84.5% of the population) in the general Project area. Spanish is the primary non-English language spoken in the Project area (3.3% of the population). The group “Other Indo - European languages” comprises at least 40 individual languages representing most languages of Europe and the Indic languages of India and collectively represents 6% of the population within the Project area. In compliance with Executive Order 13166 *Improving Access to Services for Persons with Limited English Proficiency* and New York State Executive Order 26 *Statewide Language Access Policy*, the public involvement activities for the Project were developed in consideration of those populations with limited English proficiency, including the following:

- Advertising for the public scoping meeting in local Spanish-language newspapers.
- Providing telephonic interpreting services at the public scoping meeting for those individuals with other language needs; and,
- Providing a Spanish-language interpreter at the public scoping meeting.

The NYSDOT will continue to conduct public involvement activities for the Project in consideration of LEP populations.

In addition, public meetings have been and will continue to be held in locations that comply with the Americans with Disabilities Act (ADA) to assure that individuals with disabilities have convenient access to meetings. Public notices announcing public meetings will continue to provide instructions for requesting special accommodations.

Public and agency involvement opportunities are summarized below.

7.2.1 Initial Outreach Efforts – January 2007 through December 2019

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. The 2012 Concept Design Study was initiated in 2011 at the request of stakeholders, including former New York State Senator Antoine Thompson, State Assembly Member Crystal Peoples-Stokes, the Buffalo Olmsted Parks Conservancy, and other local officials and community organizations. After completion of the 2012 Concept Design Study in August 2012, the NYSDOT attended a number of meetings (described below) with community stakeholders where input was received. The input was primarily in favor of a full enclosure of the Kensington Expressway.

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. Table 7-1 identifies the stakeholder meetings that have been held between January 2016 and December 2019.

Table 7-1: Initial Stakeholder Meetings - January 2016 through December 2019

| Stakeholder/Agency/ Organization | Purpose | Meeting Date |
|---|--|---------------------|
| Community Stakeholder Meeting #1 | Introduce the Project & solicit input. | October 25, 2016 |
| Community Stakeholder Meeting #2 | Discuss progress, present details of the Project & solicit input | January 12, 2017 |
| ROCC Meeting #1 | Discuss progress, present details of the Project & review draft preliminary "Purpose & Need" statement. | May 26, 2017 |
| Meeting Organized by NYS Assemblywomen Crystal Peoples-Stokes | Discuss issues related to the Kensington Expressway Project. | May 17, 2019 |
| Community Stakeholder Meeting #3 | Provide an update on the Project concepts, discuss the draft preliminary purpose and objectives, provide background on air quality regulations, screening, and analysis. | August 21, 2019 |
| Community Stakeholder Meeting #4 | Review Project concepts. | November 13, 2019 |

7.2.2 Stakeholder Meetings/Community Events – January 2022 through Present

As part of the ongoing public outreach for the Project, the NYSDOT presented the Project at several stakeholder meetings and attended several community events after the public scoping meeting. In general, these outreach efforts are to disseminate information about the Project and solicit input. Specific outreach conducted is listed in **Table 7-2**. At the community events, the NYSDOT had staff available to answer

questions about the Project and had several concept display boards available to view. Comment forms and brochures were provided to interested people. **Table 7-2** identifies the stakeholder meetings that have been held and community events that have been attended between January 2022 and present.

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. Groups represented in the ongoing stakeholder group meetings include the following:

- Restore Our Community Coalition (ROCC)
- Hamlin Park Community & Taxpayers Association, Inc.
- The Black Chamber of Commerce of Western New York, Inc.
- Buffalo Olmsted Parks Conservancy
- True Community Development Corporation
- Buffalo Museum of Science
- Citizen's Alliance, Inc.
- Delavan Grider Community Center
- The African American Cultural Center
- Resource Council of WNY
- Masten Block Club Coalition, Inc.
- Winslow Block Club
- MLK Block Club

Table 7-2: Stakeholder Meetings and Community Events – January 2022 through Present

| Stakeholder/Agency/ Organization | Meeting Location | Purpose | Meeting Date |
|---|-----------------------------------|---|---------------------|
| New York State Assemblymember Crystal Peoples-Stokes | Virtual Meeting | Review Project concepts and the materials prepared for the Public Scoping Meeting; solicit input. | April 25, 2022 |
| New York State Senator Tim Kennedy | Virtual Meeting | Review Project concepts and the materials prepared for the Public Scoping Meeting; solicit input. | April 26, 2022 |
| U.S. Representative Brian Higgins | Virtual Meeting | Review Project concepts and the materials prepared for the Public Scoping Meeting; solicit input. | April 27, 2022 |
| Erie County Executive Chief of Staff Jennifer Hibit and Commissioner of Public Works Bill Geary | Virtual Meeting | Review Project concepts and the materials prepared for the Public Scoping Meeting; solicit input. | May 3, 2022 |
| New York State Assemblymember Crystal Peoples- Stokes and New York State Senator Tim Kennedy | New York State Capitol, Albany | Review Project concepts and the materials prepared for the Public Scoping Meeting; solicit input. | May 4, 2022 |

| Stakeholder/Agency/ Organization | Meeting Location | Purpose | Meeting Date |
|--|---|--|-------------------|
| Community Leaders Meeting ²² | NYSDOT- Region 5 Office | Review Project Concepts and the materials prepared for the Public Scoping Meeting; solicit input; gather input on the best ways to engage the greater community. | June 29, 2022 |
| New York State Assemblymember Crystal Peoples-Stokes Staff | Virtual Meeting | Project update | July 27, 2022 |
| Board of Block Clubs | Elmwood Village Charter School, 40 Days Park | Briefly review Project; distribute comment forms and brochures; solicit input. | July 28, 2022 |
| National Night Out | King Urban Life Center, 938 Genesee St. and Mt. Olive Baptist Church, 701 E. Delavan Ave. | Discuss the Project with interested people; display Project information; distribute comment forms and brochures solicit input. | August 2, 2022 |
| Surviving is Thriving Health Fair | MLK Jr. Park, Buffalo NY 14211 | Discuss the Project with interested people; display Project information; distribute comment forms and brochures solicit input | August 16, 2022 |
| Community Day of Hope | 1003 Jefferson Ave. | Discuss the Project with interested people; display Project information; distribute comment forms and brochures solicit input | September 2, 2022 |
| Back to School Block Party | Apollo Media Center, 1346 Jefferson Ave. | Discuss the Project with interested people; display Project Information; distribute comment forms and brochures solicit input | September 3, 2022 |
| Stakeholder Group Meeting #1 | Buffalo Museum of Science | Project status update, and discussion of air quality, funding, and schedule-related items | November 9, 2022 |
| Stakeholder Group Meeting #2 | Buffalo Museum of Science | Discuss extension of tunnel limits, tunnel ventilation requirements, and environmental progress. | December 7, 2022 |

7.2.3 Public Scoping Meeting – June 30, 2022

A public scoping meeting for the Project was held on June 30, 2022. The NYSDOT held this meeting to provide information about the Project; describe the Project development and environmental review processes; and obtain input from attendees. The NYSDOT held meetings with state and local elected officials prior to the public scoping meeting.

The public scoping meeting was advertised in the following ways:

- Electronic distribution (e-mail blast sent June 22, 2022) to select stakeholders from community-based groups.

²² Initial meeting as described in the NYS Route 33 Kensington Expressway Project *Environmental Justice Engagement Plan*.

- Publication in local newspapers and online news sources:
 - The Buffalo News (digital ad ran June 5, 2022, and June 19, 2022)
 - Buffalo Rising (digital ad ran June 14, 2022, through June 30, 2022)
 - Panorama Hispano News (Spanish-language, digital ad started June 6, 2022, and ran all month)
 - Buffalo Latino Village (Spanish-language, digital ad started June 10, 2022, and ran all month)
 - Bee Newspapers (ran June 16, 2022, Clarence, Amherst, Tonawanda, and Cheektowaga)
 - Challenger Community News (ran June 16, 2022)
 - The Buffalo Criterion Newspaper (ran June 18, 2022)
- Physical notices (door hanger flyers) placed on buildings located directly adjacent to the Kensington Expressway corridor between Best Street and the pedestrian bridge over the Kensington Expressway, located just north of Hamlin Street.
- Physical notices sent to residences located directly adjacent to the Kensington Expressway corridor via U.S. mail.
- Advertisement placed on the NYSDOT Facebook page and Twitter account.

Two public scoping meeting sessions for the Project were held on Thursday, June 30, 2022, at the Buffalo Museum of Science, 1020 Humboldt Parkway, Buffalo, New York. 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. 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. Approximately two media outlets covered the meeting.

Each of the sessions included 22 display boards that provided information about the Project and the 10 concepts being considered. The sessions were held in an open-house format, with a narrated Project presentation (PowerPoint) that played on a continuous loop throughout the meetings. Also, a public information brochure was developed and made available at the scoping meeting. The brochure provided a general Project overview and described the ways in which the public could provide comments. Public scoping meeting materials used at the meeting are available on the Project's website.

At each session, attendees were able to submit comments via several methods. An area was dedicated to comments, with tables, chairs, comment cards (for handwritten comments), comment boxes, and Project staff available for questions and answers. There were also laptop and tablet computers available for attendees to submit comments directly using the comment form on the Project's website. A stenographer was available at both sessions to record formal verbal comments from attendees. Spanish-language and American Sign Language interpreters were also available. After the meeting, comments could be submitted via e-mail, U.S. mail or on the Project website.

During the 30-day comment period following the public scoping meeting, which officially ended July 29, 2022, 154 comments were received. The NYSDOT also accepted several comments that were received after the July 29th deadline (six comments received between July 30, 2022 and August 3, 2022). **Appendix E** of this Scoping Report contains the comments received and responses to substantive comments. Comments received after August 3, 2022 will be appended to the DDR/EA and substantive comments will be responded to therein.

During the scoping comment period, Project information was also displayed at the Frank Merriweather Jr. Library, including display boards on the Project purpose and need, Project concepts, air quality and tunnel ventilation, Section 106, and the environmental review process. Project brochures and comment forms were available, along with a drop box where comments could be deposited.

7.2.4 Project Website

A Project website (<http://kensingtonexpressway.dot.ny.gov>) has been established to provide information about the Project. The website serves as a source of Project information, including public scoping meeting materials. 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 (e.g., DDR/EA).

7.2.6 Mailing/E-mail Lists

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 scoping meeting sessions and on the Project website. These lists will be used to share meeting notices and other communications with the public.

7.2.7 Community Outreach Office and Community Liaison

On November 1, 2022, the NYSDOT opened a community outreach office 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 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 NYS Route 33 Kensington Expressway Project. Office hours are Tuesday through Friday - 10:00 AM to 6:00 PM and Saturdays - 10:00 AM to 2:00 PM. Office hours are posted on the Project website and outside the office. During the office hours, a community liaison dedicated to this Project is available to interact with visitors and is supported by other Project team members as needed to answer questions. Updated Project materials are on display at the office, along with comment forms and project documents (this PSR and DDR/EA when available). 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 preliminary design/environmental review, final design, and construction phases of the Project to support continuous community engagement.

7.2.8 DDR/EA Public Comment Period and Public Hearing

A 45-day public comment period will follow the release of the DDR/EA to the public. During this comment period, a public hearing will be conducted. The public hearing will provide an opportunity for the public to submit comments on the DDR/EA orally, electronically on the Project website, via email, and/or in writing. It is anticipated that the public hearing will include an open house with informational displays and a formal presentation followed by an opportunity for members of the community to make oral comments that are recorded by a stenographer. Comments provided at the public hearing and during the DDR/EA comment period will be considered and substantive comments responded to in the Final Design Report/EA.

7.3 Agency Coordination

7.3.1 Coordination with Cooperating and Participating Agencies

Cooperating Agencies: According to CEQ regulations (40 CFR § 1508.5), “Cooperating Agency” means any federal agency, other than a lead agency, that has jurisdiction by law or special expertise with respect to any environmental impact involved in a Project or Project alternative. A state or local agency of similar qualifications or, when the effects are on lands of tribal interest, a federally recognized Native American tribe may, by agreement with the lead agencies, also become a Cooperating Agency. CEQ regulations also state (40 CFR § 1501.8) that an agency may request the Lead Agency to designate it a Cooperating Agency.

The following agencies have been invited and concurred with their role to serve as Cooperating Agencies for the Project:

- U.S. Environmental Protection Agency (USEPA) – Region 2
- 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)

Participating Agencies: Participating Agencies are those federal, state, or local agencies or federally recognized Native American tribes with an interest in the Project. The standard for Participating Agency status is more encompassing than the standard for Cooperating Agency status. Therefore, Cooperating Agencies are, by definition, Participating Agencies, but not all Participating Agencies are Cooperating Agencies.

In addition to the Cooperating Agencies listed above, the following were invited to serve as Participating Agencies for the Project:

- Erie County Department of Environment and Planning
- City of Buffalo (Office of Strategic Planning)
- Greater Buffalo Niagara Regional Transportation Council (GBNRTC)
- New York State Thruway Authority (NYSTA)
- Niagara Frontier Transportation Authority (NFTA)
- Seneca Nation of Indians²³
- Tonawanda Seneca Nation
- Seneca Cayuga Tribe of Oklahoma
- Tuscarora Nation

Cooperating and Participating Agencies are responsible for identifying, as early as practicable, any issues of concern regarding a Project's potential environmental or socioeconomic impacts that could substantially delay or prevent an agency from granting a permit or other approval. An initial Cooperating Agency meeting was held on June 28, 2022, and an initial Participating Agency meeting was held on July 26, 2022. Additional Cooperating and Participating Agency Meetings were held on September 15, 2022 and November 17, 2022. Regularly scheduled meetings will continue to be held with the agencies throughout the EA process to update them on the status of the Project and discuss other topics as appropriate. In addition, topic-specific meetings will be held with the agencies as needed. For example, regularly scheduled meetings are being held with USEPA and NYSDEC to discuss the air quality analysis for the Project.

In addition to the Cooperating and Participating Agencies, other agencies and entities have been and will continue to be asked to provide technical information and input throughout the development of the Project and with whom the Project team will share information. These may include first responders and other regional and municipal agencies/organizations.

7.3.2 Section 106 Coordination

Participants in the Section 106 process include the SHPO, FHWA, NYSDOT, ACHP, federally recognized Native American tribes, and other Consulting Parties. Public involvement under Section 106 will be accomplished in coordination with NEPA public outreach, to provide information and seek public comment regarding the Project's effects on historic properties. Individuals and organizations with a demonstrated interest in the Project may participate in the Section 106 process as Consulting Parties, due to the nature of their legal or economic relation to the Project or affected properties, or their concern with the Project's effect on historic properties. Their participation is subject to approval by the FHWA.

Consulting Parties will be provided an opportunity to express their views at specific points in the Section 106 process, including the identification and evaluation of historic properties, the assessment of effects, and the development of measures to avoid, minimize or mitigate any adverse effects on historic properties.

²³ In a correspondence dated March 24, 2022, the Seneca Nation of Indians declined their role to become a Participating Agency for the Project.

During the June 30, 2022 public scoping meeting, a Section 106 station was included that allowed attendees to learn about the Section 106 process and request to be a Consulting Party.

7.3.3 Section 4(f) Coordination

In accordance with 23 CFR §774.5, FHWA must provide opportunities for coordination and comment to the official(s) with jurisdiction over any Section 4(f) resource that may be affected (used) by the Project. Based on the resources that could potentially be affected, review of the Section 4(f) evaluation for this Project could include NYS Parks and SHPO. Resources protected under Section 4(f) include public parks, wildlife refuges, and historic resources. As described above, potential effects on historic properties are being coordinated through the Section 106 process, which will be taken into consideration as part of the Section 4(f) evaluation.

APPENDICES