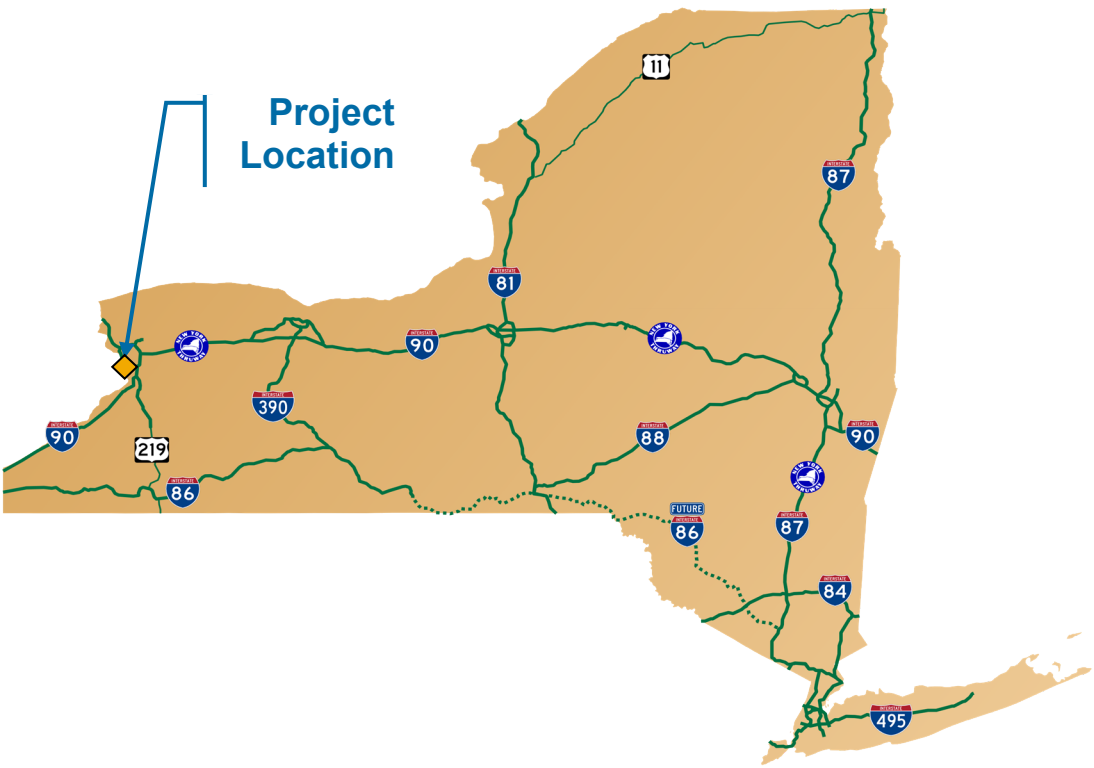


# Transportation Project Report

## Project Scoping Report

August 2020

NYS Route 5 (Buffalo Skyway) Project  
Project Identification Number (PIN): 5134.48  
City of Buffalo  
Erie County



Department of  
Transportation



U.S. Department of Transportation  
Federal Highway Administration

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## SECTION 1 Introduction

The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Highway Administration (FHWA), is preparing a Design Report / Environmental Impact Statement (DR/EIS) for the NYS Route 5 (Buffalo Skyway) Project (hereafter, “the Project”) in accordance with the requirements of the Council on Environmental Quality (CEQ) regulations for implementing the procedural provisions of the National Environmental Policy Act (NEPA) (40 Code of Federal Regulations [CFR] §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 New York Codes, Rules and Regulations [NYCRR] Part 15). The Project is a Class I (EIS) action under NEPA. The FHWA, serving as the Federal Lead Agency, and the NYSDOT, serving as Joint Lead Agency, are progressing the development of the EIS. The Project is also classified as a State Environmental Quality Review Act (SEQRA) non-Type II action, indicating that it has the potential for significant environmental impacts or substantial controversy on environmental grounds. However, given that a federal EIS is being prepared, the NYSDOT and other New York State agencies undertaking a discretionary action for the Project have no obligation to prepare an additional EIS under SEQRA. The NYSDOT will give full consideration to the federal Final DR/EIS (FDR/FEIS) and will prepare a Joint Record of Decision (ROD) with the FHWA.

The Project is classified as a major infrastructure project pursuant to Executive Order (EO) 13807 *Establishing Discipline and Accountability in the Environmental Review and Permitting Process*, effective August 15, 2017, and therefore, is subject to the requirements therein. Under EO 13807 and its accompanying *Memorandum of Understanding Implementing One Federal Decision Under Executive Order 13807*, effective April 10, 2018 (MOU), federal agencies should process environmental reviews and authorization decisions for major infrastructure projects within an average of approximately two years (from the date of publication of the Notice of Intent [NOI] to the date of issuance of the ROD), and issue all necessary authorizations within 90 days of issuance of the ROD.

The purpose of the Project is to realign the existing transportation network to support existing and planned recreational, mixed-use, and waterfront development in the Buffalo Outer Harbor and Inner Harbor areas. The Project will also address the safety, operational, and capacity deficiencies of the highway connections that serve economic development areas and local communities within South Buffalo.

This Project Scoping Report has been prepared to provide an overview and record of the NEPA scoping process conducted for the Project. The term “scoping” is defined in the CEQ NEPA regulations at 40 CFR §1501.7 as “an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action.” The scoping process provides an early opportunity for the FHWA and NYSDOT to disseminate information about the Project to agencies and the public and to receive feedback.

The FHWA issued a NOI to prepare an EIS for the Project on December 11, 2019 (publication date of December 20, 2019). Public scoping meetings were held on January 28, 2020 and January 29, 2020, followed by a 30-day public comment period that ended on February 28, 2020. The FHWA and NYSDOT have considered the comments received during the scoping comment period. Appendix D contains the comments received and responses to substantive comments.

For further information about the Project, please visit the project website (<https://buffaloskyway.dot.ny.gov/>) or contact:

NYS Route 5 (Buffalo Skyway) Project Team  
New York State Department of Transportation Region 5  
100 Seneca Street  
Buffalo, NY 14203  
[buffaloskyway@dot.ny.gov](mailto:buffaloskyway@dot.ny.gov)

## SECTION 2 Project Location

The Project focuses on the Buffalo Skyway/NYS Route 5 interchanges, approaches and infrastructure between Tifft Street and Church Street (hereafter, “the Buffalo Skyway corridor”), in the City of Buffalo, Erie County, New York (see Figure 2-1).

The southern limit of the Buffalo Skyway corridor is at Tifft Street, with the Buffalo Outer Harbor to the west and Tifft Nature Preserve to the east. Extending north along the Buffalo Skyway corridor, the Buffalo Outer Harbor continues to the west and the City Ship Canal is to the east. The Buffalo Skyway corridor then traverses both the City Ship Canal and Buffalo River with a 110-foot-high bridge (“high-level bridge”), and continues to an interchange with Interstate 190 (I-190). The northern limit of the Buffalo Skyway corridor is at Church Street across from Delaware Avenue in Downtown Buffalo.

Tifft Street and Church Street are rational end points for the area of NYS Route 5 to be studied for removal as part of the proposed action. Tifft Street was chosen as the southern limit because:

- The portion of NYS Route 5 south of Tifft Street is needed to maintain access to economic development areas and local communities within South Buffalo via NYS Route 5 to Tifft Street; and
- It would allow for the removal of the earthen embankment north of Tifft Street that currently separates the waterfront from inland communities and recreational areas.

Church Street was chosen as the northern limit as this is the point where the Buffalo Skyway terminates and NYS Route 5 begins to be carried by Church Street.

The area within the vicinity of the Buffalo Skyway corridor is comprised of a variety of land uses, including residential, commercial, recreational and entertainment, public parks, and industrial. Neighborhoods include the Central and Hopkins-Tifft Neighborhoods. Commercial uses range from neighborhood-based establishments in the Cities of Buffalo and Lackawanna to dedicated districts located near expressways and major arterials. The Buffalo central business district and Canalside, a core recreational development site on the downtown waterfront, are located near the northern portion of the Buffalo Skyway corridor. Recreational and parks facilities along the southern and central portions of the Buffalo Skyway corridor include Tifft Nature Preserve, Buffalo Harbor State Park, Times Beach Nature Preserve, Lakeside Bike Park, Bell Slip Preserve, and Wilkeson Pointe. The Buffalo Lakeside Commerce Park and the RiverBend site, located to the south and east of the Buffalo Skyway corridor, occupy the former Bethlehem Steel and Republic Steel and Donner Hanna Coke sites, respectively.



-  Interstate Highway
-  State/U.S. Highway
-  City/Town Boundary

**Figure 2-1**  
**Project Location**  
 P.I.N. 5134.48  
 NYS Route 5 (Buffalo Skyway) Project  
 Erie County, NY

## SECTION 3 Project Purpose, Objectives, and Needs

### 3.1 Project Purpose and Objectives

The purpose of the Project is to realign the existing transportation network to support existing and planned recreational, mixed-use, and waterfront development in the Buffalo Outer Harbor and Inner Harbor areas. The Project will also address the safety, operational, and capacity deficiencies of the highway connections that serve economic development areas and local communities within South Buffalo.

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

- Remove the Buffalo Skyway structure and elevated approaches between Tiff Street and Church Street;
- Accommodate the traffic currently carried by the Buffalo Skyway structure and approaches on an improved transportation network;
- Provide safety, operational, and capacity improvements to the highway connections between NYS Route 5 and I-190; and
- Reduce commercial vehicular traffic traveling on local residential streets near the RiverBend site by providing improved commercial vehicular access between I-190 and the site.

The project purpose and objectives were developed in consultation with the FHWA to address the identified transportation needs within the area (see Section 3.2) and define the fundamental reasons why the Project is being proposed.

### 3.2 History and Needs

#### Project History

The Buffalo Skyway interchanges, approaches and infrastructure occupy approximately 45 acres of land along the Buffalo waterfront. Over the past few decades, this area has undergone a substantial change in land use with a focus on recreational, mixed-use, and waterfront development, as described below. In Downtown Buffalo, the Buffalo Skyway passes through the densest portions of traditional downtown development.

The 110-foot-high “high-level bridge” opened in 1955; it was succeeded by I-190 in 1959 and the Skyway’s elevated Outer Harbor expressway segment in the early 1960s. The bridge was designed to provide access for workers and goods movement through/to a then-congested waterfront industrial landscape, anchored by the sprawling Bethlehem Steel and Republic Steel plants. However, these plants closed in the early 1980s and a generation of de-industrialization and suburban growth ensued. As a result, the Skyway now largely services daily commuter traffic from Buffalo’s southern suburbs, referred to as the “Southtowns” (see Figure 3-1). Land uses on the waterfront have also transitioned in this period, from industrial to largely recreational uses.

#### *Transition of Area Surrounding the Buffalo Skyway Corridor*

Following the de-industrialization referenced above, several comprehensive and other planning documents were developed by the City of Buffalo and others to formulate a vision for the redevelopment of underutilized parcels within the Inner and Outer Harbor areas and former brownfields sites, including those within the Southtowns. Plans recognized the need to maximize utilization of the waterfront real estate on the Outer Harbor through its redevelopment as recreational open space. Waterfront land along the Inner Harbor has likewise been envisioned as a hub for pedestrian-accessible recreation, and also as an untapped resource for mixed-use commercial activity to capitalize on the potential for economic growth and tax revenue generation. In 2017, the City of Buffalo updated its zoning map to reflect predominantly open space, with some mixed-use commercial zoning on the Outer Harbor, with the waterfront of the

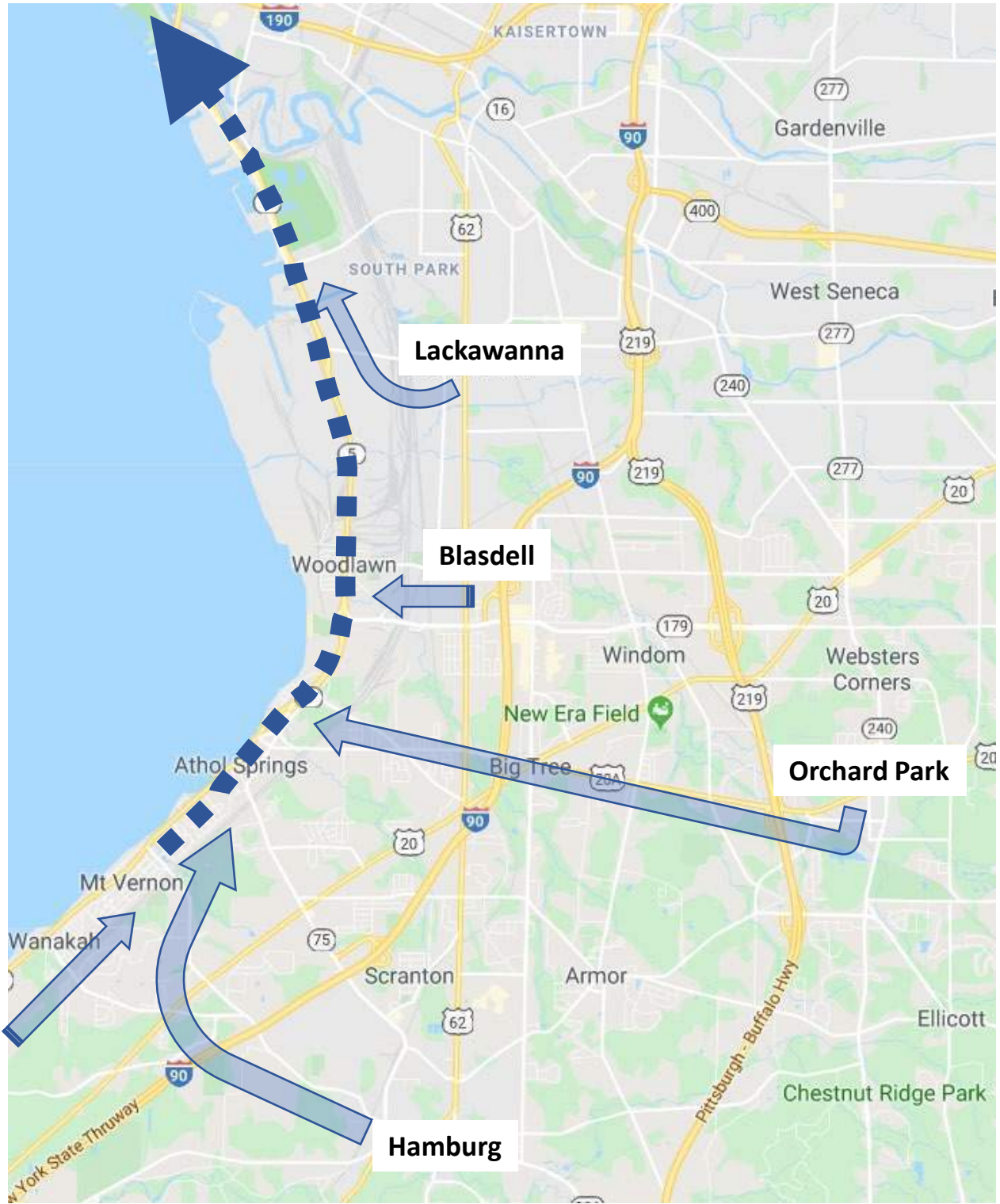


Inner Harbor zoned as urban mixed-use and open space. Land use plans and zoning highlight the potential for industrial growth further inland, via the utilization of vacant former brownfields sites in the Southtowns.

- The 2003 *Queen City Hub Plan, A Regional Action Plan for Downtown Buffalo* - adopted by the City of Buffalo Planning Board as the downtown component of the City's Comprehensive Plan; calls for "reconnecting downtown to [City] neighborhoods by enhancing the radial [street] pattern" and to "improve all gateways into downtown to best celebrate the arrival to a special place."
- The 2005 *Buffalo Waterfront Corridor Initiative, An Inventory and Analysis of Buffalo's Waterfront Planning Legacy* - issued by the City of Buffalo Planning Department; addresses overall waterfront access, including the downtown/waterfront interfaces such as that along the Buffalo Skyway corridor; calls for a "vision that is a beautiful public edge of our City, continuously accessible...inland from the Buffalo River...[.] It [would involve] a bundle of connections...between the City and the waterfront, braided carefully to accommodate the needs of transportation and safeguard the precious resources of the waterfront."
- The 2014 *City of Buffalo Land Use Plan* - adopted by the Buffalo Common Council as part of the City's "Green Code" (i.e., its unified set of development regulations); recognizes the need to consider, over the long-term, improvements to physical and visual access to waterfront areas now cut off by railroads and highways (e.g., the Buffalo Skyway, I-190), such as examining "boulevard alternatives" in expressway reconstruction/removal projects to improve the relationship of neighborhoods to the water.
- The 2015 *Downtown Buffalo Infrastructure and Public Realm Master Plan* - provides a long-term framework for key downtown streets and public spaces and a series of priority areas for targeted investment; cites the Buffalo Skyway as one of downtown's most prominent examples of "barriers and challenging street conditions," which negatively impacts downtown connectivity, development and mobility (particularly the Erie Street corridor); calls for, at a minimum, implementing underpass improvements below the Buffalo Skyway and I-190 (e.g., higher levels of pedestrian oriented lighting, generous sidewalks, dedicated cycling facilities, public art).
- The 2015 *South Buffalo Brownfield Opportunity Area (BOA): Step 3 Implementation Strategy* - prepared by the City of Buffalo, in cooperation with the Buffalo Urban Development Corporation; identifies and explores the redevelopment potential of 1,968 acres of remediated former brownfields lands in South Buffalo, roughly bounded by Buffalo River to the north, NYS Route 5 to the west, Ridge Road to the south and South Park Avenue to the east. The South Buffalo BOA specifically discusses redevelopment of sites such as the RiverBend site and the Buffalo Lakeside Commerce Park and the potential for recreational and educational enhancements to Tiff Park Nature Preserve and George J. Hartman Play Fields.
- The 2016 *Buffalo Harbor Brownfield Opportunity Area (BOA): Nomination Document* - prepared for the City of Buffalo by a team of consultants; identifies and explores the redevelopment potential of 1,045 acres of remediated former brownfields lands comprising Buffalo's Inner and Outer Harbors; highlights key principles such as focusing "...on the northern section of the BOA as a unique waterfront entertainment district and extension of Downtown" and "[knitting] the BOA into the wider community by creating a connected pedestrian, cycling, and open space network."
- The 2019 *City of Buffalo Local Waterfront Revitalization Program* - adopted by the Buffalo Common Council and approved by the NYS Department of State; calls for a series of strategic transportation projects to improve multi-modal access and to reduce the adverse impacts of expressway facilities, including an "analysis of the impact of removing the Skyway bridge overpass."

In the last two decades, Buffalo's waterfront has undergone, and continues to undergo, substantial redevelopment consistent with the vision of the land use plans. Recreational uses on and adjacent to the waterfront currently include the following:

# Downtown Buffalo



← Directional traffic coming from Southtowns onto Route 5/Skyway



**Figure 3-1**  
**Southtowns**

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NYS Route 5 (Buffalo Skyway) Project  
Erie County, NY

- Times Beach Nature Preserve: once used by the U.S. Army Corps of Engineers for placement of dredged material and abandoned from dredging in 1976; now a nature preserve owned by the City of Buffalo, containing hiking trails and wildlife viewing opportunities<sup>1</sup>
- Buffalo Harbor State Park: state park opened in 2015 with continued improvements; encompasses the former Niagara Frontier Transportation Authority Boat Harbor and Gallagher Beach; contains a 1,100-slip marina, a restaurant, boat launches, a walking trail, and other amenities<sup>2</sup>
- Tiff Nature Preserve: former landfill; now 264 acres of restored habitat and five miles of trails and boardwalks with an education center; part of the Buffalo Museum of Science<sup>3</sup>

The NYSDOT Southtowns Connector/Buffalo Outer Harbor Project included a series of road improvements on the NYS Route 5 corridor along the waterfront that were intended to provide improved and/or new road access to specific redevelopment sites within the corridor; reconfigure the Route 5/Fuhrmann Boulevard/Ohio Street complex along Buffalo's Outer Harbor to be more compatible with the proposed land uses in local plans; provide and preserve adequate service for commuter/commercial traffic between the Southtowns and downtown Buffalo; and improve local access to and along the waterfront for other modes including transit, bicycles and pedestrians (see Figure 3-2).<sup>4</sup> "Phase 1" of the project was completed in 2012 and included enhancements to waterfront parks. "Phase 4" of the project, which involved reconstruction of Ohio Street as the key local route from downtown to the waterfront, was completed by others in 2014. "Phase 2" (reconstruction of NYS Route 5 between Ridge Road and Milestrip Road) and "Phase 3" (construction of Tiff Street Arterial) have not been advanced due to funding constraints. The NYSDOT Southtowns Connector/Buffalo Outer Harbor Project facilitated substantial new activity and improvements on the Outer Harbor, including within the Buffalo Harbor State Park, Times Beach Nature Preserve, and Buffalo Lakeside Commerce Park, upgrades to Tiff Nature Preserve, and new infill development on Ohio Street. Many of these efforts are being developed or facilitated by an Empire State Development (ESD) Buffalo waterfront subsidiary, the Erie Canal Harbor Development Corporation (ECHDC). The NYSDOT Southtowns Connector/Buffalo Outer Harbor Project has resulted in positive secondary effects related to the local economy and waterfront development, and there is the need to build on these efforts to further accommodate existing and planned development and support local waterfront initiatives.

In achieving the full economic and recreational potential of the Outer Harbor, the ECHDC, in consultation with the public, stakeholders and city officials, has yielded a "Preferred Plan" for the redevelopment of the Outer Harbor. The Preferred Plan was unveiled at a public meeting in June 2019 and three contracts were awarded for the three main components of the plan in August 2019. Environmental reviews are anticipated to take nine to 12 months, with construction expected to begin in 2021. The three main components of the plan include the following:

- First Buffalo River Marina: The 15-acre First Buffalo River Marina site sits near the northern extent of the Outer Harbor, stretching along the shore to the base of the Buffalo Skyway high-level bridge. The plan consists of four unique zones, including waterfront; boardwalk; marina; and dune and swale. Within the waterfront zone, all 115 existing boat slips would be retained, a small beach area and planted areas would be created, and boat slip access would be provided. Within the boardwalk zone, the Queen City Bike Ferry landing would be relocated further south towards Wilkeson Pointe and several stretches of boardwalk would be constructed, providing pedestrian access to Times Beach Nature Preserve, Wilkeson Pointe, the Buffalo Main Lighthouse and other areas within the marina. A new connecting terminal, new marina office, limited access road, and additional parking for slip holders would be constructed within the marina zone. Woodland, dune scrub, bioswale, wetland and

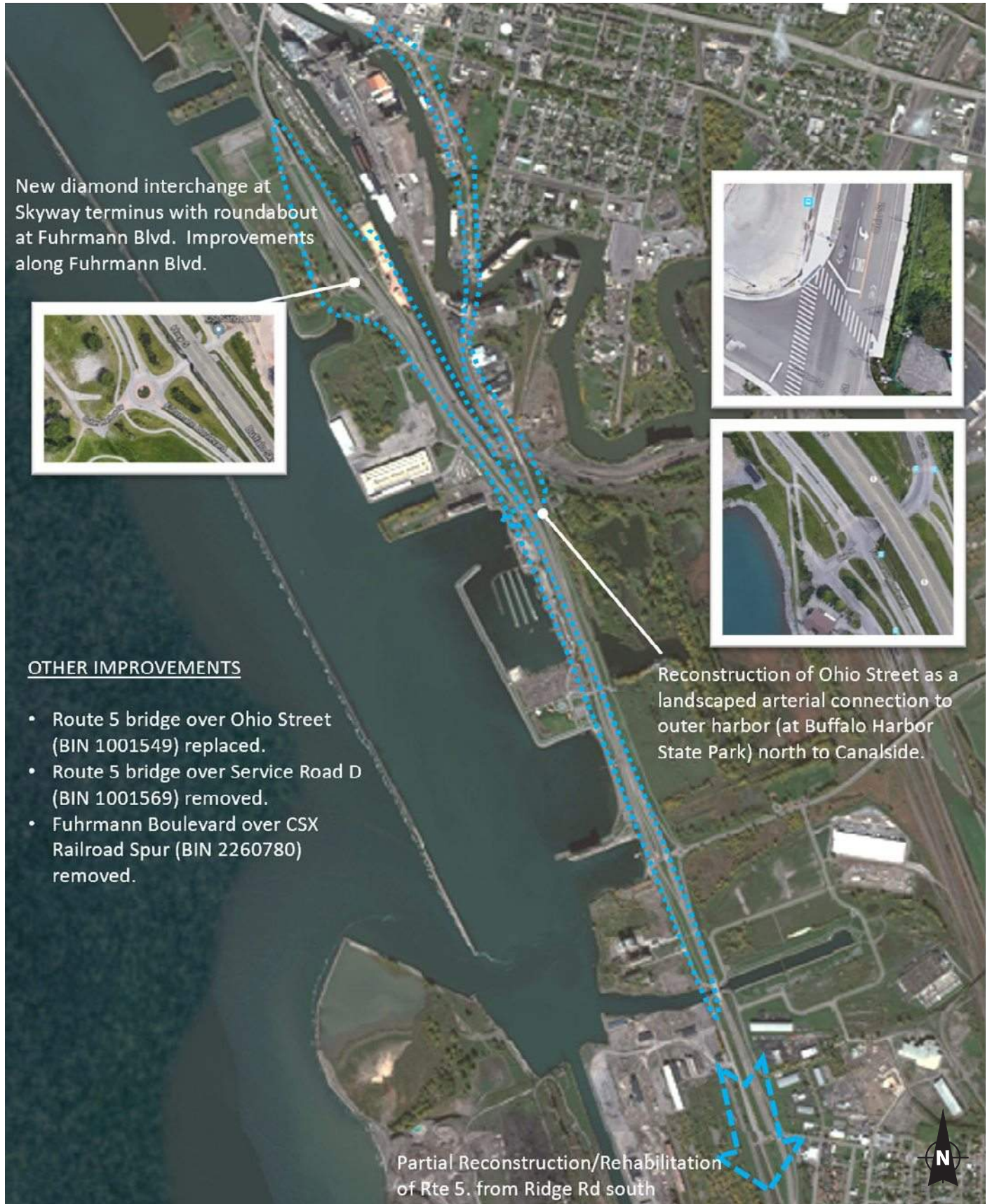
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<sup>1</sup> <http://www2.erie.gov/parks/index.php?q=times-beach-nature-preserve>

<sup>2</sup> <https://parks.ny.gov/parks/191/details.aspx>

<sup>3</sup> <https://www.tiff.org/>

<sup>4</sup> Link to Final Environmental Impact Statement: <https://esd.ny.gov/southtowns-connector-buffalo-outer-harbor-dr-feis>



**Figure 3-2**  
**Southtowns Connector/Buffalo Outer Harbor, Key Completed Projects**  
 P.I.N. 5134.48  
 NYS Route 5 (Buffalo Skyway) Project  
 Erie County, NY

other habitats are proposed for the dune and swale zone, which would also be improved with a “dune walk” trail.

- Wilkeson Pointe to Bell Slip: This component is comprised of the 155-acre stretch of land that includes Wilkeson Pointe, Bell Slip, and all lands between them and west of Fuhrmann Boulevard. The area would be improved with food service, restrooms, a shade pavilion, a fishing dock, and walkways on Michigan Pier. Meadows would be established, and a beer garden would be developed on Wilkeson Pointe, which would be connected to the edge of Michigan Pier via a proposed breakwater and pedestrian bridge. This component would include various other enhancements, including the Great Lakes Basin Interpretive Nature Playground, a snack bar, restrooms, changing facilities, shade pavilions, meadows, gardens, a pollinator corridor, seaway boardwalk, and an expanded trail network.
- Terminal B Site: This 15-acre plot extends south from the Bell Slip. Terminal B improvements would include additional trail networks, a 4,000-person grass amphitheater, ropes course, habitat area, outdoor recreation space, boardwalk, concert plaza, and mixed-use building, which would be situated beneath the structural frame of the former terminal building.

On the Inner Harbor, waterfront redevelopment efforts by ECHDC are underway. Canalside is ECHDC’s 20-acre multi-modal access and mixed-use redevelopment project on the Buffalo River. The project is financed through New York State and the Federal Transit Administration (FTA) and is intended to ultimately yield more than one million square feet of new development on a series of future development parcels. Canalside initially opened for public use in 2009. In keeping with the original Canal District, the public recreational space includes a wooden-plank Central Wharf, restoration of the Erie Canal commercial strip from the unearthed original foundations, the Whipple Truss Foot Bridge, and prominent Canal-era buildings. Expansion of the Central Boardwalk occurred in 2016 and cost \$2.6 million.<sup>5</sup>

In 2015, construction of the \$172 million Harbor Center was completed by a private developer. The Harbor Center is situated at the southeast corner of Marine Drive and Main Street, adjacent to Canalside. The 650,000-square-foot complex consists of two indoor hockey arenas, a 200-room hotel, restaurant and retail space, and parking.<sup>6</sup> The facility will employ 205 full-time and 160 part-time individuals and is estimated to generate \$5.5 million in tax revenues over 10 years.<sup>7</sup>

Construction by a private developer began in 2019 for redeveloping the 38-story Seneca One Tower, which was vacated by HSBC Bank several years ago. The tower is located at the intersection of Exchange and Pearl Streets, proximate to Canalside. The tower is being redeveloped into a mixed-use project featuring over 200 residential apartments, retail on the plaza, and office space in the tower.<sup>8</sup> M&T Bank’s Tech Hub will occupy 330,000 square feet of space and expects to employ at least 1,000 workers. Additional tenants are actively being sought by the property owner.

The Ralph Wilson Explore & More Children’s Museum, located on the northern edge of Canalside, opened in 2019. The facility is a 43,000-square-foot interactive children’s museum and entertainment facility.<sup>9</sup>

In October 2019, the ECHDC approved a site plan for the Heritage Point mixed-use development. This project would entail the construction of two mixed-use buildings at the corner of Marine Drive and Main Street, adjacent to the Canalside Public Use Area. The buildings would contain a combination of commercial, office, and residential space. Construction is anticipated to be completed by summer 2021.

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<sup>5</sup><https://buffalowaterfront.com/canalside>

<sup>6</sup> <https://www.ecidany.com/app/project/98>

<sup>7</sup> HARBORcenter Development, LLC \$172,200,000 Inducement Resolution” prepared by Erie County Industrial Development Agency.

<sup>8</sup> <https://douglasdevelopment.com/properties/seneca-one/>

<sup>9</sup> <https://exploreandmore.org/>

ECHDC also plans to construct a 5,000-square-foot “Longshed” building along the southeastern edge of the historic Commercial Slip. The two-story structure would act as a sheltered open space and include public restrooms and other shared community uses for educational purposes and community events. Construction completion for the \$4 million project is anticipated for mid-2020.<sup>10</sup>

#### *Evaluation of the Buffalo Skyway Corridor*

In 2008, the NYSDOT conducted the “New York State Route 5 Buffalo Skyway Management Study.” The purpose of the study was to evaluate the functional state of the Buffalo Skyway with respect to the bridge condition and vulnerabilities; existing traffic and travel patterns; future traffic demands; accident and incident analysis; and Skyway Bridge management options. Three “Bridge Management Alternatives” were identified in the study: Bridge Preservation (maintain current condition/functionality); Bridge Rehabilitation; and Bridge Removal. It was determined that the “removal of the Skyway would be a viable alternative if the vehicular traffic currently using the bridge can be reasonably accommodated on the regional highway network, and city street grid system.”

In 2014, the NYSDOT prepared the “Plausibility Review for Removal of the Buffalo Skyway.” This review was undertaken to assess the reasonableness and practicality of advancing studies to evaluate removal of the Buffalo Skyway. The review concluded that an EIS would be needed to assess the full range of impacts and necessary mitigation associated with removal of the Skyway.

In February 2019, New York State Governor Andrew M. Cuomo announced a challenge to reimagine the Buffalo Skyway Corridor through the “Aim for the Sky: The Buffalo Skyway Corridor Competition.”<sup>11</sup> The competition called on teams of urban designers, economists, planners, and architects to submit proposals for transforming the area. Governor Cuomo announced the winner of the design competition on September 17, 2019. The winning proposal involved removing the elevated approaches to the Buffalo Skyway and retaining a portion of the high-level bridge to create an elevated park for bicycle and pedestrian use.

On December 11, 2019, the FHWA issued a Notice of Intent (NOI) to prepare an EIS for the NYS Route 5 (Buffalo Skyway) Project (publication date of December 20, 2019).

#### **Project Needs**

The needs for the Project are described below.

#### **Remove the Buffalo Skyway structure and elevated approaches between Tiff Street and Church Street to accommodate existing and planned recreational, mixed-use, and waterfront development and support waterfront economic development initiatives**

The existing configuration of the Buffalo Skyway interchanges and approaches continues to represent both a physical and a visual obstacle<sup>12</sup> to realizing the full economic potential of the Buffalo waterfront. The 110-foot-tall concrete high-level bridge passes over or is directly adjacent to both historic and relatively modern mainstays of the downtown skyline, including the 38-story Seneca One Tower and the recently-completed Harbor Center and Canalside projects. The piers of the bridge sit on surface parking facilities, impede views to the water from adjoining vacant parcels, or tower over publicly-used greenspace and future development parcels at Canalside. While investments over the last three decades have served to change the character of the waterfront, the continued dedication of 45 acres of land along the waterfront to an elevated expressway and bridge impedes new waterfront-compatible development. Examples of this impedance include the following:

- **Canalside.** The high-level bridge is supported by 48 piers, ranging in height from approximately 10 feet to over 95 feet in height. More than half of the piers are at least 50 feet above the surrounding

<sup>10</sup> <http://hhlarchitects.com/portfolio/canalside-interpretive-structures-longshed-building/>

<sup>11</sup> <https://esd.ny.gov/skyway>

<sup>12</sup> The 2015 *Downtown Buffalo Infrastructure and Public Realm Master Plan* cites the Skyway as one of downtown’s most prominent examples of “barriers and challenging street conditions”

terrain. The physical presence of these piers affects the development potential of the adjacent land areas and prohibits a potential re-establishment of the historic street pattern at Canalside.

- Downtown Street Pattern/Waterfront Interface. In addition to the Buffalo Skyway structure itself, the interchange with I-190 negatively affects the existing downtown land use and future economic development potential. For example, a seven-acre parcel just west of the Seneca One Tower contains a ramp from the Buffalo Skyway to the elevated I-190. Similarly, the Buffalo Skyway approaches at Delaware and South Elmwood Avenues have destroyed nearly all of what remained of the Terrace Parks. Designed by Frederick Law Olmsted in 1887, the Terrace Parks, situated between Upper Terrace and Lower Terrace Streets, were a pair of adjoining public grounds.<sup>13</sup> The infrastructure associated with the Buffalo Skyway approach is inconsistent with the surrounding urban center and recreational character, and prevents the development of land that could be utilized to better connect downtown uses with the waterfront.
- Separation of Open Space/Recreational Areas. The Buffalo Skyway's earthen embankment on the Outer Harbor physically and visually separates inland recreational areas from recreational areas on the waterfront. The Buffalo Skyway also physically separates the Tift Nature Preserve from Buffalo Harbor State Park.

To illustrate this impedance, Figures 3-3, 3-4, and 3-5 depict the Buffalo Skyway corridor in relation to existing development and areas of potential redevelopment.

As described above, the Inner and Outer Harbor areas of Buffalo have undergone a substantial change in land use over the past few decades and continue to undergo positive change. Areas that were once industrial and/or brownfields have been redeveloped to mixed-use commercial and recreational uses. Waterfront areas have been transformed from disposal areas to nature preserves. However, the Buffalo Skyway corridor presents a physical and visual obstacle to maximizing the utilization of the waterfront and continuing the economic transformation of the area. Thus, there is a need to remove the Buffalo Skyway structure and approaches between Tift Street and Church Street to accommodate existing and planned recreational, mixed-use, and waterfront development and support waterfront economic development initiatives.

### **Improve the transportation network to safely and efficiently accommodate the traffic currently carried by the Buffalo Skyway structure and approaches**

The removal of the Buffalo Skyway structure and approaches between Tift Street and Church Street would result in the redistribution of approximately 45,000 vehicles per day. With no other changes to the transportation network, these vehicles would transfer to the remaining primary connecting links in the system, including the NYS Thruway (I-90) and I-190; Ohio Street/Louisiana Street; South Park Avenue; and Tift Street/Hopkins Street. A safety study (see Appendix A) was conducted that identified segments on the Buffalo Skyway and I-190 and intersections and mid-block segments on Tift Street, South Park Avenue, Michigan Avenue, Fuhrmann Boulevard, Ohio Street, and Bailey Avenue where the crash rates exceeded the average for similar roadways. Based on traffic analyses conducted in consultation with the Greater Buffalo Niagara Regional Transportation Council and the existing level of service E along affected segments of I-90 and I-190, this redistribution of traffic would result in a deterioration of travel times and levels of service that would be substantially worse than current conditions. In addition, there are numerous non-standard features, a partial interchange at I-190 Exit 3 and other features contributing to poor operational conditions along both the interstate and affected arterial routes. Thus, there is a need for a combination of new infrastructure and improvements to the safety, capacity, and operation of existing elements of the transportation network to provide acceptable transportation capacity with the Buffalo Skyway structure and approaches removed.

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<sup>13</sup> <https://olmstedinbuffalo.com/the-terrace-parks>

Former Terrace Parks

One Seneca Tower

Explore & More Children's Museum

Canalside

Harborcenter

One Canalside



Times Beach Nature Preserve

Key Bank Center



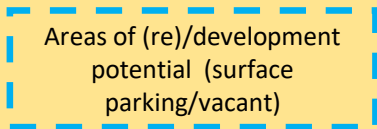
**Open Space Green (D-OG)** - civic greens and parks, characterized primarily by trees and landscape, framed by landscape elements or building facades, and designed for passive or recreational use.



**Open Space Natural (D-ON)** - open spaces that are maintained in a predominantly undeveloped state, and typically set aside for land conservation, passive recreation, and ecological restoration.



**Mixed Use Edge (N-3E)** - transitional areas, typically at the edges of more intense mixed-use centers, in Buffalo's most compact neighborhoods. These areas are defined by a mix of homes and stores.



Areas of (re)/development potential (surface parking/vacant)



**Figure 3-3**

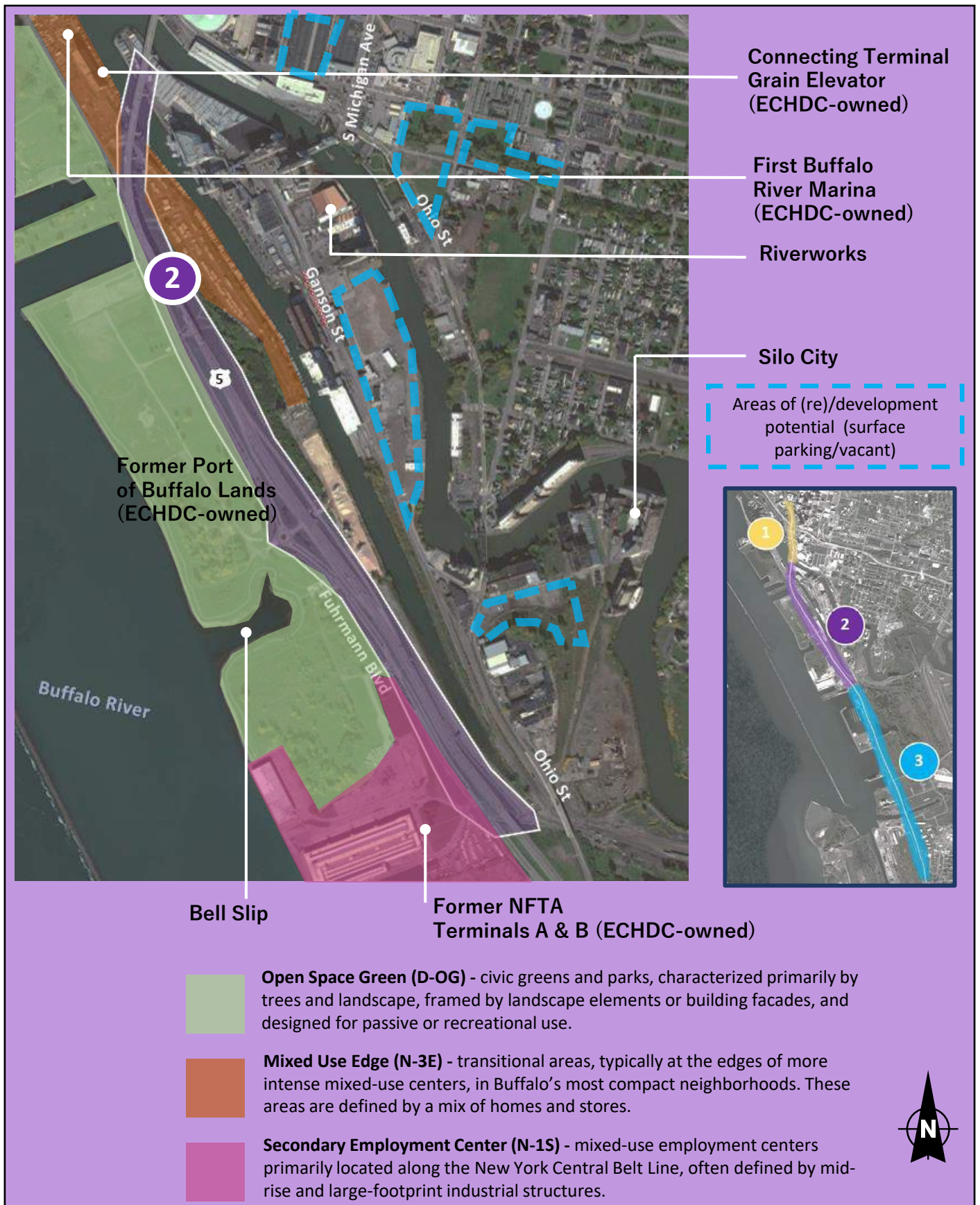
**Area 1 – Inner Harbor, Church Street to the Buffalo River**

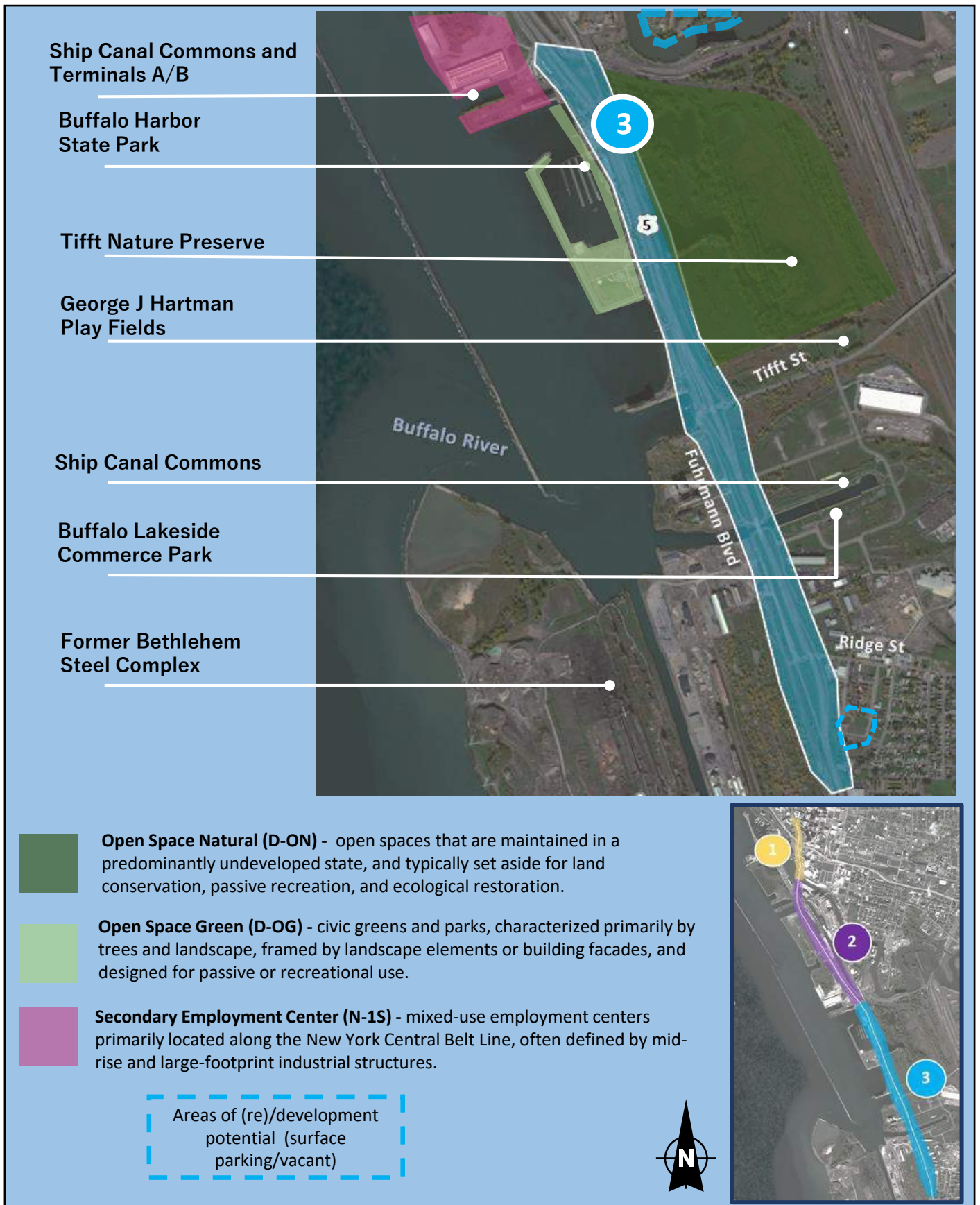
P.I.N. 5134.48

NYS Route 5 (Buffalo Skyway) Project

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**Figure 3-5**  
**Area 3 – Outer Harbor South, Buffalo Harbor State Park to Hamburg Turnpike**  
 P.I.N. 5134.48  
 NYS Route 5 (Buffalo Skyway) Project  
 Erie County, NY

**Address the safety, operational, and capacity deficiencies of the highway connections that serve the economic development areas and local communities within South Buffalo**

Two sites of recent major economic growth and development are located between NYS Route 5 and I-190 in an area known as South Buffalo. These sites consist of the Buffalo Lakeside Commerce Park, a 105-acre brownfield redevelopment site (formerly the site of Union Ship Canal Company), and RiverBend, a 185-acre brownfield redevelopment site (formerly the site of Republic Steel).

As part of the South Buffalo Brownfield Opportunity Area's initiative to remediate and redevelop vacant brownfields sites inland and east of NYS Route 5, the Buffalo Urban Development Corporation is currently developing the Buffalo Lakeside Commerce Park. CertainTeed Corporation, a manufacturer of vinyl fencing; Cobey Incorporated, a fabricator of modular piping; and Sonwil Distribution, a third-party logistics company, are already located within the commerce park. These three companies have made multi-million-dollar investments as the initial land purchasers and together employ approximately 400 workers. On October 29, 2019, Thinking Robot Studios, Incorporated announced that it is building a 75,000-square-foot medical imaging and implant facility in the commerce park that is expected to employ 700 workers. Earlier in 2019, Flora California Prime Incorporated proposed a 1.2 million-square-foot facility for the commerce park that would employ 500 to 1,000 workers (contingent on changes to current NYS legislation).

RiverBend is the home of the Tesla Gigafactory 2, a photovoltaic cell plant leased by Tesla subsidiary Solarcity from New York State. The plant was completed in 2017 and is expected to employ as many as 5,000 workers. In May 2019, Earl Ketry, founder of the Buffalo RiverWorks entertainment complex,<sup>14</sup> announced plans for a \$6 million water-based restaurant and entertainment complex at the RiverBend site located on the south side of South Park Avenue at Lee Street, across from the Tesla plant. The two-story complex would contain 30,000 square-feet of space and include an amphitheater along the river.

Adjacent to the Buffalo Lakeside Commerce Park, further redevelopment is also occurring in the City of Lackawanna at the approximately 1,100-acre former Bethlehem Steel complex. A number of manufacturing and transportation companies are located at the complex, including Southside Precast Products, Ferrous Manufacturing, Inc., Markin Tubing, HazMat Environmental Group, Inc., and Kenworth Northeast. In 2013, Welded Tube USA began operations on 40 acres of the property and has grown to 100 employees at the site. Erie County, with assistance from New York State, signed an agreement to purchase approximately 150 acres from Tecumseh Redevelopment. Infrastructure improvements continue to be constructed to improve the marketability of various sites on the Erie County-owned portion of the complex. TMP Technologies expects to invest \$13 million in a new manufacturing plant that will employ up to 130 workers on 28 acres of the recently-purchased Erie County property.

Based on the Institute of Transportation Engineers (ITE) Trip Generation Manual, the peak hour trips generated by the above developments can be expected to range as high as 5,000 additional peak hour trips by the design year (20 years post-construction). Even after dividing this increase in peak hour trips by three (representing the logical directions that traffic originates from), when considering the existing traffic already present and the limitations of the existing roadway network, there will be substantial delays to all traffic during both morning (AM) and evening (PM) peak periods. For example, South Park Avenue is the city street that directly serves the RiverBend site. South Park Avenue is a signalized urban arterial with bicycle lanes, serves as a collector for numerous residential neighborhoods, and is primarily one lane in each direction. The existing peak hour traffic is over 800 vehicles/hour and can be expected to increase to over 1,100 vehicles/hour by the design year even without the above developments. The addition of even 500 more peak hour trips will exceed the capacity of South Park Avenue and result in substantial delays not only to vehicular traffic to and from the developments, but also for local residents in the neighborhoods that utilize South Park Avenue and adjacent travel corridors.

Throughout the South Buffalo traffic network, the resulting delays in peak period traffic will exacerbate existing safety and operational problem areas and likely contribute to an increase in crash rates in other areas due to the substantial worsening of congestion. Thus, improvements are needed to the highway

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<sup>14</sup> <https://buffaloriverworks.com/about-us/>

connections between NYS Route 5 and I-190 to mitigate the traffic impacts linked to the above developments.

**Reduce commercial vehicular traffic traveling on local residential streets near the RiverBend site**

To access the RiverBend (Tesla/Solarcity) site, trucks and other commercial vehicles primarily utilize I-190 Exit 5 southbound via Louisiana Street and I-190 Exit 4 northbound and southbound via Smith Street. Smith Street is a narrow, two-lane residential street with on-street parking. Commercial vehicles comprise 30% and higher of southbound and 16% of northbound traffic in the AM peak hour on Smith Street. In addition, 22% of southbound Smith Street traffic is commercial vehicles turning left onto South Park Avenue. Louisiana Street is a two-lane facility with residential land uses and numerous pedestrian generators. Commercial vehicles comprise 30% of the traffic during the AM peak. Along the South Park Avenue corridor, which includes parks, schools, community centers, and other pedestrian generators, commercial vehicles comprise 25-30% of the traffic during the AM and PM peaks.

Congestion and potential conflicts between commercial vehicles and pedestrians/bicyclists will only increase as the RiverBend site continues to expand. Thus, there is a need to reduce commercial vehicular traffic on local residential streets near the RiverBend site.

### **3.3 Project Goal**

A goal of the Project is to provide improved bicycle and pedestrian connections along the Tiff Street corridor. There is a lack of adequate connections from neighborhoods located near the eastern portion of the Tiff Street corridor and South Park Avenue to the George J. Hartman Play Fields, Tiff Nature Preserve, and the pedestrian/bicycle facilities along Fuhrmann Boulevard and the Outer Harbor. There is currently no dedicated facility for bicyclists and pedestrians in South Buffalo to access these areas, limiting access for children and other bicyclists who are inexperienced with operating a bicycle in traffic.

## SECTION 4 Social, Economic, and Environmental Considerations

The Project is classified as a NEPA Class I action under 23 CFR §771, which requires the preparation of a federal EIS to determine the likely impacts of the Project on the environment. The NYSDOT and FHWA, as joint lead agencies, will advance the Project through the NEPA EIS process in consideration of public and agency comments received about the Project.

The Project is classified as a SEQRA non-Type II action, indicating that the Project has the potential for significant environmental impacts or substantial controversy on environmental grounds and therefore should be evaluated under SEQRA (17 NYCRR Part 15). Given that a federal EIS is being prepared, the NYSDOT and other New York State agencies undertaking a discretionary action for this Project have no obligation to prepare an additional EIS under SEQRA. The NYSDOT will give full consideration to the federal Final EIS and prepare a Joint Record of Decision with the FHWA.

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 for the DDR/DEIS. 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/DEIS. The expected timetable for Project permitting is available at <https://www.permits.performance.gov/permitting-projects/nys-route-5-buffalo-skyway-project>.

- 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. Army Corps of Engineers (USACE)
  - Section 408 Authorization (33 USC 408)
  - Individual Permit under Section 404 of the Clean Water Act (33 USC 1344)
  - Individual Permit under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403)
- U.S. Coast Guard (USCG)
  - Bridge Permit (23 CFR §650.807)
- U.S. Department of Interior, National Park Service (NPS)
  - Determination under Section 6(f) of the Land and Water Conservation Fund Act of 1965
- 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
- NYS Department of Environmental Conservation (NYSDEC)
  - Water Quality Certification under Section 401 of the Clean Water Act (33 USC 1341)
  - Coordination pursuant to NYSDEC/NYSDOT Memorandum of Understanding (MOU) Regarding Environmental Conservation Law (ECL) Article 15
  - Freshwater Wetlands Permit (ECL Article 24)
  - Consultation with the Natural Heritage Program (ECL 11-0535)
  - State Pollutant Discharge Elimination System (SPDES) Permit (ECL Article 17)

- 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
- NYS Department of State (NYSDOS)
  - Federal Aid Notification
  - State coastal zone consistency certification under the Coastal Zone Management (CZM) Program
- NYS Thruway Authority (NYSTA)
  - Occupancy and Work Permits

The Project must also comply with Executive Order 11990 “Protection of Wetlands,” Executive Order 11988 “Floodplain Management,” and Executive Order 12898 “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.”

As previously stated, the Project is subject to the requirements of EO 13807 *Establishing Discipline and Accountability in the Environmental Review and Permitting Process* and its accompanying MOU. To ensure an expeditious environmental review and facilitate early and ongoing effective coordination amongst Cooperating Agencies (see Section 7.2), the accompanying MOU establishes three concurrence points: 1) Purpose and Need; 2) Alternatives to be Carried Forward for Evaluation; and 3) Preferred Alternative. These concurrence points serve as milestones within the environmental review process. In addition to the three concurrence points, the MOU requires distribution of a proposed Permitting Timetable to Cooperating Agencies for comment. For this Project, Concurrence Points 1 and 2 and distribution of the permitting timetable have occurred. Concurrence Point 3 will occur prior to releasing the DDR/DEIS.

## 4.2 Study Areas and Methodologies

### Study Areas

Study areas will be established for each social, economic, and environmental topic as part of the DDR/DEIS. The study areas will accommodate enough area to describe the existing conditions and evaluate the potential effects of the Project. The study areas for topics that are traffic-dependent, such as air quality, will include those areas that have the potential to experience traffic diversions as a result of the proposed action, as determined by the traffic analyses for the Project. The study areas for other topics, such as wetlands, will include those areas that would be directly disturbed as a result of the action (including a buffer area). The study areas for social effects, including environmental justice, will extend to the full extent of the census tracts within the affected areas.

### 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 year 2017 population, housing, and income data from the U.S. Census Bureau, supplemented by available updated information. For the traffic noise analysis, the design year will be modeled in accordance with the NYSDOT Noise Policy. Air quality will be analyzed for the Estimated Time of Completion (ETC), ETC+10 years, and ETC+20 years.

### Assessment Methodologies

The methodologies to be used to evaluate the potential social, economic and environmental effects resulting from implementation of the Project and document the findings in the DDR/DEIS 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/DEIS will include an assessment of the social, economic, and environmental effects of the build alternatives (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/DEIS and summarizes the methodologies that will be used for each topic.

### **4.3 Social, Economic, and Environmental Considerations**

#### **Land Use**

Effects to land use and consistency with local plans within the applicable study area will be assessed as part of the DDR/DEIS. 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 due to changes in traffic patterns from the proposed action.

The potential for property acquisition will also be assessed as part of the DDR/DEIS. Existing land use and zoning classifications are shown in Figures 4-1 and 4-2, respectively. The area within the vicinity of the Buffalo Skyway corridor consists of multiple land uses, including residential, commercial, recreational and entertainment, public parks, and industrial. The majority of the area is varied with a mix of residential, commercial, and manufacturing.

#### **Neighborhood and Community Cohesion**

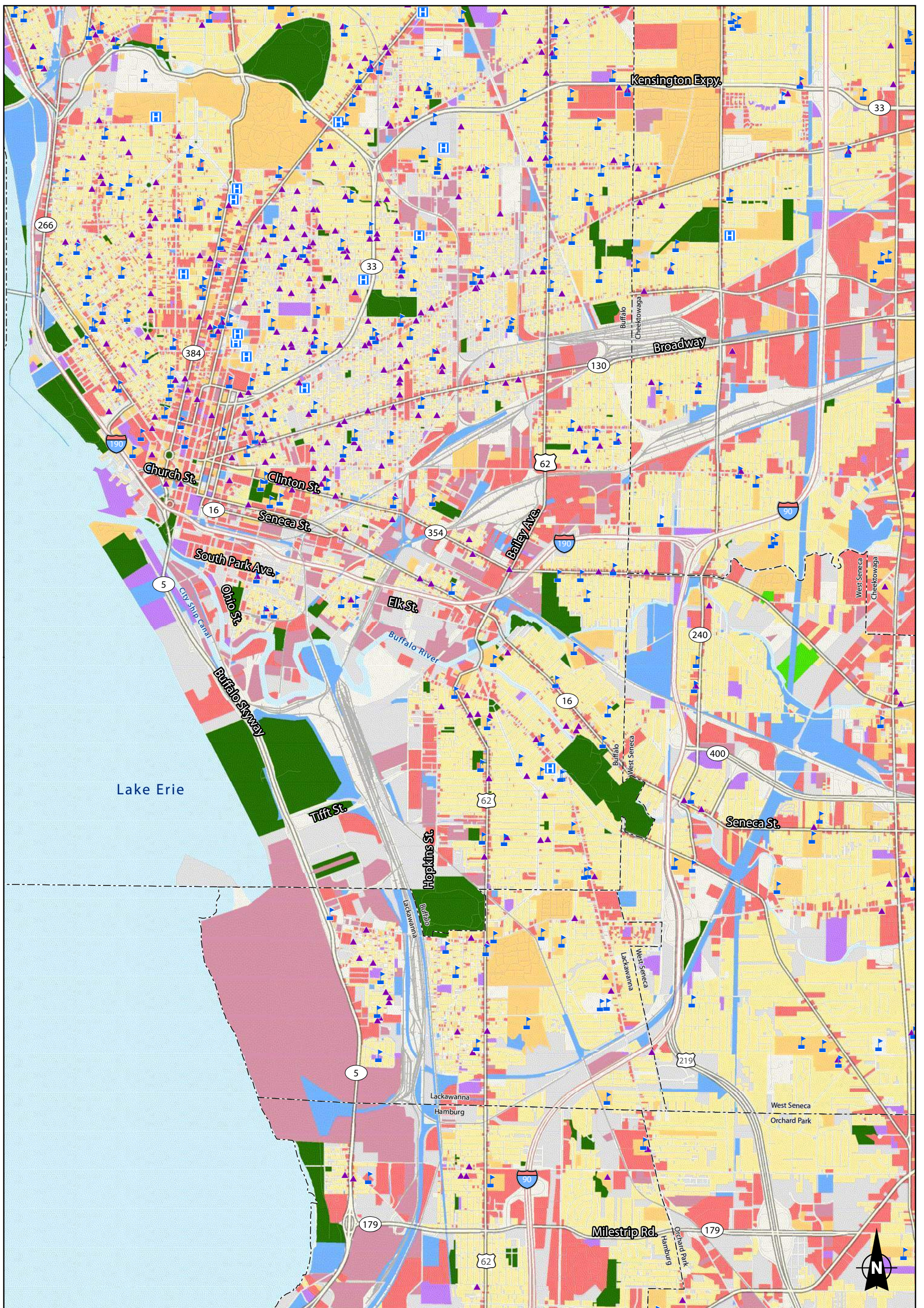
Potential effects to neighborhood and community cohesion, including the potential to divide neighborhoods, isolate communities, generate new development, and affect development trends, will be evaluated as part of the DDR/DEIS. The study area will be developed in consideration of the areas to be affected due to changes in traffic patterns from the proposed action, and will include the full extent of the census tracts that intersect with the study area.

Neighborhoods within the vicinity of the Buffalo Skyway corridor include:

- Allentown
- Babcock
- Broadway-Fillmore
- Central Business District
- Delavan Grider
- Ellicott
- Fillmore-Leroy
- First Ward
- Fruit Belt
- Genesee-Moselle
- Hopkins-Tifft
- Kaisertown
- Kenfield
- Kensington-Bailey
- Lower West Side
- Lovejoy
- Masten Park
- MLK Park
- Pratt-Willert
- Schiller Park
- Seneca-Cazenovia
- South Park

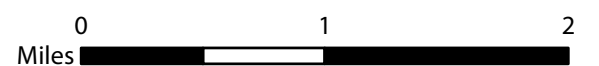
#### **Environmental Justice**

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

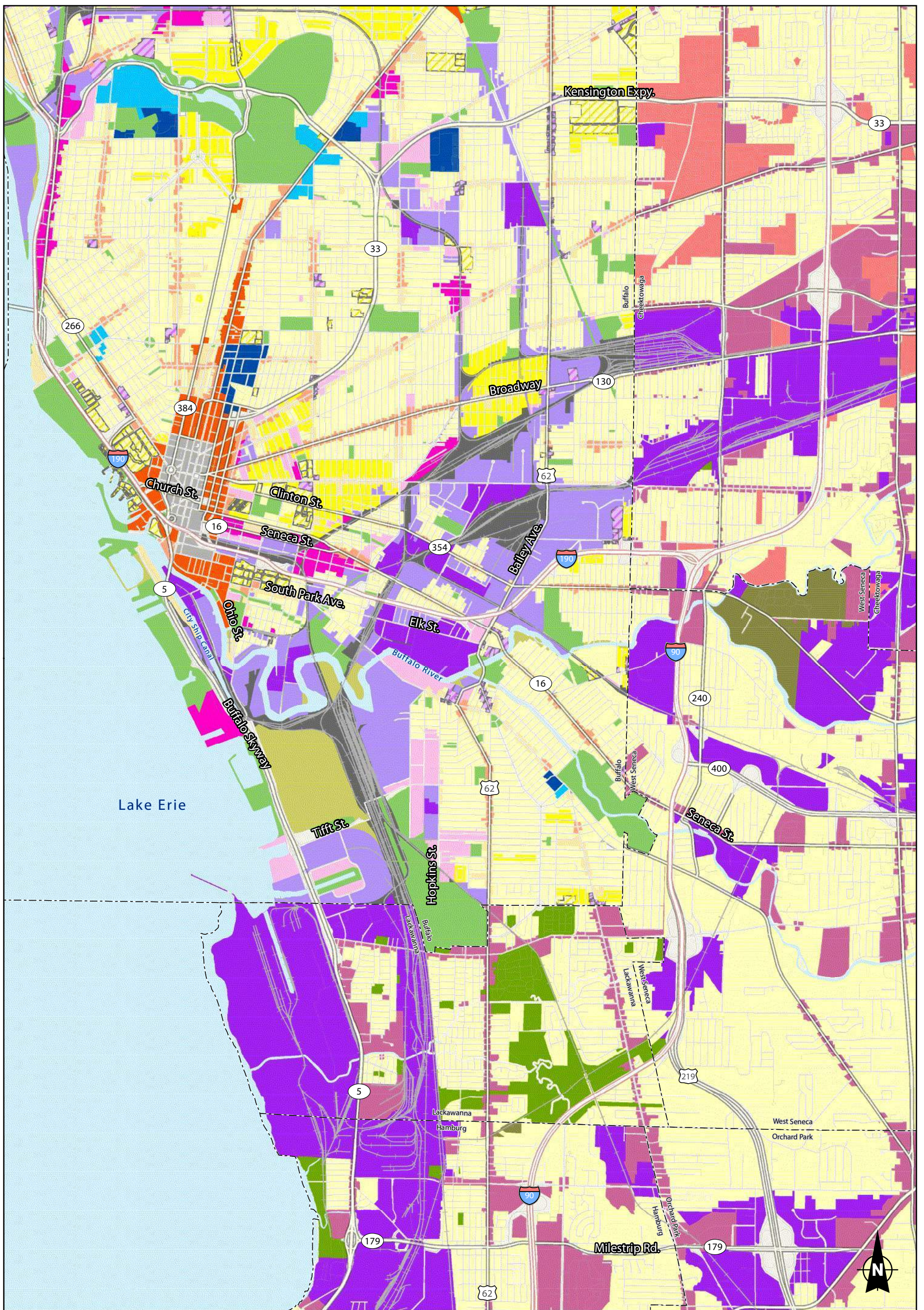


- |                          |                      |   |
|--------------------------|----------------------|---|
| — Railroad               | ▲ House of Worship   | ■ Industrial  |
| — Street                 | ▤ School             | ■ Public Service                                      |
| — Interstate Highway     | ▣ Hospital           | ■ Recreational & Entertainment                        |
| — State/U.S. Highway     | ■ Agricultural       | ■ Residential   |
| - - - City/Town Boundary | ■ Commercial         | ■ Vacant Land   |
|                          | ■ Community Services | ■ Wild, Forested, Conservation Lands and Public Parks |

**Figure 4-1**  
**Land Use**  
 P.I.N. 5134.48  
 NYS Route 5 (Buffalo Skyway) Project  
 Erie County, NY







- |                          |                               |                                |                                    |
|--------------------------|-------------------------------|--------------------------------|------------------------------------|
| — Railroad               | ■ Rail                        | ■ Flex Commercial              | ■ Residential Campus               |
| — Street                 | ■ Downtown/Regional Hub       | ■ Commercial                   | ■ Single-Family                    |
| — Interstate Highway     | ■ Educational Campus          | ■ Community and Public Service | ■ Natural                          |
| — State/U.S. Highway     | ■ Medical Campus              | ■ Mixed-Use Core               | ■ Green                            |
| - - - City/Town Boundary | ■ Heavy Industrial            | ■ Mixed-Use Center             | ■ Parks, Recreation and Open Space |
|                          | ■ Secondary Employment Center | ■ Mixed-Use Edge               | ■ Agricultural and Residential     |
|                          | ■ Light Industrial            | ■ Residential                  | ■ Square                           |
|                          |                               |                                | ■ Strip Retail                     |

**Figure 4-2**  
**Existing Zoning**  
 P.I.N. 5134.48  
 NYS Route 5 (Buffalo Skyway) Project  
 Erie County, NY

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 DDR/DEIS consistent with the FHWA's "Guidance on Environmental Justice and NEPA."

A preliminary assessment using U.S. Census Bureau data from 2017 indicates that there are minority and/or low-income populations present within the vicinity of the Buffalo Skyway corridor (Figures 4-3 and 4-4). The study area will be developed in consideration of the areas to be affected due to changes in traffic patterns from the proposed action, and will include the full extent of the census tracts that intersect with the study area.

#### **Social Groups Benefitted or Harmed**

The DDR/DEIS 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 due to changes in traffic patterns from the proposed action, and will include the full extent of the census tracts that intersect with the study area.

#### **Schools and Places of Worship**

There are numerous schools and places of worship within the vicinity of the Buffalo Skyway corridor (see Figure 4-1). The DDR/DEIS will include an assessment of effects on schools and places of worship within the applicable study area. The study area will be developed in consideration of the areas to be affected due to changes in traffic patterns from the proposed action. The evaluation will consider traffic noise levels at schools; effects to nearby pedestrian and bicyclist accommodations; and traffic changes in the vicinity of schools and places of worship.

#### **Regional and Local Economies, Effects to Businesses**

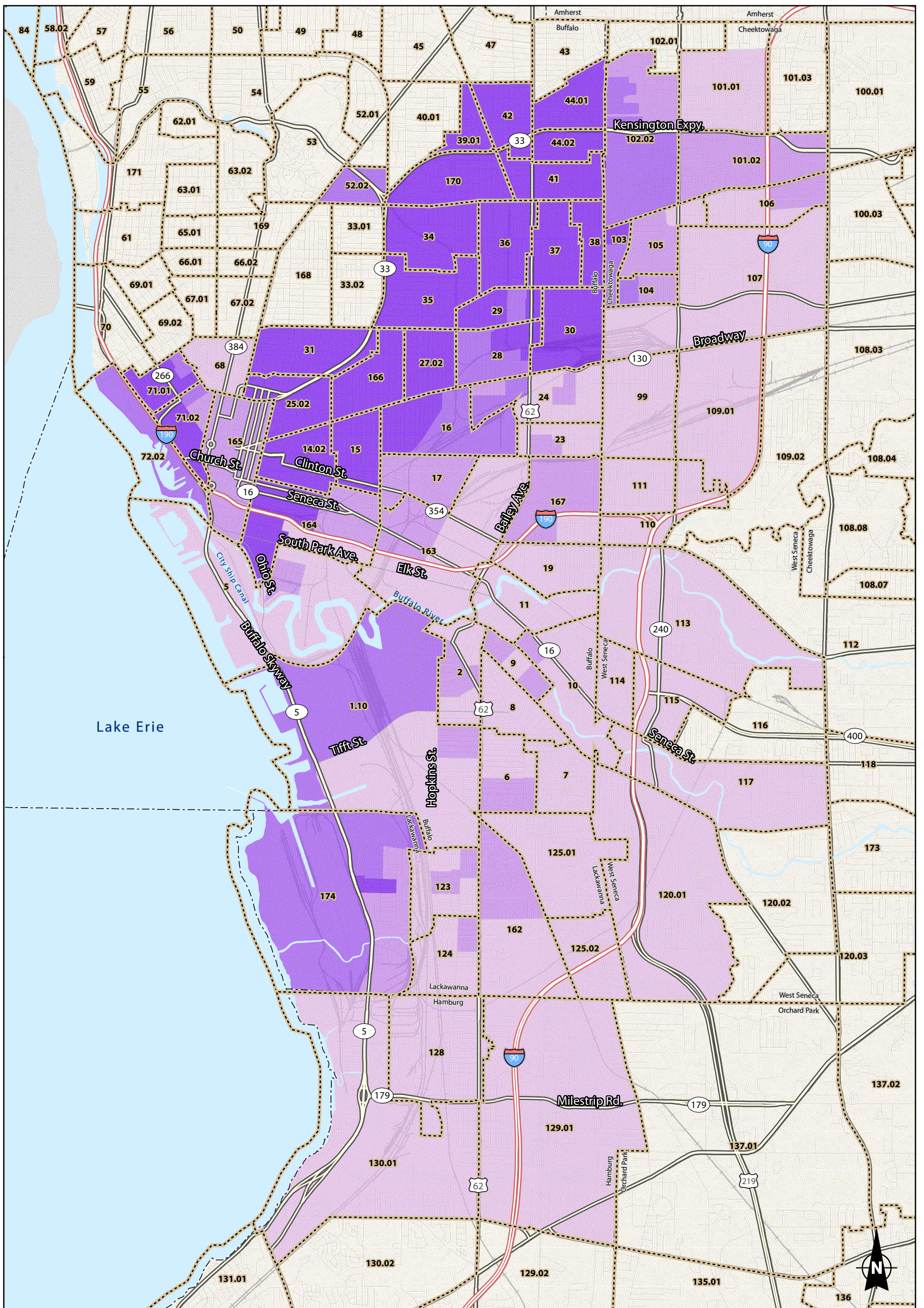
Many commercial and industrial businesses are located within the vicinity of the Buffalo Skyway corridor, including General Mills, Buckeye Terminals, and Tesla's photovoltaic cell manufacturing facility. Established business districts and designated economic development areas include marine commercial districts (i.e., Buffalo Waterfront); mixed-use development zoning districts (i.e., Canalside, Cobblestone District, Ohio Street Corridor, Old First Ward, Outer Harbor); industrial zoning districts; Brownfield Opportunity Areas (BOAs) (i.e., Buffalo River BOA, South Buffalo BOA, Buffalo Harbor BOA); and Opportunity Zones offered through the Tax Cuts and Job Acts of 2017 (i.e., Urban Core, Outer Harbor, South Buffalo Industrial Heritage). Potential effects to businesses, including effects to access to and operation of businesses in the applicable study area; effects to the local tax base; effects to the transport of goods via truck traffic; and changes to traffic patterns/commute times, will be assessed as part of the DDR/DEIS.

The DDR/DEIS will also include an economic impact analysis to assess the Project's capital expenditures within the Project's Region of Influence (ROI). The ROI will be the Buffalo-Niagara Falls Metropolitan Statistical Area (MSA).

#### **Wetlands**

Based on review of NYSDEC freshwater wetland maps, NYSDEC jurisdictional freshwater wetlands and 100-foot regulated adjacent areas are located within the vicinity of the Buffalo Skyway corridor (Figure 4-5). Some of the largest contiguous wetlands are located within Tiff Nature Preserve and Times Beach Nature Preserve.

Based on review of National Wetland Inventory maps, Federal jurisdictional wetlands are located in the vicinity of the Buffalo Skyway corridor (Figure 4-5). Similar to the NYSDEC-regulated freshwater wetlands, some of the largest contiguous federally-regulated wetlands are located within Tiff Nature Preserve and Times Beach Nature Preserve.



- Railroad
- Interstate Highway
- State/U.S. Highway
- City/Town Boundary
- Census Tract Number and Boundary

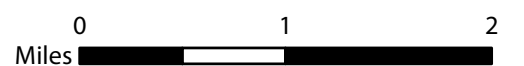
Percentage of Population within Census Block Group where Race/Ethnicity is Self-Identified as Something Other than "White, Not Hispanic, or Latino Non-Hispanic"

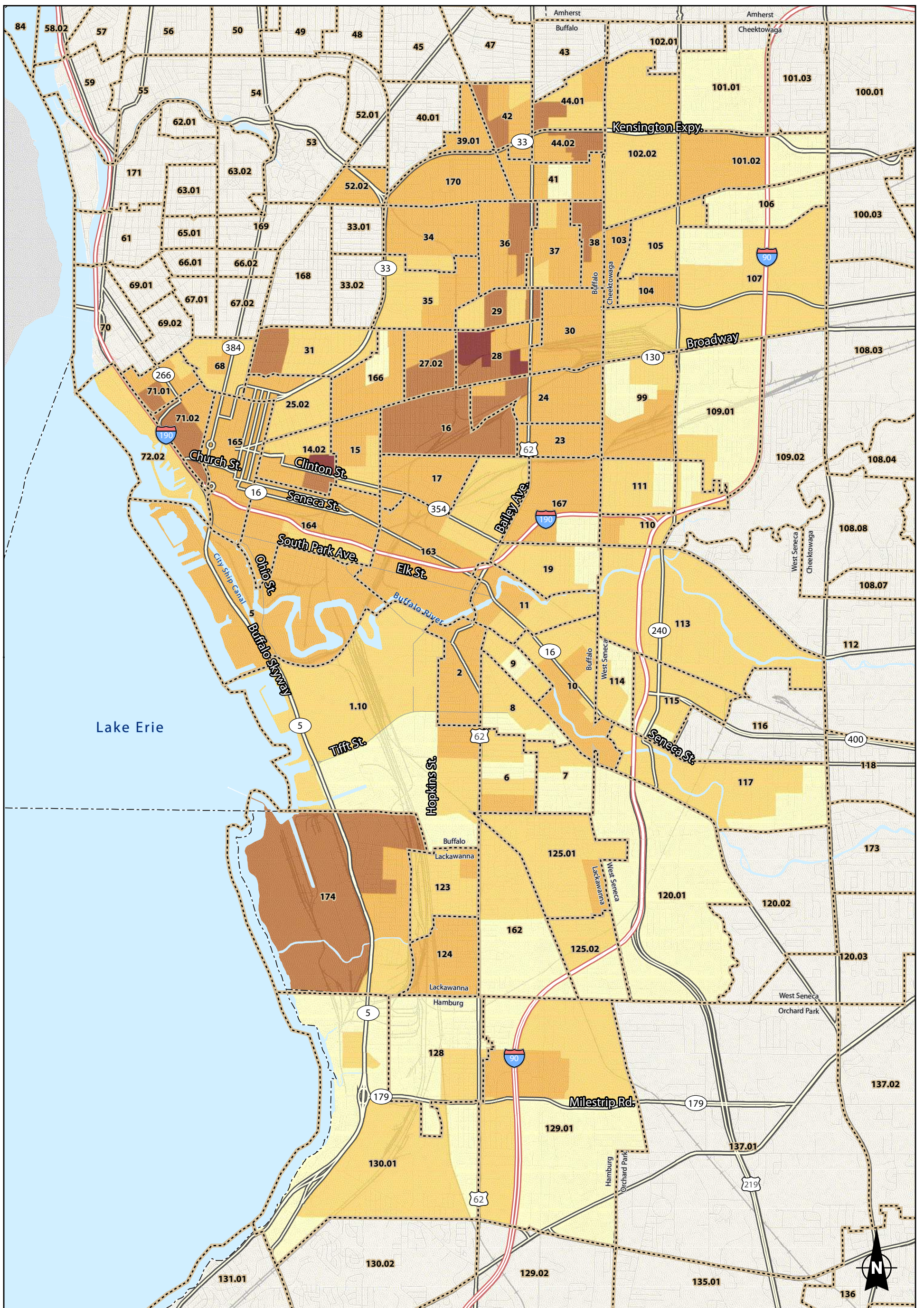
- <25%
- 25%-50%
- 50%-75%
- >75%

Data not presented for unshaded census tracts

Figure 4-3  
**Minority Population**

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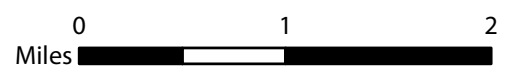
- Railroad
- Street
- Interstate Highway
- State/U.S. Highway
- - - City/Town Boundary
- 128.01 Census Tract Number and Boundary

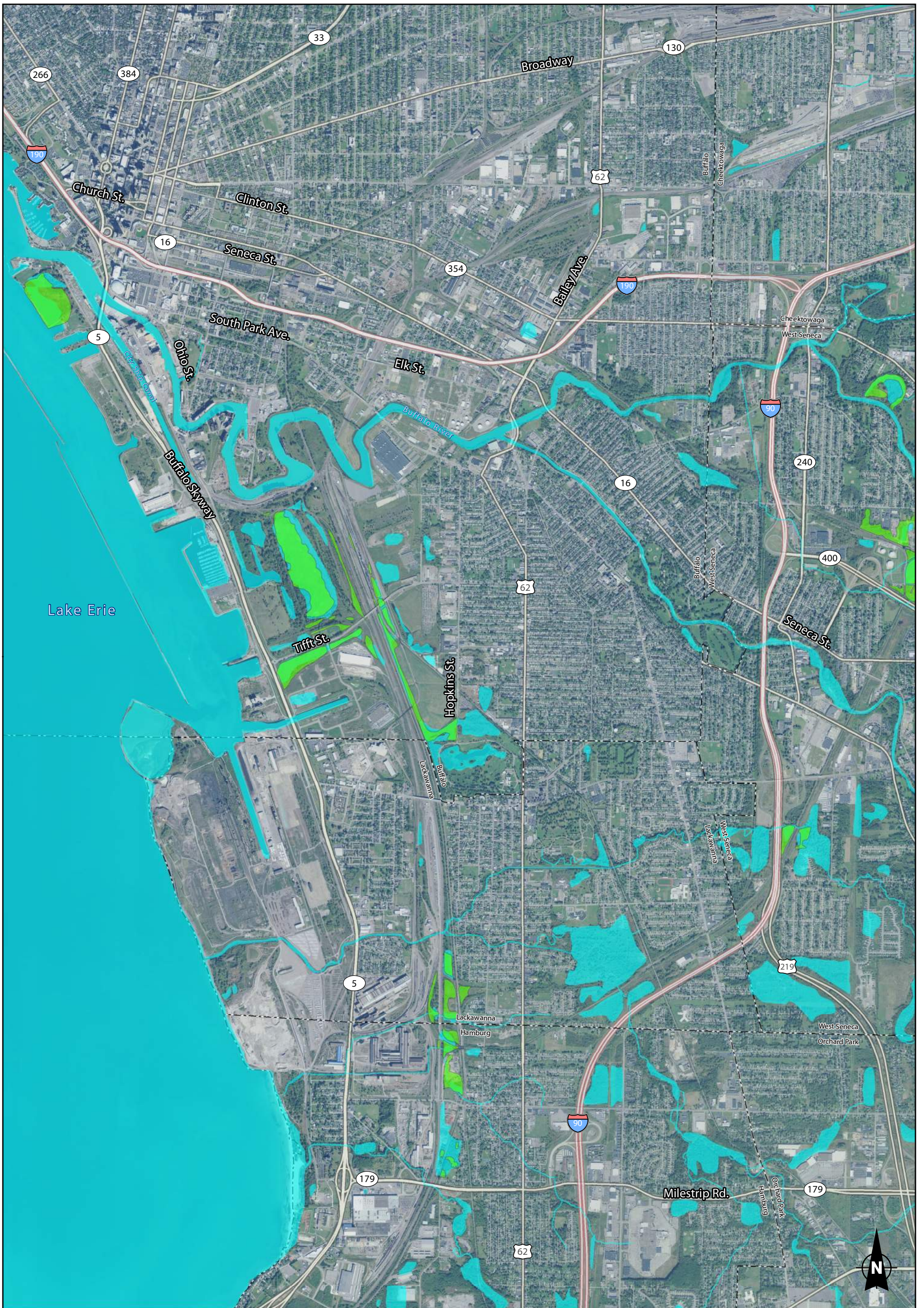
Percent of Population within Census Block Group with Income Below Poverty Level

- <10%
- 10%-25%
- 25%-50%
- 50%-75%
- >75%

Data not presented for unshaded census tracts

Figure 4-4  
**Low Income Population**  
 P.I.N. 5134.48  
 NYS Route 5 (Buffalo Skyway) Project  
 Erie County, NY





- Interstate Highway
- State/U.S. Highway
- City/Town Boundary
- NYSDEC Mapped Wetland
- National Wetlands Inventory (NWI) Mapped Wetland

**Figure 4-5**  
**Federal and State Wetlands**  
 P.I.N. 5134.48  
 NYS Route 5 (Buffalo Skyway) Project  
 Erie County, NY

To supplement the review of wetland mapping, aerial imagery and LiDAR data were also reviewed, along with various elevation products and ancillary data sources, such as National Hydrography Dataset, Soil Survey Geographic Database, and World Imagery.

Potential effects to wetlands and surface waters will be assessed as part of the DDR/DEIS. In accordance with applicable regulations, wetland tasks will include a field investigation and a wetland/surface water delineation using the USACE *Wetlands Delineation Manual* (1987) and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral & Northeast Region, Version 2.0* (2012) and the NYSDEC *Freshwater Wetlands Delineation Manual* (1995); preparation of wetland/surface water mapping and report; assessment of potential effects; identification of mitigation measures; identification of permitting requirements; and coordination with the USACE and NYSDEC. The study area will consider the proposed limits of construction and an appropriate buffer.

### **Surface Water and Water Quality**

The Project is located in the Niagara River/Lake Erie watershed. Major surface waters near the Buffalo Skyway corridor include Lake Erie; the Buffalo River, including the City Ship Canal; Cazenovia Creek; Rush Creek; and Smoke Creek (Figure 4-6). Potential effects to surface waters and water quality will be evaluated as part of the DDR/DEIS. It is anticipated that the study area will consider the proposed limits of construction and an appropriate buffer.

As part of the DDR/DEIS, in accordance with applicable regulations, tasks will include collection of information on the surface water bodies; assessment of the potential for soil erosion and sedimentation; assessment of both temporary and permanent measures that could be used to avoid or minimize and control soil erosion, sedimentation, and surface water pollution during and after construction; and identification of permitting requirements.

### **Navigable Waters**

Portions of the Buffalo River and City Ship Canal are regulated as navigable by the USCG and the USACE. Potential effects to navigable waters will be evaluated as part of the DDR/DEIS. The study area will consider the proposed limits of construction and an appropriate buffer. In accordance with applicable regulations, permitting requirements will be identified in coordination with the USCG and USACE.

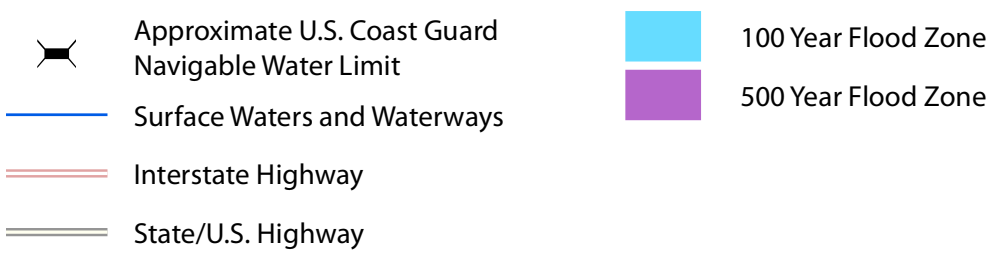
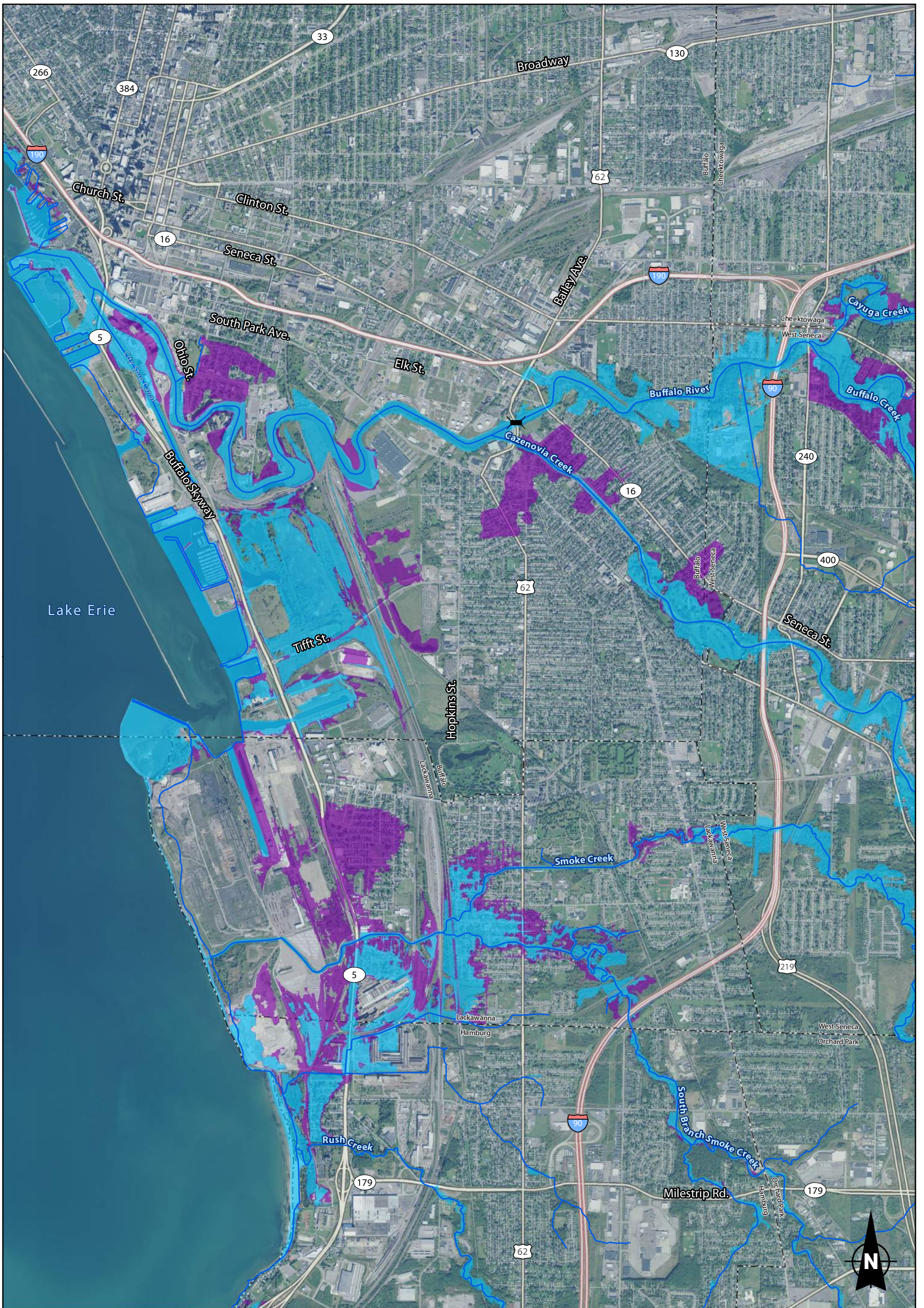
### **Floodplains**

Figure 4-6 depicts the 100-year flood zone and 500-year flood zone, based on Federal Emergency Management Agency (FEMA) mapping. In accordance with Executive Order 11988 *Floodplain Management*, potential effects to floodplains will be evaluated as part of the DDR/DEIS. The study area will consider the proposed limits of construction and an appropriate buffer.

As part of the DDR/DEIS, in accordance with applicable regulations, tasks will include identification of floodplain boundaries; assessment of potential risks and effects on floodplain values; identification of mitigation measures for adverse effects (as needed); and documentation of the "Only Practical Alternative Finding" for a significant encroachment (as needed).

### **Coastal Resources**

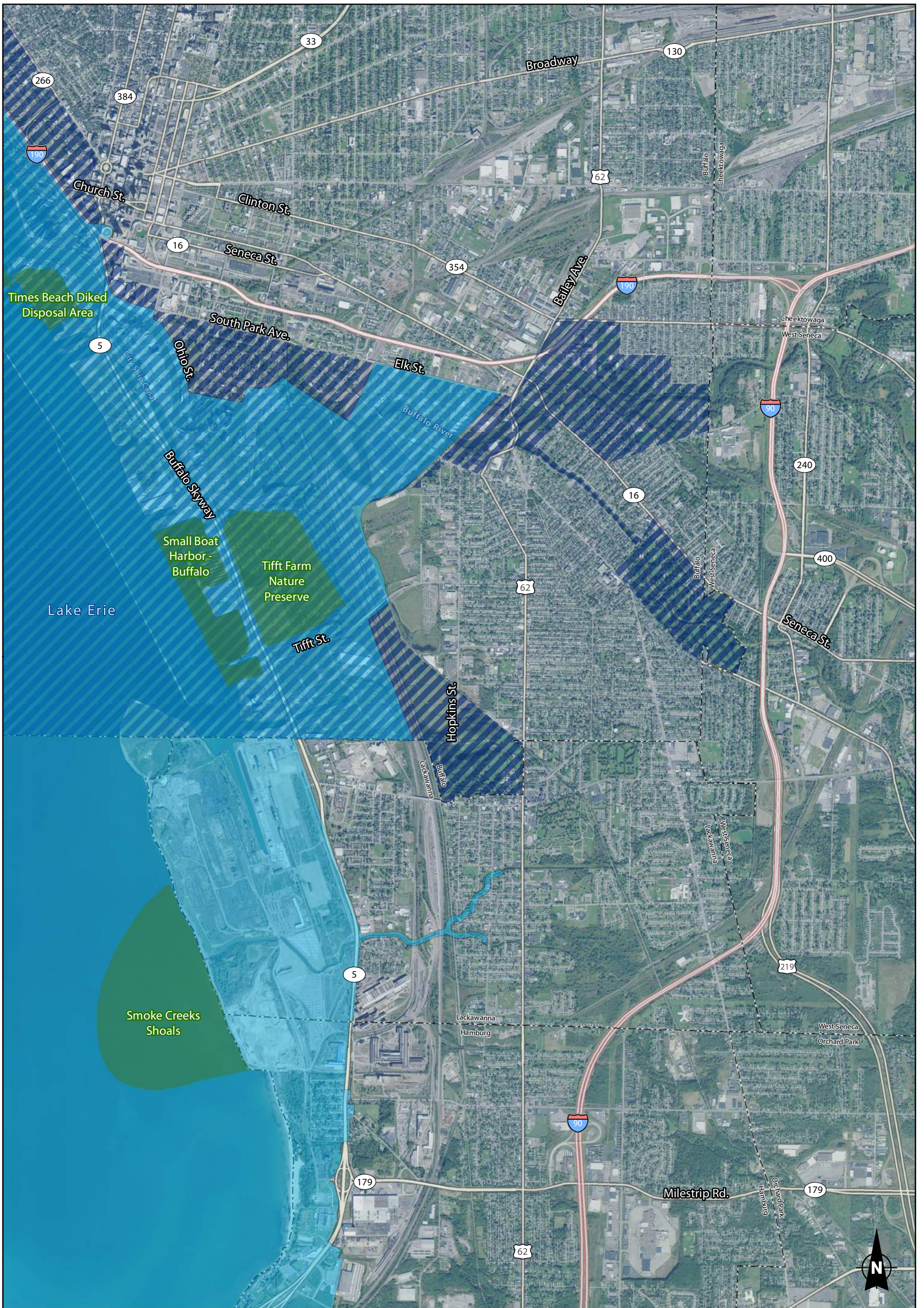
The NYSDOS has authority from state and federal legislation to ensure that state and federal government activities along the coasts and waterways of NYS are consistent with NYS coastal policies and any approved Local Waterfront Revitalization Program (LWRP). The City of Buffalo has a LWRP that was approved in 2019 and applies to all actions located in the Coastal Zone Boundary (CZB) and those actions as part of the LWRP expanded boundary. A portion of the Buffalo Skyway corridor, from Tiff Street north to Elk Street, is located in the CZB (Figure 4-7). In addition, three areas along the Buffalo Skyway corridor are designated as Significant Coastal Fish and Wildlife Habitats (SCFWH) by the NYSDOS following a recommendation by the NYSDEC: Times Beach Diked Disposal Area, Buffalo Small Boat Harbor, and Tiff Nature Preserve.









**Figure 4-6**  
**Surface Water Resources**  
 P.I.N. 5134.48  
 NYS Route 5 (Buffalo Skyway) Project  
 Erie County, NY

Source: Ecology and Environment, Inc. 2020;  
 FEMA 2019; NYS DOS 2016; USFWS 2019; USDA 2019.





-  Interstate Highway
-  State/U.S. Highway
-  City/Town Boundary
-  Local Waterfront Revitalization Program Boundary
-  Coastal Zone
-  NYSDOS Significant Coastal Fish & Wildlife Habitats

**Figure 4-7**  
**Coastal Resources**  
 P.I.N. 5134.48  
 NYS Route 5 (Buffalo Skyway) Project  
 Erie County, NY



As part of the DDR/DEIS, the Project will be reviewed for consistency with the established state coastal policies and the approved LWRP. The consistency review will include an assessment of effects to SCFWH. The study area will consider the proposed limits of construction and an appropriate buffer.

### **Groundwater Resources, Aquifers, and Reservoirs**

The Buffalo Skyway corridor is not situated within nor does it drain to the recharge area of a federal sole-source aquifer, a NYSDEC designated primary or principal aquifer, or a private or municipal water supply well. One unconsolidated aquifer extends south to the northern extent of the Buffalo Skyway corridor. No reservoirs and no public or private wells are located within the vicinity of the Buffalo Skyway corridor. Effects to groundwater resources, and local groundwater quality will be assessed as part of the DDR/DEIS by estimating additional drainage, pollutant loads and impediments to groundwater. The study area will consider the proposed limits of construction and an appropriate buffer.

### **Stormwater Management**

Four distinct stormwater drainage areas are located within the vicinity of the Buffalo Skyway corridor: the Buffalo Sewer Authority Combined Sewer Overflow (CSO) Drainage Area and the Niagara River/Lake Erie Watershed, which includes the following sub-watersheds, Niagara River, Buffalo River, and Smoke Creek.

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

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

### **General Ecology and Wildlife Resources**

Natural areas in the vicinity of the Buffalo Skyway corridor include Times Beach Nature Preserve and Tiff Nature Preserve. However, most of the area in the vicinity of the Buffalo Skyway corridor is densely populated and highly developed. The general landscape is characterized as terrestrial-urban, reflecting the effects of intense human disturbances to the naturally occurring ecological systems. Resident populations of terrestrial wildlife have adapted to the urban development.

Between 2015 and 2018, eight Buffalo River habitat restoration projects, funded by the Great Lakes Restoration Initiative (GLRI) and the USEPA through a Regional Partnership between the National Oceanic and Atmospheric Association and the Great Lakes Commission, were completed (see Figure 4-8). The RiverBend I and RiverBend II projects were completed in 2015. The Blue Tower Turning Basin, Buffalo Color, Buffalo Motor and Generator Corporation, Old Bailey Woods, Ohio Street Boat Launch, and Toe of Katherine Street Peninsula projects were completed in 2018. In total, these project sites restored and enhanced almost two miles of shoreline and 20 acres of habitat along the Buffalo River (Buffalo Niagara Waterkeeper 2020).<sup>15</sup> Through GLRI grants awarded by the USEPA to the Erie County Department of Environment and Planning, two additional projects were completed in 2018 – the Red Jacket Park and the NFTA/Smith Street Shoreline. Both projects included shoreline and nearshore habitat restoration. Construction of the Katherine Street Peninsula Habitat Restoration Project, another GLRI-funded project, is ongoing. This project includes restoration of 1,900 feet of the northeastern shoreline along the Buffalo River.

Prior to the restoration projects discussed above, extensive sediment cleanup and dredging projects were completed within the lower six miles of the Buffalo River and within the 1.4-mile City Ship Canal

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<sup>15</sup> <https://bnwaterkeeper.org/GLC/>



- Interstate Highway
- State/U.S. Highway
- Completed Great Lakes Legacy Act Site
- Completed Great Lakes Restoration Initiative Project Site

Ongoing Great Lakes Restoration Initiative Project Site

**Figure 4-8**  
**Buffalo River**  
**Habitat Restoration Projects**  
 P.I.N. 5134.48  
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(NYSDEC 2020).<sup>16</sup> Following dredging activities, clean material was placed at the end of the City Ship Canal to isolate chemical contamination in the sediment and aquatic vegetation was planted.

As part of the DDR/DEIS, the nature and extent of potential effects of the Project on ecological communities and habitats, including general determinations of the amount and type of vegetation to be disturbed, special habitats that could be damaged, and possible interruption of fish and wildlife movements, will be evaluated. This includes resources within Times Beach and the Tiff Nature Preserves. 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.

### Threatened and Endangered Species

Based on the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC), there is one federally-listed threatened species with the potential to occur within the vicinity of the Buffalo Skyway corridor: the Northern Long-eared Bat (*Myotis septentrionalis*). Additionally, numerous bird species were identified as USFWS Birds of Conservation Concern (BCC).

Bald (*Haliaeetus leucocephalus*) and Golden (*Aquila chrysaetos*) eagles also have the potential to occur within the vicinity of the corridor and are protected under the Bald and Golden Eagle Protection Act (BGEPA). As part of the DDR/DEIS, consultation with USFWS will be conducted to determine the potential for effects to any identified species or their habitat.

A review of NYSDEC's Natural Heritage Program database identifies numerous state-listed protected rare, threatened, and endangered plant and animal species within the vicinity of the Buffalo Skyway corridor. Species identified by the NYSDEC Natural Heritage Program as potentially occurring within the vicinity of the Buffalo Skyway corridor, and within a 1.5-mile buffer, include the following:

- Peregrine falcon (*Falco peregrinus*)
- Common tern (*Sterna hirundo*);
- Pied-billed grebe (*Podilymbus podiceps*);
- Least bittern (*Ixobrychus exilis*);
- Black tern (*Chlidonias niger*);
- Lake sturgeon (*Acipenser fulvescens*);
- Mooneye (*Hiodon tergisus*);
- Wafer ash (*Ptelea trifoliata* var. *trifoliata*);
- Marsh horsetail (*Equisetum palustre*);
- Puttyroot (*Aplectrum hyemale*);
- Stalked bugleweed (*Lycopus rubellus*);
- Four-flowered loosestrife (*Lysimachia quadriflora*);
- Yellow giant-hyssop (*Agastache nepetoides*);
- Harbinger-of-spring (*Erigenia bulbosa*);
- Golden dock (*Rumex fueginus*); and
- Blunt-lobe grape fern (*Botrychium oneidense*).

Effects to federally and state-listed threatened, endangered, and rare species, as well as birds protected under the Migratory Bird Treaty Act (MBTA) and/or BGEPA, will be assessed as part of the DDR/DEIS. The study area will consider the proposed limits of construction and an appropriate buffer. The assessment will include documenting 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.

### Historic/Cultural Resources

The Project is a federal undertaking subject to review under Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations, 36 CFR §800. Section 106

<sup>16</sup> <http://www.dec.ny.gov/chemical/54166.html>

requires federal agencies to take into account the 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(l)(1)), and to provide the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment. During the development of the DDR/DEIS, 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.

Research will be undertaken to identify historic properties within the Area of Potential Effects (which will be defined through Section 106 consultation). Historic properties identified to date, using information provided in the NYS OPRHP Cultural Resource Information System (CRIS) and the National Park Service NRHP listings, include properties listed on the NRHP and are depicted in Figure 4-9.

Following established standards and procedures, the identification of historic properties within the Area of Potential Effects will be completed, and the effects to those properties will be evaluated as part of the DDR/DEIS.

#### **Section 4(f) of the USDOT Act of 1966**

Section 4(f) (49 USC 303) of the U.S. Department of Transportation Act of 1966 applies to publicly owned parks, recreation areas, wildlife and waterfowl refuges, and public and privately owned significant historic properties. 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.

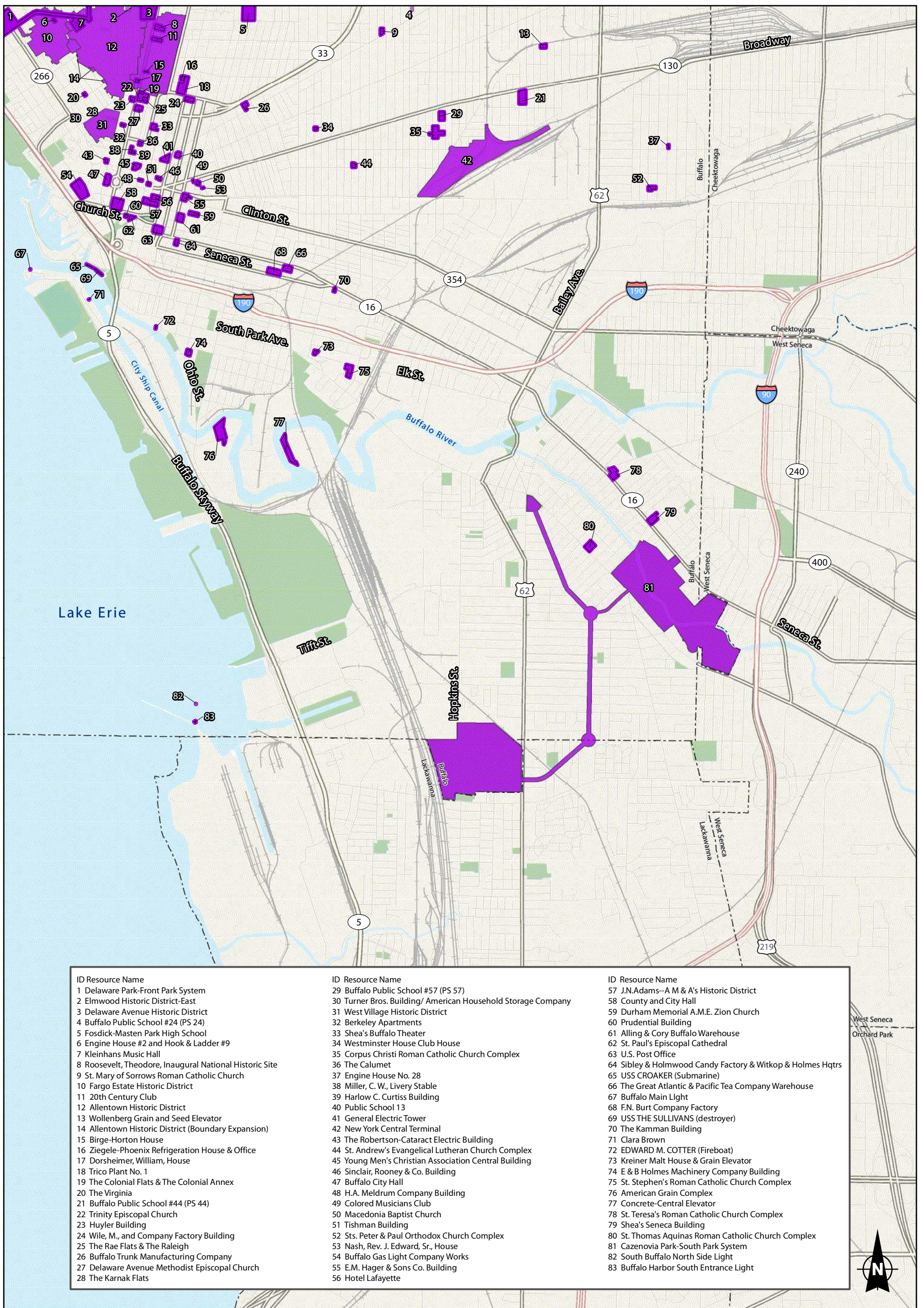
Section 4(f) resources within the vicinity of the Buffalo Skyway corridor include parks and recreational areas, as depicted in Figure 4-10. Historic properties will be identified during the Section 106 process discussed above. If a Section 4(f) use is identified, mitigation for the use of the Section 4(f) resource will be developed in consultation with the official with jurisdiction over the resource.

The Project is subject to review under Section 4(f); as such, a Section 4(f) evaluation will be conducted concurrently with the EIS.

#### **Land and Water Conservation Fund Act of 1965 (LWCF)**

The Land and Water Conservation Fund (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. The OPRHP serves as the state agency that administers the LWCF program in New York State. According to the LWCF Act, no property acquired or developed with assistance under 54 USC 200305(f)(3) shall, without the approval of the Secretary of the U.S. Department of Interior (delegated to the NPS), be converted to other than public outdoor recreation uses. The LWCF Act requires the conversion and replacement be in accord with the current Statewide Comprehensive Outdoor Recreation Plan, of at least equal fair market value and equivalent usefulness and location.

Several parks that received LWCF funds are located within the vicinity of the Buffalo Skyway corridor, including the George J. Hartman Play Fields (referenced as Tiff Farm Playfields in the LWCF agreement) and Buffalo Naval and Military Park (referenced as Vietnam Veterans Memorial Park in the LWCF agreement). Conversion of any LWCF property for the Project will be evaluated during the development of the DDR/DEIS. If an LWCF conversion is identified, mitigation for the conversion of parkland will be developed in consultation with the OPRHP and NPS.



- Street
- Interstate Highway
- State/U.S. Highway
- - - City/Town Boundary

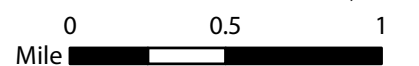
■ National Register Listed Property

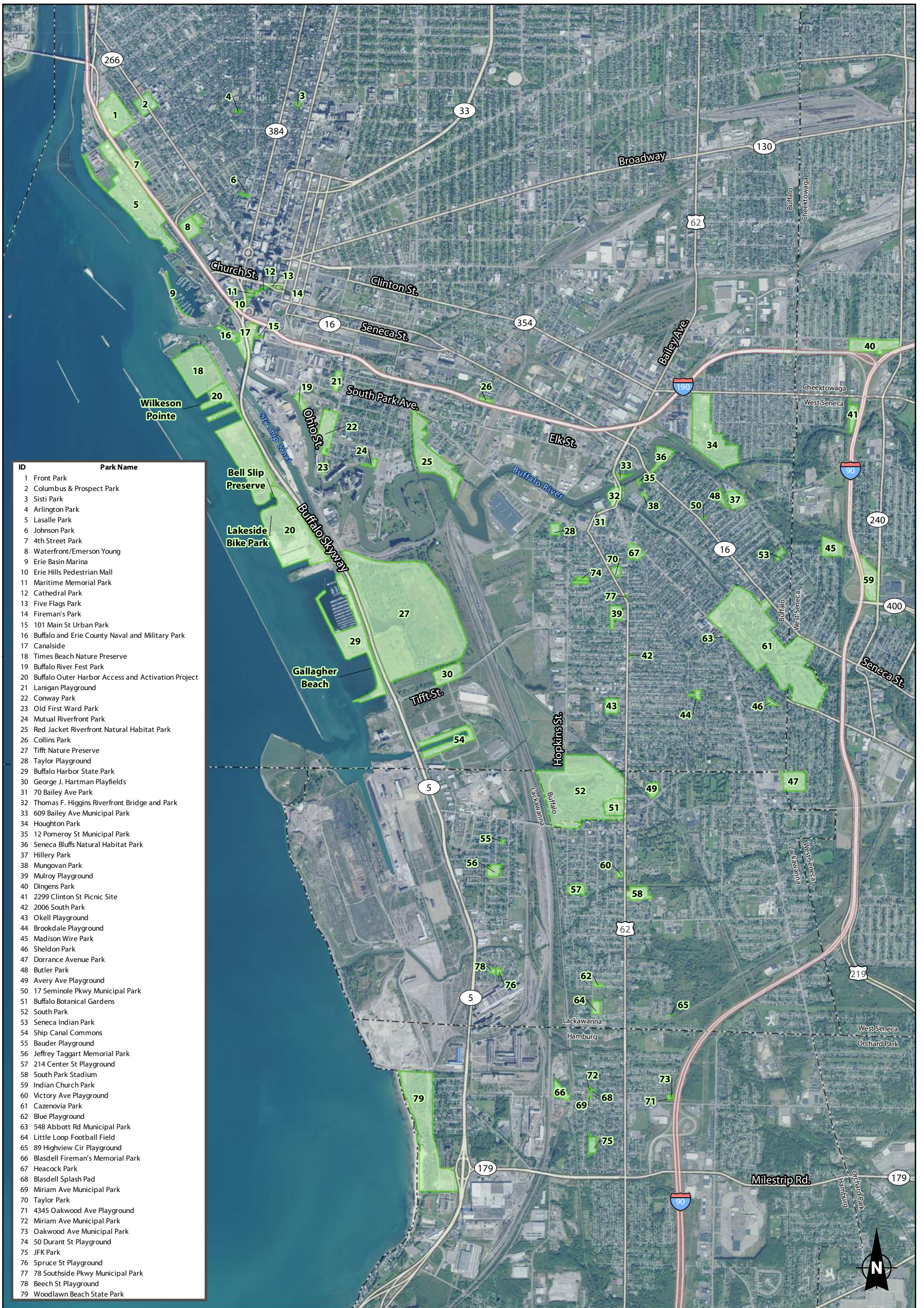
**Figure 4-9**  
**Known National Register**  
**Listed Properties**

P.I.N. 5134.48

NYS Route 5 (Buffalo Skyway) Project

Erie County, NY





- Interstate Highway
- Park or Recreation Area
- State/U.S. Highway
- City/Town Boundary

**Figure 4-10**  
**Parks and Recreation Areas**  
 P.I.N. 5134.48  
 NYS Route 5 (Buffalo Skyway) Project  
 Erie County, NY

**Visual Resources**

A Visual Impact Assessment (VIA) will be completed for the Project in accordance with FHWA's "Guidelines for Visual Impact Assessment of Highway Projects." 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, churches, parkland and parkland facilities, nature preserves, marinas, water bodies, residences, and historic sites. If adverse visual effects are anticipated, measures to avoid, minimize, and/or compensate for the adverse effect, in accordance with FHWA's guidelines, will be considered.

As part of the DDR/DEIS, 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 structures.

**Air Quality**

Air quality analyses will be conducted for the Project as part of the DDR/DEIS in accordance with the methodologies in the NYSDOT TEM, and FHWA guidance and USEPA guidance. The analyses will be conducted using the most recent version of USEPA's MOVES model and modeling guidance. The study area and analyses will be based on traffic data developed for the Project.

The air quality analyses will include:

- Mesoscale emissions analysis
- Particulate matter microscale analysis
- Mobile source air toxics analysis

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

**Energy Consumption and Greenhouse Gas Emissions**

An energy consumption and greenhouse gas emissions analysis will be conducted as part of the DDR/DEIS. The study area will be based on traffic data developed for the Project. The analysis will determine the extent of additional energy required for construction and if the Project would result in additional energy consumption during operations. The greenhouse gas emissions analysis will be conducted using the most recent version of USEPA's MOVES model and NYSDOT and FHWA guidance to determine the greenhouse gas emissions resulting from implementation of the Project.

**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 generated using the FHWA Traffic Noise Model (TNM) and used to determine impacts. If impacts are identified, noise abatement measures will be evaluated.

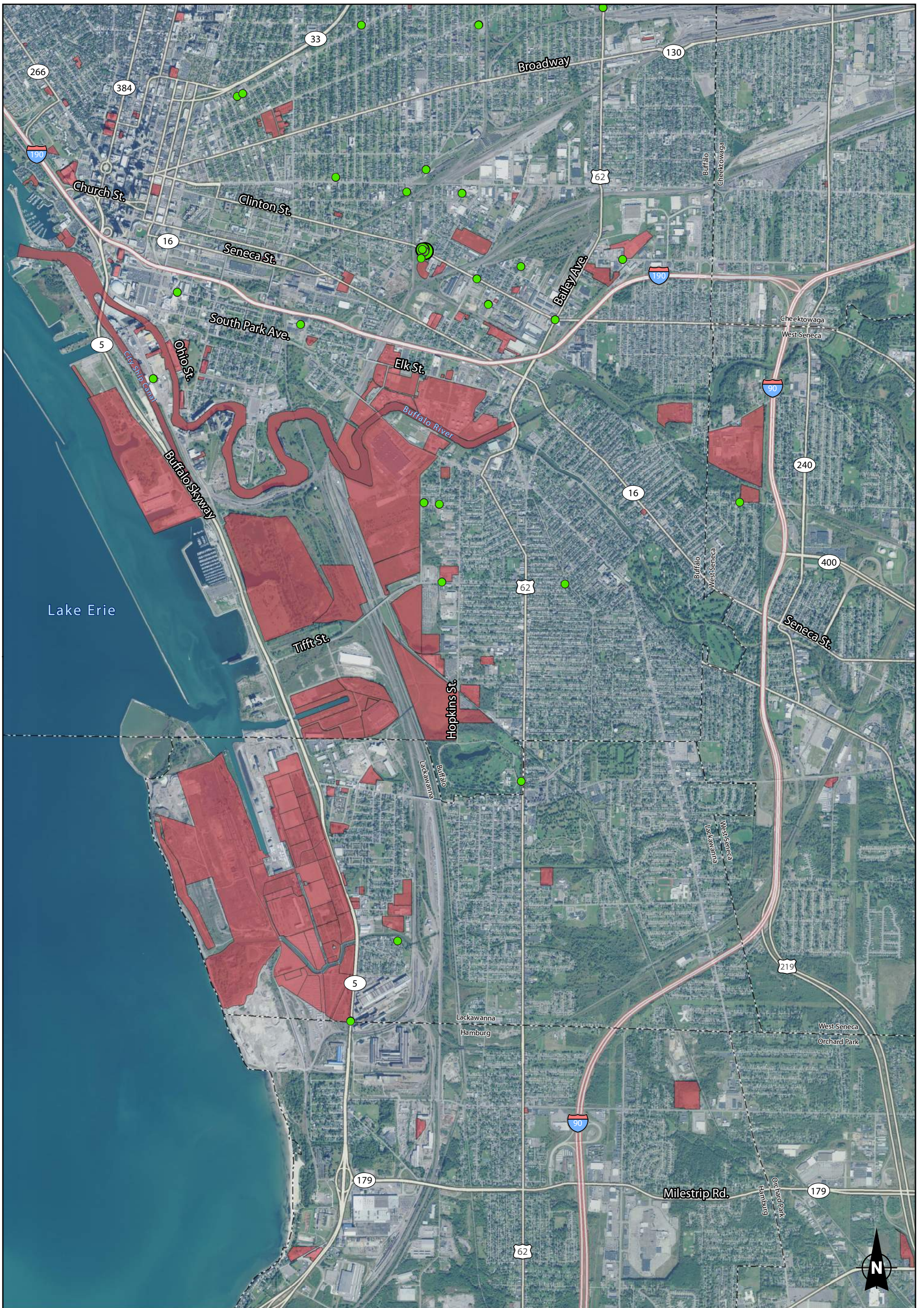
**Asbestos**

An asbestos assessment preliminary investigation will be conducted to identify asbestos-containing materials (ACM) that are expected to be disturbed as a result of the Project. During final design, asbestos content will be positively identified, and measures to ensure the proper handling, transport, and disposal of such materials during construction will be identified, if necessary.

**Hazardous Waste/Contaminated Materials**

Potential hazardous waste sites or contaminated materials are located in the vicinity of the Buffalo Skyway corridor (Figure 4-11).

A hazardous waste/contaminated materials site screening will be conducted in accordance with TEM, Section 4.4.20, to document the likely presence or absence of hazardous waste and contaminated



- Interstate Highway
- State/U.S. Highway
- City/Town Boundary
- Federal Non-NPL Site
- NYSDEC Remediation Site

**Figure 4-11**  
**Contaminated Materials**  
 P.I.N. 5134.48  
 NYS Route 5 (Buffalo Skyway) Project  
 Erie County, NY

\*NPL = National Priority List

Source: Ecology and Environment, Inc. 2020;  
 EPA 2020; NYSDEC 2010; USDA 2019.



materials within the study area. 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.

**Construction Effects**

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

**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/DEIS.

**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/DEIS. If adverse effects as a result of the action are identified, mitigation measures will be assessed.

## SECTION 5 Concepts/Alternatives

This section describes the alternatives that are being advanced for detailed study in the Draft DR/EIS (DDR/DEIS) and concepts<sup>17</sup> that have been dismissed from further consideration.

Consistent with the FHWA's initiatives to accelerate project delivery and Executive Order 13807 *Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects*, the NYSDOT conducted a comprehensive evaluation during the scoping process to develop and identify reasonable (feasible and practical) alternatives for the Project to be advanced for detailed study in the DDR/DEIS. As stated in Council on Environmental Quality (CEQ) guidance,<sup>18</sup> "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."

Section 5.1 of this section describes the concepts that the NYSDOT evaluated for the Project. Section 5.2 presents the screening and study of these concepts. Section 5.3 describes the reasonable and practicable alternatives that are being advanced for detailed study in the DDR/DEIS. Section 5.4 discusses the No Build Alternative. Section 5.5 discusses the No-Action Alternative that the USACE must evaluate per Section 404(b)(1) Guidelines.

### 5.1 Concepts Considered

This section describes the concepts that were considered for the Project. The NYSDOT explored and objectively evaluated 28 concepts in identifying the reasonable range of alternatives for the Project. In doing so, the NYSDOT took a reasonable "hard look" at the concepts based on available information, appropriate analyses, and public and agency input during the scoping process. As described below, 16 of the 28 concepts were the finalists of the "Aim for the Sky: The Buffalo Skyway Corridor Competition" and 12 of the concepts were developed during the scoping process.

Figure 5-1 illustrates the constraints that are inherent in the overall project environment, including businesses and commercial areas; residential neighborhoods; railroads; park and recreational areas; navigable waterways; surface waters and wetlands; and remediation sites. The presence of these facilities and features limited the potential locations where new roadway alignments could be studied.

#### 5.1.1 Concepts from the "Aim for the Sky: The Buffalo Skyway Corridor Competition"

The 16 concepts described below are the finalists of the "Aim for the Sky: The Buffalo Skyway Corridor Competition." Additional information on these 16 concepts is available at: <https://esd.ny.gov/skyway>. As these concepts were developed by others, the NYSDOT used the available information submitted as part of the competition to evaluate these concepts.

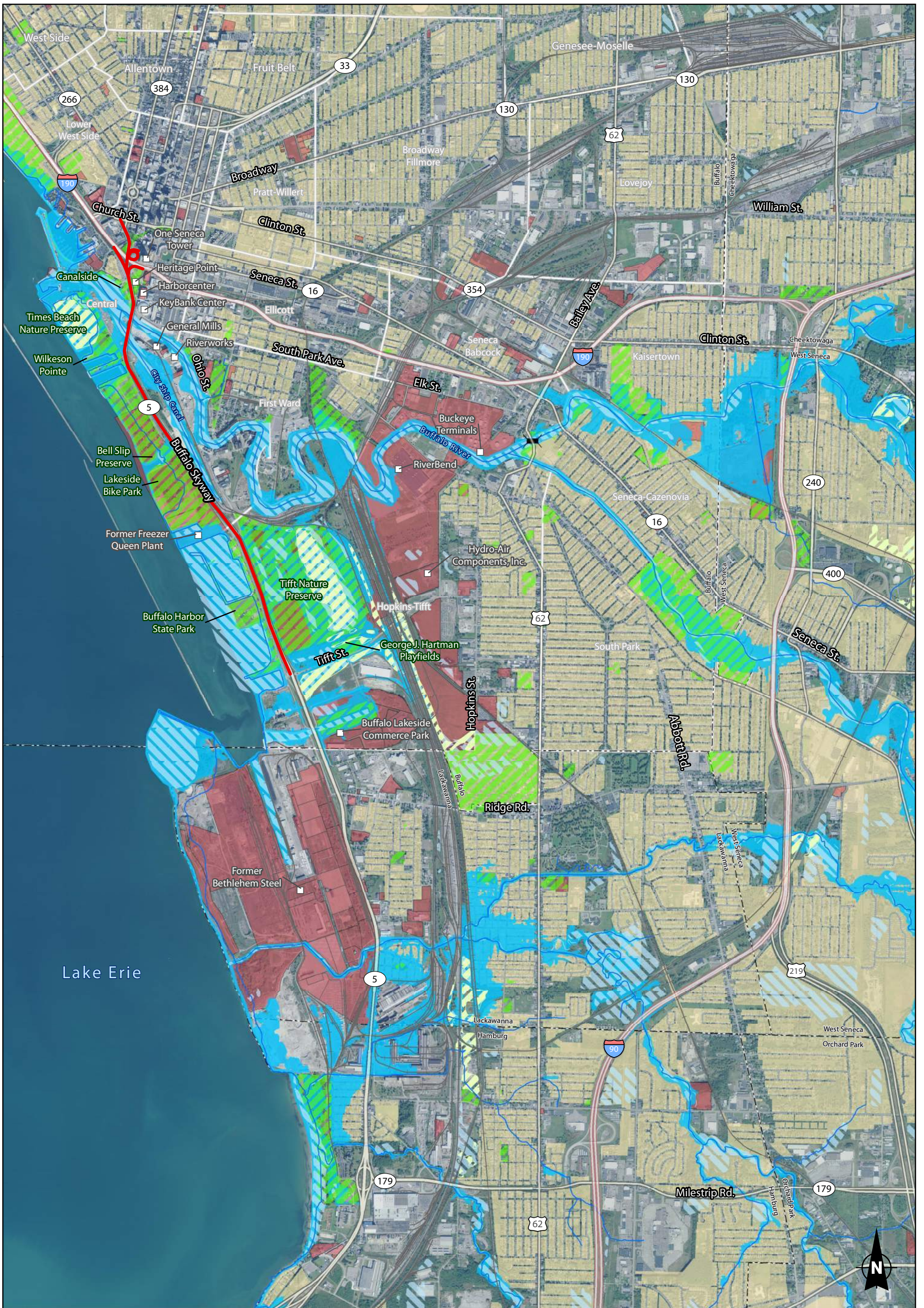
##### Concept 1: Skyway 2.0

This concept would widen the Buffalo Skyway to six lanes to potentially accommodate light rail, buses and bicycles and maintain the elevated approaches (see Figure 5-2). NYS Route 5 traffic would have additional options to exit prior to crossing the high-level bridge. Six new lift bridges would provide connections from Fuhrmann Boulevard to Canalside, Ganson Street, and Katherine Street. A cable car line would connect Fuhrmann Boulevard to Chicago Street.

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<sup>17</sup>The term "concept" is consistent with and may be used interchangeably with the terms "alternative" as defined in the CEQ regulations for implementing the procedural provisions of NEPA (40 CFR Part 1500-1508) and the FHWA *Environmental Impact and Related Procedures; Final Rule* (23 CFR Part 771). For the purposes of this Scoping Report, the term "concept" refers to a potential alternative considered.

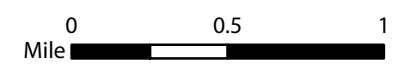
<sup>18</sup> CEQ, "Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations," March 23, 1981.

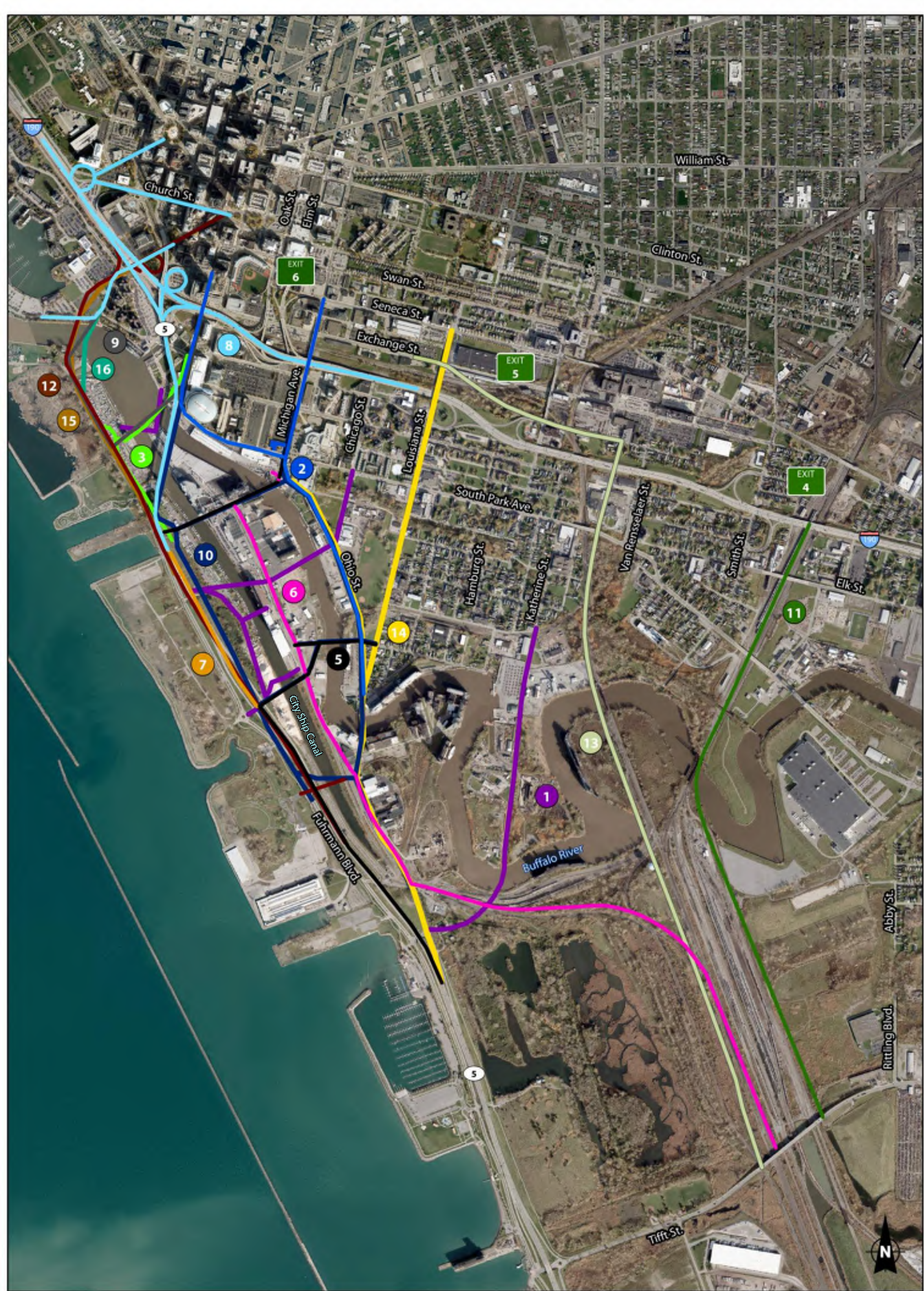


- Railroad
- Interstate Highway
- State/U.S. Highway
- Buffalo Skyway Corridor
- - - City/Town Boundary
- Neighborhood
- Residential Zone
- Business/Commercial Centers
- U.S. Coast Guard Navigable Water Limit
- Surface Waters and Waterways
- NYSDEC Remediation Site
- NYSDEC Mapped Wetland
- NWI Mapped Wetland
- Park or Recreation Area
- 100 Year Flood Zone

**Figure 5-1**  
**Social, Economic, and**  
**Environmental Considerations**  
 P.I.N. 5134.48  
 NYS Route 5 (Buffalo Skyway) Project  
 Erie County, NY

Source: Ecology and Environment, Inc. 2020; ESRI 2019; FEMA 2019; NYSDEC 2019; NYS DOS 2016; USFWS 2019; USDA 2019.

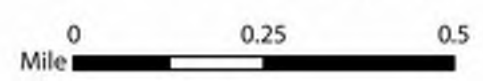




**Figure 5-2**  
**Aim for the Sky**  
**Concepts 1-3, 5-16**  
 P.I.N. 5134.48  
**NYS Route 5 (Buffalo Skyway) Project**  
 Erie County, NY

- |                       |                          |                                      |                       |
|-----------------------|--------------------------|--------------------------------------|-----------------------|
| 1. Skyway 2.0         | 6. Rust Belt Resurgence  | 10. Sapphire Necklace*               | 14. Buffalo Up!*      |
| 2. Skyway River Loop* | 7. Sky Scape             | 11. REC                              | 15. Erie Green        |
| 3. Olmsted Remixed    | 8. Highways to Parkways* | 12. Making Sense of the Outer Harbor | 16. Buffalo Skybeach* |
| 5. Queen City Harbor* | 9. Olmsted Parkway       | 13. Vision for Skyway & NYS          |                       |

\*Concept includes a proposed crossing over Buffalo Ship Canal to reconnect South Michigan Ave. to Fuhmann Blvd.



This concept would require a strip taking of the Tift Nature Preserve. The lift bridges and cable car line would require a minimum of four crossings of Class I railroad tracks and eight crossings of navigable waterways (three over the Buffalo River and five over the City Ship Canal). The proposed lift bridges would cause increased delay to vehicular traffic when open for waterborne vessels. Concept 1 would cross over NWI mapped wetlands associated with the river and City Ship Canal and be located adjacent to a NWI mapped wetland along Louisiana Street. Concept 1 would not cross over or through or be located adjacent to NYSDEC mapped wetlands.

### **Concept 2: Skyway River Loop**

This concept would retain the Buffalo Skyway structure. The I-190 interchange ramps with the Buffalo Skyway would be removed, with traffic diverted to Church Street (see Figure 5-2). South Michigan Avenue would be connected over the City Ship Canal and a new connection between Fuhrmann Boulevard and Ohio Street would be added.

Connecting South Michigan Avenue over the City Ship Canal would result in increased traffic through General Mills' facility, potentially inhibiting their operations. Proposed revisions to parking on Louisiana Street would limit parking for Father Conway Park to a single adjoining lot on Ohio Street. This concept would also require three crossings of navigable waterways (two over the Buffalo River and one over the City Ship Canal) and would cross over NWI mapped wetlands associated with the river and City Ship Canal. Concept 2 would not cross over or through or be located adjacent to NYSDEC mapped wetlands.

### **Concept 3: Olmsted Remixed**

This concept would retain the Buffalo Skyway on its existing alignment. Vehicular traffic patterns would not change and current deficiencies would not be addressed. Two lift bridges for pedestrians and bicyclists would be constructed to connect Canalside to the Outer Harbor over the Buffalo River and City Ship Canal (see Figure 5-2).

This concept would require a minimum of two crossings of Class I railroad tracks and two crossings of navigable waterways (one over the Buffalo River and one over the City Ship Canal). The proposed lift bridges would cause increased delay to vehicular traffic when open for waterborne vessels. This concept would also cross over NWI mapped wetlands associated with the Buffalo River and City Ship Canal. Concept 3 would not cross over or through or be located adjacent to NYSDEC-mapped wetlands.

### **Concept 4: City of Lights: Re-View Our Waterfront**

Concept 4 was the winner of the "Aim for the Sky: The Buffalo Skyway Corridor Competition." This concept would remove the elevated approaches of the Buffalo Skyway and repurpose the high-level bridge as the "Skyway Park" shared-use path. An at-grade boulevard would be constructed following Tift Street and Rittling Boulevard with a new connection adjacent to Rittling Boulevard and Abby Street and a new extension following abandoned railroad right-of-way to Elk Street. A fixed bridge would be constructed over the Buffalo River along the abandoned railroad right-of-way. Improvements would be made to I-190 Exits 3, 4, and 5 to improve operations (see Figure 5-3).

The at-grade boulevard would have two lanes in each direction with a center median, bicycle lanes in each direction, and "complete streets" features. "Complete streets" features would be added along Seneca Street, Elk Street, and South Park Avenue where these roadways intersect with the at-grade boulevard. "Complete streets" features and multi-modal improvements would also be implemented along portions of other roadways in the vicinity of the Buffalo Skyway corridor, including Louisiana Street, Fillmore Avenue, and Smith Street. South Michigan Avenue would be connected over the City Ship Canal via construction of a bascule bridge. A new road with a bridge over the City Ship Canal would be constructed to connect Fuhrmann Boulevard and Ohio Street south of Silo City Row.

Connecting South Michigan Avenue over the City Ship Canal would result in increased traffic through General Mills' facility, potentially inhibiting their operations. This proposed bascule bridge would cause



- New Connection
- New Alignment
- Portion of Skyway to be Removed
- Retained Portion of Skyway Structure
- New Lift Bridge
- Interchange Improvements

**Figure 5-3**  
**Concept 4 - City of Lights**  
 P.I.N. 5134.48  
 NYS Route 5 (Buffalo Skyway) Project  
 Erie County, NY

increased delay to vehicular traffic when open for waterborne vessels. This concept would require two crossings of Class I railroad tracks and the new arterial would parallel multiple Class I and Class III railroads.

This concept would also require one crossing of the Buffalo River and two crossings of the City Ship Canal and cross over NWI mapped wetlands associated with both waterways. The new boulevard alignment would cross through NYSDEC and NWI mapped wetland areas along Tifft Street. Additionally, the new alignment along Rittling Boulevard and Abby Street would be located adjacent to NWI mapped wetlands.

### **Concept 5: Queen City Harbor**

This concept would remove the Buffalo Skyway structure and elevated approaches between Tifft Street and Church Street, and would repurpose the piers as renewable energy hubs. A multi-modal boulevard between Downtown Buffalo and Lackawanna would be constructed along Fuhrmann Boulevard, including a cycle track and pedestrian facilities. Five new bascule bridges would provide connections to the Outer Harbor. One of the new bridges would connect South Michigan Avenue over the City Ship Canal (see Figure 5-2). Bicycle lanes would be included on all of the new bridges and added to several other City of Buffalo streets. Bus rapid transit lines would be built and operated along Fuhrmann Boulevard and Ohio Street. Two water ferries would operate along the Buffalo River and City Ship Canal.

Connecting South Michigan Avenue over the City Ship Canal would result in increased traffic through General Mills' facility, potentially inhibiting their operations. The multi-modal boulevard would connect to Main Street, requiring takings at Canalside. This concept would also require five crossings of navigable waterways (two over the Buffalo River and three over the City Ship Canal), as well as introducing two ferry lines running between the Buffalo River and City Ship Canal. Concept 5 would cross over NWI mapped wetlands associated with both waterways. This concept would not cross over or through or be located adjacent to NYSDEC mapped wetlands.

### **Concept 6: Rustbelt Resurgence**

This concept would remove the Buffalo Skyway structure and elevated approaches between Tifft Street and Church Street, but retain the bridge piers and repurpose them for an aerial tramway. The aerial tramway would include the construction of four stations along the current alignment of the Buffalo Skyway structure (see Figure 5-2). Light rail service from Milestrip Road (NYS Route 179) to South Michigan Avenue would be introduced. A 4.5-mile autonomous bus rapid transit line would be built and operated along Fuhrmann Boulevard. A landscaped traffic circle would be constructed on Ohio Street to reduce delay and improve safety for non-motorized users. A water ferry would operate along the Buffalo River. Optional "complete streets" features could be added along Chicago Street and Louisiana Street.

The proposed light rail service would use existing Class I rail lines, requiring an agreement from the owner of the rail lines. This concept would introduce a ferry for bicyclists on the Buffalo River. The light rail between South Michigan Avenue and Childs Street would be located adjacent to NWI mapped wetlands associated with the Buffalo River and City Ship Canal and would be adjacent to several NYSDEC mapped wetlands near Tifft Street.

### **Concept 7: Sky Scape**

This concept would remove vehicular traffic from the Buffalo Skyway structure and repurpose the structure as a shared-use path. Traffic would be diverted to a new bascule bridge from NYS Route 5 to Ganson Street over the City Ship Canal and then utilize the existing South Michigan Avenue and Ohio Street lift bridges over the Buffalo River (see Figure 5-2). Ganson Street, Ohio Street, and Louisiana Street would be reconfigured from two lanes (one lane in each direction) to three lanes (one lane in each direction with a center turn lane). "High comfort bike paths" would be constructed parallel to Fuhrmann Boulevard, Ohio Street, and several streets in Downtown Buffalo.

The proposed bascule bridge would result in a new crossing of the navigable portion of the City Ship Canal, potentially inhibiting the operations of Archer, Midland, Daniels (ADM) Milling and CSI Sand Limited, as well as cause increased delay to vehicular traffic when open for waterborne vessels. Concept 7 would cross over NWI mapped wetlands associated with the canal, and would not cross over or through or be located adjacent to NYSDEC mapped wetlands.

### **Concept 8: Highways to Parkways**

This concept would remove the Buffalo Skyway structure and elevated approaches between Tiftt Street and Church Street, but retain the bridge piers and repurpose them as support for the "Buffalo River Bicycle Bridge." I-190 from Exit 5 north would be reconstructed as the Erie Canal Parkway, an at-grade boulevard (see Figure 5-2). A Southtowns Parkway Corridor would be located along or adjacent to NYS Route 5 and Fuhrmann Boulevard and include a new bridge reconnecting South Michigan Avenue over the City Ship Canal. High-frequency rail transit would be implemented along multiple corridors, including extending Buffalo Metro Rail south to Tiftt Street.

This proposal would require strip takings at multiple park locations to accommodate the Southtowns Parkway Connector (101 Main Street Urban Park, Buffalo Outer Harbor Access and Activation Project, Tiftt Nature Preserve, Buffalo Harbor State Park) and Erie Canal Parkway (Red Jacket Riverfront Natural Habitat Park). The proposed light rail service would use existing Class I rail lines, requiring an agreement from the owner of the rail lines. Connecting South Michigan Avenue over the navigable portion of the City Ship Canal would result in increased traffic through General Mills' facility, potentially inhibiting their operations. In addition to crossing the City Ship Canal and over NWI mapped wetlands associated with the canal, Concept 8 would cross the navigable portion of the Buffalo River and over NWI mapped wetlands associated with the river. Concept 8 would not cross over or through or be located adjacent to NYSDEC mapped wetlands.

### **Concept 9: Olmsted Parkway**

This concept would remove the Buffalo Skyway structure and elevated approaches between Ridge Road and Church Street. A new parkway would be constructed along the existing alignment with a 35 miles per hour speed limit. Automated vehicle shuttles could be allowed on the new parkway. A new combination low level cable-stayed/movable bridge would be constructed across the Buffalo River (see Figure 5-2). Connections to I-190 would be eliminated and traffic from the new bridge would use Exit 6 or Exit 7. Buffalo Metro Rail would be extended to the Outer Harbor if Main Street was chosen as the connector for the new parkway.

This concept would require one crossing of Class I railroad tracks. The construction of the proposed Buffalo River bridge would (depending on final alignment) result in publicly-accessible roadway infrastructure that would conflict with visitors to the Buffalo Naval and Military Park. In addition, it is uncertain whether the proposed design of the new Buffalo River bridge would meet United States Coast Guard requirements as it only provides commercial ship passage on a portion of the Buffalo River. This crossing of the Buffalo River would also cross over NWI mapped wetlands associated with the river. An additional crossing would be required north of the Key Bank Center and would cross both the City Ship Canal and Buffalo River and over NWI mapped wetlands associated with both of these waterways. Concept 9 would not cross over or through or be located adjacent to NYSDEC mapped wetlands.

### **Concept 10: The Sapphire Necklace**

This concept would remove the Buffalo Skyway structure and elevated approaches between Tiftt Street and Church Street. Ohio Street, Louisiana Street, and Michigan Avenue would be widened (see Figure 5-2). The Ohio Street widening would include space for extending Buffalo Metro Rail south past Tiftt Street, a four-lane divided roadway, and dedicated bicycle and pedestrian facilities on either side of the roadway and require reconstructing the existing bridge over the Buffalo River. A center turn lane and parking lanes on both sides of the street would be added on Michigan Avenue and Louisiana Street. On-street bike lanes would also be added to Michigan Avenue. A new bridge would connect South Michigan Avenue



over the City Ship Canal. A second new bridge would cross the Buffalo River, connecting South Street with Kelly Island.

Connecting South Michigan Avenue over the City Ship Canal would result in increased traffic through General Mills' facility, potentially inhibiting their operations. Widening the roadways would require substantial right-of-way and associated property takings, including multi-family residential dwellings on Louisiana Street that are owned and operated by the Buffalo Municipal Housing Authority. The proposed Ohio Street widening would require substantial property takings (including strip takings at Conway Park and Buffalo River Fest Park) to obtain the required 130-foot-wide right-of-way. This concept would require one crossing of a Class I railroad track. This concept would also require six crossings of navigable waterways (three over the Buffalo River and three over the City Ship Canal) and would cross over NWI mapped wetlands associated with both of those waterways. Concept 10 would not cross over or through or be located adjacent to NYSDEC mapped wetlands.

### **Concept 11: REC (Recreation Experience Circulation) – Customize Your Experience**

This concept would remove vehicular traffic from the Buffalo Skyway structure and repurpose the structure as the "Skywalk," a mixed-use public space with tram line. A new four-lane roadway would be constructed parallel to existing rail lines from Milestrip Road to a new I-190 interchange just west of Smith Street (see Figure 5-2). A tram line with multiple stations would be constructed on the Buffalo Skyway structure and approaches. One additional lane would be added in each direction to the following roadways:

- I-190 from Exit 6 to I-90;
- I-90 from I-190 to Ridge Road;
- Ohio Street from its southern terminus to Michigan Avenue;
- South Park Avenue (from Ridge Road to Michigan Avenue); and
- Mile Strip Expressway from NYS Route 5 to US Route 219.

The proposed construction of a new I-190 interchange at Selkirk Street would result in publicly-accessible roadway infrastructure on Class I railroad property, potentially inhibiting their operations. The addition of lanes on I-190, I-90, Ohio Street, South Park Avenue, and Milestrip Road would require the taking of commercial properties and residential dwellings. In addition, strip takings at multiple park locations would be required to accommodate the new four-lane roadway (Red Jacket Riverfront Natural Habitat Park, Collins Park, South Park, and Blasdell Fireman's Memorial Park) and the widening of Ohio Street (Conway Park, Old First Ward Park and River Fest Park). This concept would require one crossing of the Buffalo River and one crossing of the City Ship Canal for the tram line and one crossing of the Buffalo River for the new four-lane roadway. All three crossings would be in navigable portions of the respective waterways and would also cross over NWI mapped wetlands associated with these waterways. The four-lane roadway would be located adjacent to several NWI and NYSDEC mapped wetlands near Tiff Street.

### **Concept 12: Making Sense of the Outer Harbor**

This concept would remove the Buffalo Skyway structure and elevated approaches between Ridge Road and Church Street. Fuhrmann Boulevard would be redesigned as an at-grade extension of the Hamburg Turnpike and a lift bridge would be constructed at its northern termini to cross the Buffalo River and connect with Erie Street (see Figure 5-2). A new road with a lift bridge over the City Ship Canal would be constructed to connect Fuhrmann Boulevard and Ohio Street at Silo City Row. The creation of a new island west of Times Beach Nature Preserve would have no roadway access.

This concept would require two crossings of a Class I railroad track. The lift bridge would require the taking of Sail Buffalo Sailing School and residential parking for Waterfront Village on Erie Street. The

proposed lift bridge would cause increased delay to vehicular traffic when open for waterborne vessels. The new road with a bridge over the City Ship Canal would require taking parking for Advantage Lumber on Ohio Street. The proposed new bridges – the bridge over the Buffalo River to connect Fuhrmann Boulevard and Erie Street and the bridge over the City Ship Canal to connect Fuhrmann Boulevard and Ohio Street – would result in two crossings of navigable waterways and NWI mapped wetlands associated with both waterways. This concept proposes the creation of a new island west of Times Beach Nature Preserve, which could potentially affect navigability on Lake Erie. Concept 12 would not cross over or through or be located adjacent to NYSDEC mapped wetlands.

### **Concept 13: Vision for Skyway Corridor and Relocated NYS Route 5 Highway**

This concept would repurpose the Buffalo Skyway structure for use by bicyclists, pedestrians, and shuttle buses. NYS Route 5 would be realigned onto a new four-lane roadway that would be constructed parallel to existing rail lines from Tiff Street to a new I-190 interchange west of Van Rensselaer Street before continuing west to connect with Exchange Street approximately 200 feet east of Louisiana Street (see Figure 5-2). The concept includes a bascule bridge across the navigable portion of the Buffalo River east of the existing rail bridge.

The concept would result in numerous property takings including, but not limited to, a portion of Red Jacket Riverfront Natural Habitat Park, several residential structures on Roseville Street, and businesses located to the north and south of the new interchange with I-190 (the Larkin District and Ship Canal Commons, respectively). The bascule bridge over the Buffalo River would cross over mapped NWI wetlands associated with this waterway. This concept would cross through one NYSDEC mapped wetland near Tiff Street.

### **Concept 14: Buffalo Up!**

The Buffalo Skyway would be phased out with traffic redistributed to Ohio Street and Louisiana Street, which would both be widened to two lanes in each direction (see Figure 5-2). An "Adaptive Signal System" is proposed for traffic signals in the City of Buffalo. South Michigan Avenue would be connected over the City Ship Canal via a lift bridge. A water ferry would operate between Downtown Buffalo and the Outer Harbor.

In addition to the taking of residential dwellings, multiple strip takings at parks would be required to accommodate the widened Ohio Street (Conway Park and Buffalo River Fest Park) and widened Louisiana Street (Conway Park). Connecting South Michigan Avenue over the City Ship Canal would result in increased traffic through General Mills' facility, potentially inhibiting their operations. This proposed lift bridge would cause increased delay to vehicular traffic when open for waterborne vessels. This concept would cross over an NWI mapped wetland associated with the City Ship Canal. It would not cross over or through or be located adjacent to NWI or NYSDEC mapped wetlands.

### **Concept 15: Erie Green**

This concept would remove the Buffalo Skyway structure and elevated approaches between approximately 1,000 feet north of Ridge Road and Church Street. A bridge would be constructed at the northern terminus of Fuhrmann Boulevard to cross the Buffalo River and connect with Erie Street (see Figure 5-2). A new I-190 southbound off-ramp parallel to Lakefront Boulevard to Erie Street and Marine Drive and a new I-190 northbound on-ramp from Exchange Street/Upper Terrace would be constructed. Transit stations would be added along Fuhrmann Boulevard and traffic signal preemption would be provided for buses.

The bridge proposed for construction at the northern terminus of Fuhrmann Boulevard would require the taking of Sail Buffalo Sailing School and residential parking for Waterfront Village on Erie Street. This concept would cross over NWI mapped wetlands associated with the Buffalo River. Concept 15 would not cross over or through or be located adjacent to NYSDEC mapped wetlands.

### **Concept 16: Buffalo SkyBeach**

This concept would remove vehicular traffic from the Buffalo Skyway structure and repurpose it as the "SkyBeach," a mixed-use public space. Fuhrmann Boulevard would be reconstructed as a multimodal corridor with enhancements for bicyclists, pedestrians, and transit riders (see Figure 5-2). The existing Buffalo Metro Rail would be extended south along Fuhrmann Boulevard to Ridge Road. New bus service would be introduced on multiple routes within the vicinity of the Buffalo Skyway corridor. A bridge would be constructed at the northern terminus of Fuhrmann Boulevard to cross the Buffalo River and connect with Erie Street. South Michigan Avenue would be connected over the City Ship Canal via construction of a bascule bridge. Ferry/water taxi service would be introduced.

Connecting South Michigan Avenue over the City Ship Canal would result in increased traffic through General Mills' facility, potentially inhibiting their operations. This concept would cross over NWI mapped wetlands associated with both the Buffalo River and the City Ship Canal. The concept would not cross over or through or be located adjacent to NYSDEC mapped wetlands.

### **5.1.2 Concepts Developed During the Scoping Process**

The 12 concepts described below were developed during the project scoping process.

#### **Concept A: Smith Street Corridor Arterial**

This concept would remove the Buffalo Skyway structure and elevated approaches between approximately 0.75 miles north of Tiftt Street and Church Street. A new 5,500-foot-long four-lane arterial would be constructed to connect to Smith Street (see Figure 5-4). Two high-level bridges with 100 feet of vertical clearance and a lift bridge would be constructed to cross the Buffalo River. Approximately 4,500 feet of Smith Street would be reconstructed from two lanes to four lanes. Improvements would be made to the intersections at South Park Avenue, Elk Street, Exchange Street, and Seneca Street. The reconstructed Smith Street would connect with I-190 at an improved Exit 4 (Smith Street) interchange that would include reconstructed ramps to increase capacity. Improvements would be made to I-190 between Exit 4 and Exit 6 (Elm Street).

Takings for the new alignment would include up to 35 residential dwellings and a portion of Red Jacket Riverfront Natural Habitat Park. The concept would have a high construction cost due to the height of the high-level bridges. Additionally, this concept would cross the Buffalo River three times with the two high-level bridges and one lift bridge, and would cross over NWI mapped wetlands associated with the river. Concept A would not cross over or through or be located adjacent to NWI or NYSDEC mapped wetlands.

#### **Concept B: Louisiana Street Corridor Arterial**

This concept would remove the Buffalo Skyway structure and elevated approaches between approximately 1.3 miles north of Tiftt Street and Church Street. A new 2,500-foot-long high-level bridge with 100 feet of vertical clearance would be constructed to connect to Louisiana Street (see Figure 5-4). Approximately 6,000 feet of Louisiana Street would be reconstructed from two lanes to four lanes. Improvements would be made to the intersections at Ohio Street, South Street, O'Connell Street, South Park Avenue, Perry Street, Exchange Street, Seneca Street, and Swan Street. The reconstructed Louisiana Street would connect with I-190 at an improved Exit 5 (Louisiana Street) interchange that would include a reconstructed ramp to I-190 southbound to increase capacity and a new ramp to I-190 northbound. Improvements would be made to I-190 between Exit 5 and Exit 6.

Takings for the new alignment would include residential dwellings. The concept would have a high construction cost due to the height of the high-level bridge over the Buffalo River and City Ship Canal. The concept would cross over NWI mapped wetlands associated with both the Buffalo River and City Ship Canal; it would not cross over or through or be located adjacent to NYSDEC mapped wetlands.

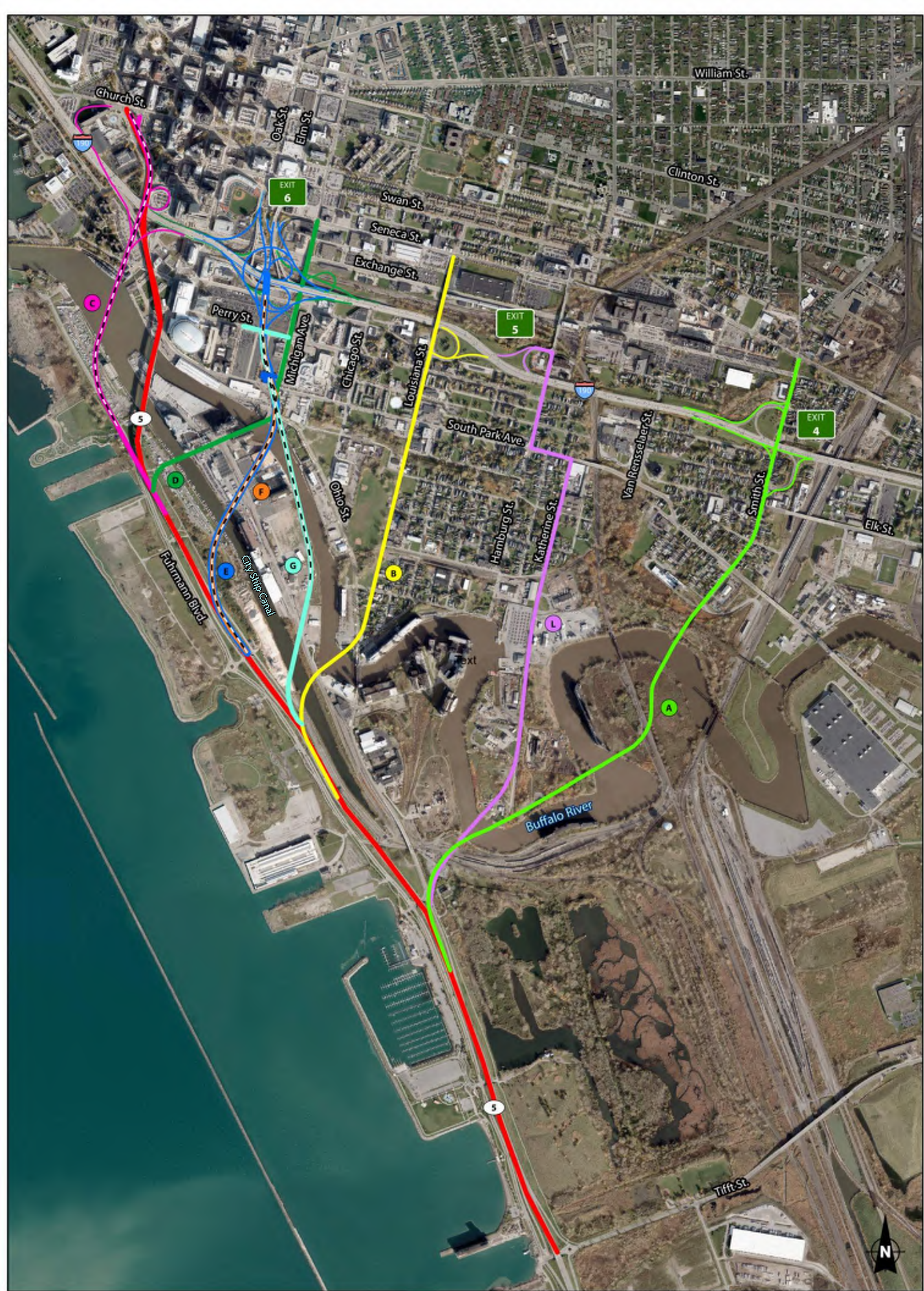


Figure 5-4  
 Concepts A through G  
 and Concept L  
 P.I.N. 5134.48  
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- |             |   |   |
|-------------|---|---|
| Concepts    | C | G   |
| --- Tunnels | D | L   |
| A           | E | Extent of Skyway Structure and<br>Elevated Approaches for Possible Removal* |
| B           | F |   |

\*Limits of Skyway removal vary among concepts shown

**Concept C: Buffalo River Tunnel**

This concept would remove the Buffalo Skyway structure and elevated approaches between Tift Street and Church Street. A 4,300-foot-long tunnel would be constructed under the Buffalo River and rail lines between Fuhrmann Boulevard and Church Street, following a similar alignment as the existing Buffalo Skyway (see Figure 5-4). Cut and cover construction techniques would be required to build the tunnel. These techniques involve developing protection plans and implementing support systems for structures and utilities adjacent to the tunnel prior to excavation and the creation of a trench (the “cut”). The trench allows the tunnel to be built and the surface above the tunnel is restored (the “cover”).

Cut and cover techniques require substantial planning and, due to their complexity, are disruptive to traffic, businesses, and utilities in urban areas. The concept would have a high construction cost due to tunneling. This concept would cross below the Buffalo River and an associated NWI mapped wetland with the creation of the tunnel. This concept would not cross below or be located adjacent to any NYSDEC-mapped wetlands.

**Concept D: Michigan Avenue Corridor Arterial**

This concept would remove the Buffalo Skyway structure and elevated approach between the current bridge and Church Street. Approximately 5,600 feet of Michigan Avenue between Fuhrmann Boulevard and Swan Street would be reconstructed (see Figure 5-4). South Michigan Avenue would be reconnected over the City Ship Canal via a lift bridge and the existing lift bridge over the Buffalo River would be replaced. Improvements would be made to the intersections at Ohio Street, South Park Avenue, Perry Street, Scott Street, Seneca Street, and Swan Street. New connections to I-190 would be built at Michigan Street. Modifications would need to be made to Oak Street and Elm Street at the I-190 Exit 6 interchange.

Twelve (12) commercial buildings would be affected, including several General Mills’ buildings, inhibiting operations at those facilities. The proposed lift bridges would cause increased delay to vehicular traffic when open for waterborne vessels. The new connections to I-190 at Michigan Street could impede Class I railroad operations on its rail line that runs between I-190 and Exchange Street. Additionally, Concept D would cross the City Ship Canal with a lift bridge and would cross the Buffalo River with the replacement of the existing lift bridge. The new lift bridge and replacement of the existing lift bridge would cross over two NWI mapped wetlands associated with the canal and the river, respectively. Concept D would not cross over or through or be located adjacent to NYSDEC mapped wetlands.

**Concept E: Michigan Avenue Skyway**

This concept would remove the Buffalo Skyway structure and elevated approaches between approximately 2.0 miles north of Tift Street and Church Street. A 5,500-foot-long elevated roadway would be constructed to carry an arterial highway over the City Ship Canal, General Mills’ facility, the Buffalo River, Ohio Street, and South Park Avenue connecting with I-190 at Exit 6. Modifications would need to be made to Oak Street and Elm Street at I-190 Exit 6 (see Figure 5-4). New connections to I-190 would be built at Michigan Street.

Commercial properties on Kelly Island and buildings at the northwest corner of Michigan Avenue and South Park Avenue that would be under the elevated expressway could be affected. The new connections to I-190 at Michigan Street could impede Class I railroad operations on its rail line that runs between I-190 and Exchange Street. There could be potential effects to travel time and traffic flow at I-190 Exit 6 in the morning peak period and during events at Sahlen Field. Additionally, Concept E would cross the Buffalo River once and the City Ship Canal once with the elevated highway. Concept E would cross over NWI mapped wetlands associated with the Buffalo River and City Ship Canal. Concept E would not cross over or through or be located adjacent to NYSDEC mapped wetlands.

**Concept F: Michigan Avenue Tunnel**

This concept would remove the Buffalo Skyway structure and elevated approaches between Tiff Street and Church Street. A 3,600-foot-long tunnel would be constructed under the City Ship Canal, General Mills' facility, the Buffalo River, and Niagara Frontier Transportation Authority (NFTA) maintenance building with its northern termini in a parking lot by Perry Street (see Figure 5-4). Bridges would be constructed to connect the tunnel to I-190 Exit 6. Cut and cover construction techniques would be required to build the tunnel. These techniques involve developing protection plans and implementing support systems for structures and utilities adjacent to the tunnel prior to excavation and the creation of a trench (the "cut"). The trench allows the tunnel to be built and the surface above the tunnel is restored (the "cover"). New connections to I-190 would be built at Michigan Street.

The new connections to I-190 at Michigan Street could impede Class I railroad operations on its rail line that runs between I-190 and Exchange Street. Cut and cover techniques require substantial planning and, due to their complexity, are disruptive to traffic, businesses, and utilities in urban areas. The concept would have a high construction cost due to tunneling under the City Ship Canal and Buffalo River. Additionally, Concept F would cross below an NWI mapped wetland associated with the City Ship Canal and would also cross below an NWI mapped wetland associated with the Buffalo River with tunnel construction. This concept would not cross below or be located adjacent to NYSDEC mapped wetlands.

**Concept G: Bridge and Tunnel to Michigan Avenue**

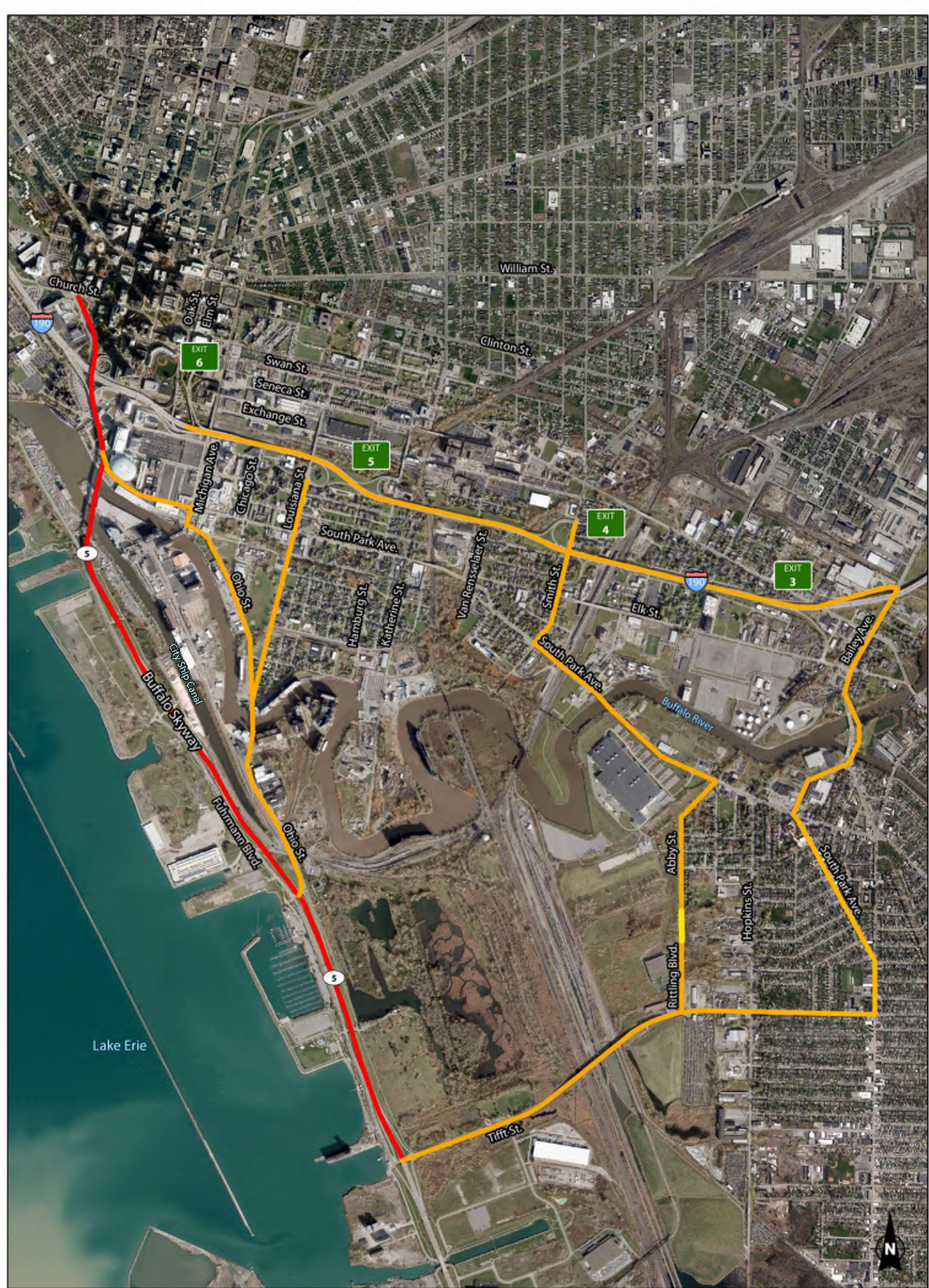
This concept would remove the Buffalo Skyway structure and elevated approaches between approximately 1.5 miles north of Tiff Street and Church Street. A 2,200-foot-long bridge over the Ship Canal and railroad tracks would be constructed outside of the navigable limits of the Ship Canal, eliminating the need for a lift bridge. A 2,450-foot-long tunnel under the Buffalo River would be constructed. The southern entry and exit would be located at Ganson Street and the northern entry and exit would be located at a parking lot by Perry Street (see Figure 5-4). I-190 Exit 6 (Elm Street) would be reconstructed. Cut and cover construction techniques would be required to build the tunnel. These techniques involve developing protection plans and implementing support systems for structures and utilities adjacent to the tunnel prior to excavation and the creation of a trench (the "cut"). The trench allows the tunnel to be built and the surface above the tunnel is restored (the "cover").

Cut and cover techniques require substantial planning and, due to their complexity, are disruptive to traffic, businesses, and utilities in urban areas. There could be potential effects to travel time and traffic flow at I-190 Exit 6 in the morning peak period and during events at Sahlen Field. The tunnel entry and exit on Ganson Street and reconstruction of Exit 6 could impede Class I railroad operations on Kelly Island and between I-190 and Exchange Street, respectively. The concept would have a high construction cost due to tunneling. The tunneling under the City Ship Canal and Buffalo River would occur below NWI mapped wetlands associated with both waterways. Concept G would not cross or be located adjacent to NYSDEC mapped wetlands.

**Concept H: Improvements to Existing Routes**

This concept would remove the Buffalo Skyway structure and elevated approaches between Tiff Street and Church Street. Existing intersections at key locations would be improved through the addition of turn lanes. Traffic signal timings would be optimized and coordinated. A new connection would be created between Rittling Boulevard and Abby Street, providing a new through movement between Tiff Street and South Park Avenue (see Figure 5-5). No additional through lanes would be added on existing streets. Even with the improvements, efficient flow of traffic on local streets would be restricted due to local deliveries, boarding and alightings at bus stops, refuse and recycling services, and pedestrian crossings.

There would be limited right-of-way impacts due to strip takings needed to add turn lanes at intersections. The new connection between Rittling Boulevard and Abby Street would be located adjacent to NWI mapped wetlands. Concept H would not cross through or over or be located adjacent to NYSDEC mapped wetlands.



- New Roadway
- Roadway and Intersection Improvements
- Removal of Skyway Structure and Elevated Approaches

**Figure 5-5**  
**Concept H**  
 P.I.N. 5134.48  
 NYS Route 5 (Buffalo Skyway) Project  
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**Concept I: New Highway Connecting NYS Route 5 to I-190**

This concept would remove the Buffalo Skyway structure and elevated approaches between Tifft Street and Church Street. NYS Route 5 would be realigned from Tifft Street to I-190 as a 2.6-mile-long four-lane highway partially along an abandoned railroad right-of-way. Improvements would be made to I-190 between Exit 3 (Seneca Street) and Exit 6. Improvements would also be made on Tifft Street from Fuhrmann Boulevard to Rittling Boulevard and Rittling Boulevard and Abby Street from Tifft Street to South Park Avenue (see Figure 5-6). A bridge would be constructed to carry the highway over the Buffalo River and the Buckeye Terminals site. The highway would have interchanges at Tifft Street, South Park Avenue near the RiverBend site, and a reconstructed I-190 Exit 3.

Up to nine commercial properties could potentially be affected by the new alignment. Strip takings of the George J. Hartman Play Fields could be required. This concept would cross Class I and Class III railroad tracks. This concept would also require one crossing of the Buffalo River with a new bridge associated with the new highway connector and would cross over NWI mapped wetlands associated with the river. The new highway would also cross through NWI and NYSDEC mapped wetland areas along Tifft Street.

**Concept J: New Tifft Street Arterial**

This concept would remove the Buffalo Skyway structure and elevated approaches between Tifft Street and Church Street. Tifft Street would be widened to a four-lane arterial on a new at-grade alignment starting near the intersection with Rittling Boulevard and heading north parallel to Abby Street and then northeast on an abandoned railroad right-of-way to connect with I-190 Exit 3 (see Figure 5-7). A bridge would be constructed to carry the highway over the Buffalo River where it would continue through the Buckeye Terminals site. Operational improvements via signal optimization and coordination would be implemented on Ohio Street, South Park Avenue, Seneca Street, Clinton Street, and William Street.

Up to two commercial properties could potentially be affected by the alignment of the arterial. This concept would require one crossing of a Class I railroad track. This concept would require one crossing within the navigable limits of the Buffalo River and would cross over NWI mapped wetlands associated with the river. Additionally, the new alignment parallel to Rittling Boulevard and Abby Street would be located adjacent to NWI mapped wetlands. Concept J would not cross over or through or be located adjacent to NYSDEC mapped wetlands.

**Concept K: Widen Milestrip Road, I-90, and I-190**

This concept would remove the Buffalo Skyway structure and elevated approaches between Tifft Street and Church Street. One additional through lane in both directions would be added on the following roadways: Milestrip Road from NYS Route 5 to I-90; I-90 from Milestrip Road to I-190; and I-190 from I-90 to I-190 Exit 6 (see Figure 5-8).

Strip right-of-way takings could be needed along I-90 at Indian Church Road. This concept would cross over multiple surface waterbodies with roadway improvements and NWI mapped wetlands associated with these waterbodies, including Rush Creek, South Branch Smoke Creek, Smoke Creek, Cazenovia Creek, and the Buffalo River. The roadway improvements along I-90 and I-190 would be located adjacent to several NWI mapped wetlands and one NYSDEC mapped wetland.

**Concept L: Construct a Katherine Street Bridge**

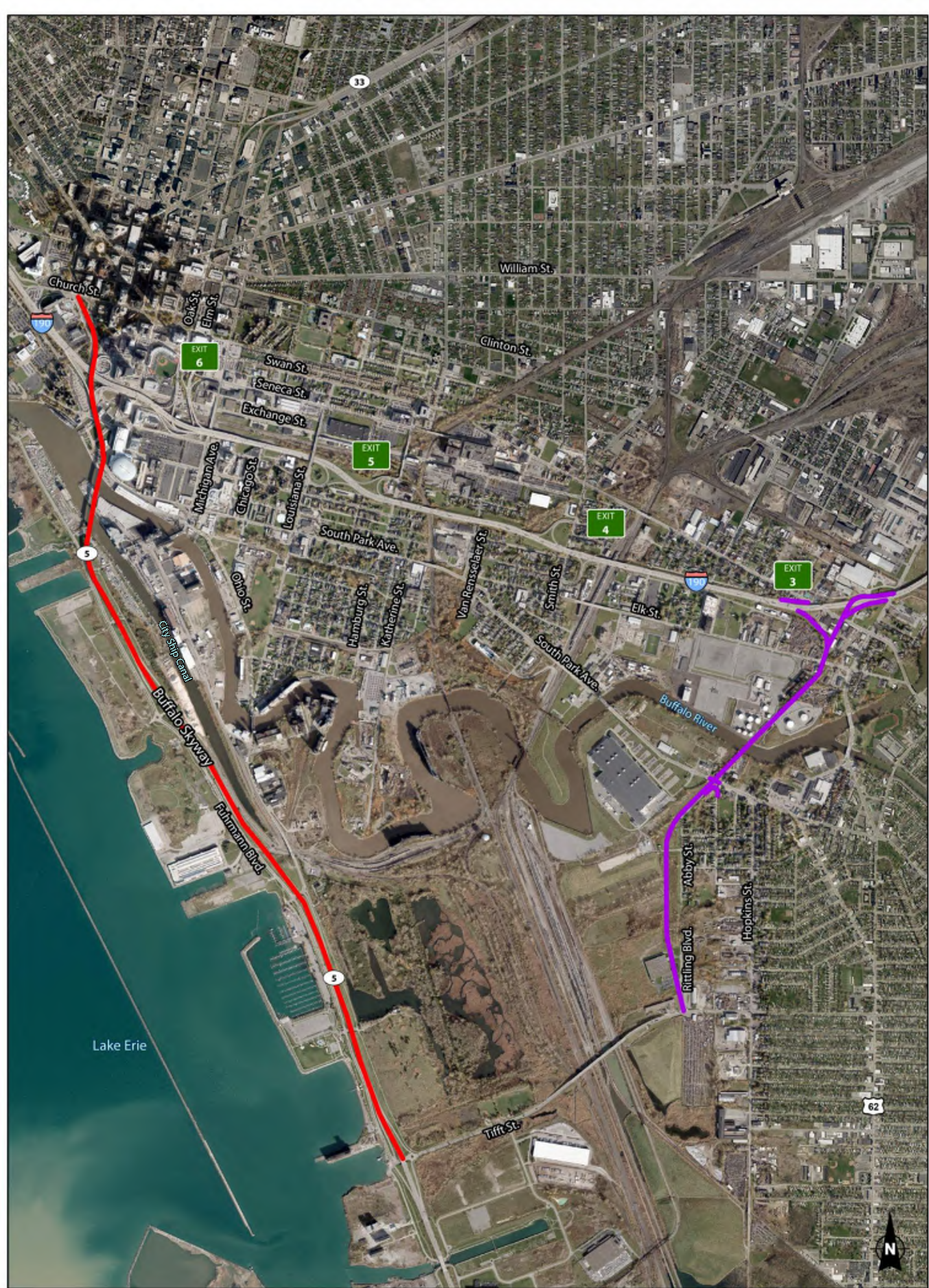
This concept would remove the Buffalo Skyway structure and elevated approaches between approximately 0.75 miles north of Tifft Street and Church Street. A 2,500-foot-long high-level bridge with 100 feet of vertical clearance would be constructed to cross the Buffalo River from east of the NYS Route 5 Ohio Street off-ramp over Class I rail lines at the Ohio Street Yard and connect with Katherine Street. The entire length of Katherine Street (approximately 5,100 feet) would be reconstructed to two 12-foot travel lanes in each direction and connect with I-190 Exit 5 at Hamburg Street (see Figure 5-4).





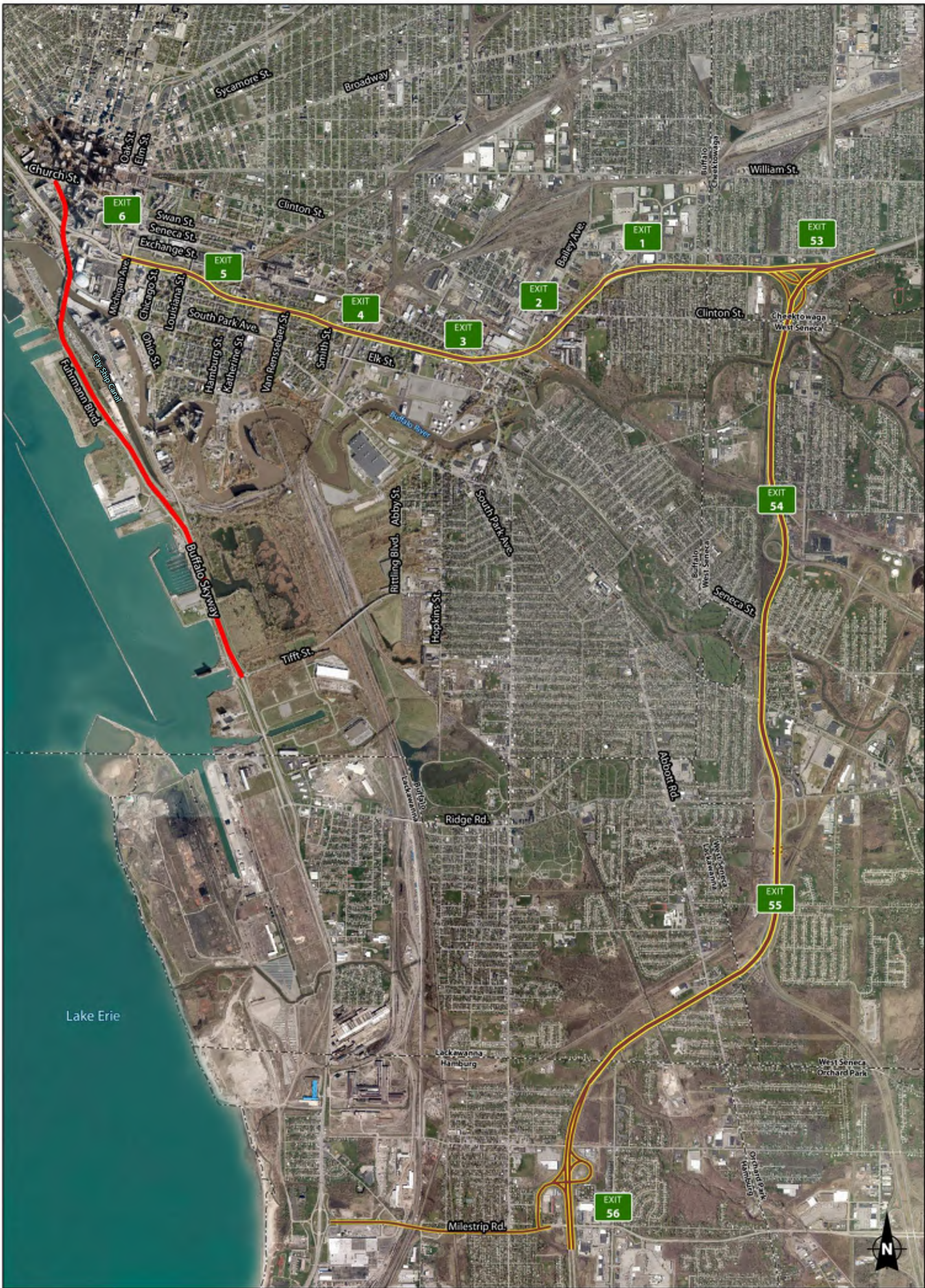
- Concept I
- Proposed Shared-Use Path
- Roadway Improvements
- Removal of Skyway Structure and Elevated Approaches

**Figure 5-6**  
**Concept I**  
 P.I.N. 5134.48  
 NYS Route 5 (Buffalo Skyway) Project  
 Erie County, NY



- New Roadway and Interchanges
- Removal of Skyway Structure and Elevated Approaches

**Figure 5-7**  
**Concept J**  
 P.I.N. 5134.48  
 NYS Route 5 (Buffalo Skyway) Project  
 Erie County, NY



- Removal of Skyway Structure and Elevated Approaches
- Roadway to be Improved

**Figure 5-8**  
**Concept K**  
 P.I.N. 5134.48  
 NYS Route 5 (Buffalo Skyway) Project  
 Erie County, NY

The concept would divert a large amount of traffic into residential areas and heavy trucks would use the local street network. This would include increased traffic near multiple industrial businesses that generate heavy truck trips, including Safety-Kleen Systems, Irish Propane Corporation, Bidco Marine Group, Messer, O'Connell Inc., and the National Tractor Trailer School. The widening of Katherine Street would require takings of up to seven residential dwellings and impede Class I railroad operations on and across Katherine Street south of O'Connell Avenue. This concept would result in one crossing of the Buffalo River and one crossing over an NWI mapped wetland associated with the river. This concept would not cross over or through or be located adjacent to NWI or NYSDEC mapped wetlands.

## 5.2 Screening of Project Concepts

This section presents the screening of project concepts. The concepts described in Section 5.1 were screened based on the project purpose and objectives. As stated in Section 3, the purpose of the Project is to realign the existing transportation network to support existing and planned recreational, mixed-use, and waterfront development in the Buffalo Outer Harbor and Inner Harbor areas. The Project will also address the safety, operational, and capacity deficiencies of the highway connections that serve economic development areas and local communities within South Buffalo.

The project objectives (which further refine the project purpose) are:

1. Remove the Buffalo Skyway structure and elevated approaches between Tiff Street and Church Street;
2. Accommodate the traffic currently carried by the Buffalo Skyway structure and approaches on an improved transportation network;
3. Provide safety, operational, and capacity improvements to the highway connections between NYS Route 5 and I-190; and
4. Reduce commercial vehicular traffic traveling on local residential streets near the RiverBend site by providing improved commercial vehicular access between I-190 and the site.

As stated in Section 3, the project purpose and objectives were developed in consultation with the FHWA to address the identified transportation needs within the area (see Section 3.2) and define the fundamental reasons why the Project is being proposed.

Each of the concepts was screened using the project purpose and objectives listed above. If a concept would not meet one or more of the project objectives, it was dismissed from further consideration, as it, by definition, would not be considered a reasonable alternative for the Project. The screening was conducted in the order of the objectives listed above. For example, if a concept would not meet the first objective listed above (i.e., remove the Buffalo Skyway structure and elevated approaches between Tiff Street and Church Street), then it was dismissed without further consideration of the remaining project objectives.

For projects requiring an Individual Permit under Section 404 of the Clean Water Act, the USACE must comply with the Section 404(b)(1) Guidelines.<sup>19</sup> As per Section 230.10(a) of the Section 404(b)(1) Guidelines, there must be no "practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences." The Guidelines define "practicable" as "available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes." Thus, a concept that would not meet the project purpose and objectives would not meet this definition of "practicable."

In addition to the screening criteria, the following were also considered:

- Future availability of mass transit,
- Excessive cost,

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<sup>19</sup> <https://www.epa.gov/cwa-404/cwa-section-404b1-guidelines-40-cfr-230>

- Potential effects on properties,
- Neighborhoods,
- Freight railroads, and
- Environmental resources.

The screening of concepts is described in the subsections below.

### **5.2.1 Objective to Remove the Buffalo Skyway Structure and Elevated Approaches Between Tiftt Street and Church Street**

As described in Section 5.1, Concepts 1, 2, 3, 4, 7, 11, 13, 14, 16, A, B, D, E, G, and L do not meet the project objective to remove the Buffalo Skyway structure and elevated approaches between Tiftt Street and Church Street. Thus, these 15 concepts are not reasonable or practicable alternatives for the Project and were dismissed from further consideration.

Thirteen (13) concepts (5, 6, 8, 9, 10, 12, 15, C, F, H, I, J, and K) would meet the project objective to remove the Buffalo Skyway structure and elevated approaches between Tiftt Street and Church Street. and were considered further under the second project objective.

### **5.2.2 Objective to Accommodate the Traffic Currently Carried by the Buffalo Skyway Structure and Approaches on an Improved Transportation Network**

Concepts 5, 6, 8, 9, 10, 12, 15, C, F, H, I, J, and K would meet the first project objective to remove the Buffalo Skyway structure and elevated approaches between Tiftt Street and Church Street, and thus, were screened based on the second project objective.

#### **5.2.2.1 Initial Screening**

Concept 5 would not meet the project objective to accommodate the traffic currently carried by the Buffalo Skyway structure and approaches on an improved transportation network. The proposed connections from Fuhrmann Boulevard to South Michigan Avenue, and Fuhrmann Boulevard to South Street would add five total lift bridges that would impede traffic when in the open position for commercial ships. The amount of traffic (including commercial vehicles) diverted to the local street network with the removal of the Buffalo Skyway and roadway capacity improvements limited to the proposed multi-modal boulevard would result in severe congestion during peak periods. NYS Route 5 traffic would either use the proposed at-grade, lower-speed boulevard to the new bascule bridges that connect to Main Street or the existing Ohio Street lift bridge. The additional traffic on Main Street would not have direct access to I-190. Per the most recent data available from the United States Census Bureau (2014-2018 American Community Survey 5-Year Estimates), 7,298 (1.8%) of the 411,387 workers in Erie County, New York with access to at least one vehicle used public transportation to commute to work. The shift to other modes of transport as proposed in this concept (e.g., bus rapid transit, ferries) is not projected to be substantial given local travel characteristics. Thus, Concept 5 is not a reasonable or practicable alternative for the Project and was dismissed from further consideration.

Concept 6 would not meet the project objective to accommodate the traffic currently carried by the Buffalo Skyway structure and approaches on an improved transportation network. The amount of traffic (including commercial vehicles) diverted to the local street network with the removal of the Buffalo Skyway and limited new roadway improvements would result in severe congestion during peak periods. Per the most recent data available from the United States Census Bureau (2014-2018 American Community Survey 5-Year Estimates), 7,298 (1.8%) of the 411,387 workers in Erie County, New York with access to at least one vehicle used public transportation to commute to work. The shift of trips to other modes of transport as proposed in this concept (e.g., light rail, aerial tramway) is not projected to be substantial given local travel characteristics and preferences. Thus, Concept 6 is not a reasonable or practicable alternative for the Project and was dismissed from further consideration.

Concept 8 would not meet the project objective to accommodate the traffic currently carried by the Buffalo Skyway structure and approaches on an improved transportation network. The amount of traffic (including commercial vehicles) diverted to the local street network with the removal of the Buffalo Skyway and conversion of I-190 to a parkway would result in severe congestion during peak periods. Per the most recent data available from the United States Census Bureau (2014-2018 American Community Survey 5-Year Estimates), 7,298 (1.8%) of the 411,387 workers in Erie County, New York with access to at least one vehicle used public transportation to commute to work. The shift to light rail is not projected to be substantial given local travel characteristics and preferences. Thus, Concept 8 is not a reasonable or practicable alternative for the Project and was dismissed from further consideration.

Concept 9 would not meet the project objective to accommodate the traffic currently carried by the Buffalo Skyway structure and approaches on an improved transportation network. The amount of traffic (including commercial vehicles) diverted to the local street network with the removal of the Buffalo Skyway and roadway capacity improvements limited to the proposed parkway would result in severe congestion during peak periods. Per the most recent data available from the United States Census Bureau (2014-2018 American Community Survey 5-Year Estimates), 7,298 (1.8%) of the 411,387 workers in Erie County, New York with access to at least one vehicle used public transportation to commute to work. The shift to light rail resulting from the potential Buffalo Metro Rail extension is not projected to be substantial given local travel characteristics and preferences. Thus, Concept 9 is not a reasonable or practicable alternative for the Project and was dismissed from further consideration.

Concept 10 would not meet the project objective to accommodate the traffic currently carried by the Buffalo Skyway structure and approaches on an improved transportation network. The amount of traffic (including commercial vehicles) diverted to the local street network with the removal of the Buffalo Skyway would result in severe congestion during peak periods as only the Ohio Street widening would provide additional capacity for automobiles and trucks. Per the most recent data available from the United States Census Bureau (2014-2018 American Community Survey 5-Year Estimates), 7,298 (1.8%) of the 411,387 workers in Erie County, New York with access to at least one vehicle used public transportation to commute to work. The shift to light rail resulting from the potential Buffalo Metro Rail extension is not projected to be substantial given local travel characteristics and preferences. Thus, Concept 10 is not a reasonable or practicable alternative for the Project and was dismissed from further consideration.

#### 5.2.2.2 Additional Screening

Concepts C and F, which both include tunnels, would carry the traffic from NYS Route 5 to I-190 and Church Street and would meet the objective to accommodate the traffic currently carried by the Buffalo Skyway structure and approaches on an improved transportation network. However, tunnel concepts have:

- A high construction cost in excess of \$1.5 billion. The programmed total project cost is \$600 million. The ability to secure additional funds that are more than twice the budget in comparison to other transportation needs and the State's fiscal constraints is not reasonable within the foreseeable future;
- Slurry disposal and thousands of truckloads that would be transported to a disposal site via barge or other means;
- Extensive construction duration; and
- Environmental effects due to the size of the site needed to construct the tunnel and the tunnel portals.

Thus, Concepts C and F are not reasonable or practicable alternatives for the Project and were dismissed from further consideration.

### 5.2.2.3 Concepts Warranting Further Study

To determine whether Concepts 12, 15, H, I, J and K would meet the second project objective, additional traffic study was conducted. In addition, Figures 5-9, 5-10, 5-11, and 5-12 depict these six concepts in relation to minority populations, low-income populations, wetlands, parks and recreation areas, and navigable waters. Figure 5-13 depicts Concepts 12, 15, H, I, and J in relation to Buffalo River habitat restoration projects. There are no habitat restoration projects in the vicinity of Concept K.

#### *Traffic Study*

A traffic study was conducted for Concepts H, I, J, and K to determine the potential effects that could result from diverting the traffic currently carried by the Buffalo Skyway structures and approaches to other roadways. The potential effects of Concepts 12 and 15 were estimated using the available information submitted as part of the “Aim for the Sky: The Buffalo Skyway Corridor Competition” and/or applicable results from the traffic study conducted for the other concepts. Since the second objective is to accommodate the traffic currently carried by the Buffalo Skyway structure and approaches on an improved transportation network, concepts that are projected to increase total delay by an unreasonable amount, defined as more than 33% over the No-Build, were considered to not meet the objective. The application of delay in excess of one-third above a baseline is consistent with the approach used by multiple transportation agencies across the country to define congestion on roadway segments (i.e., a travel time index of 1.3 and higher is considered congested).

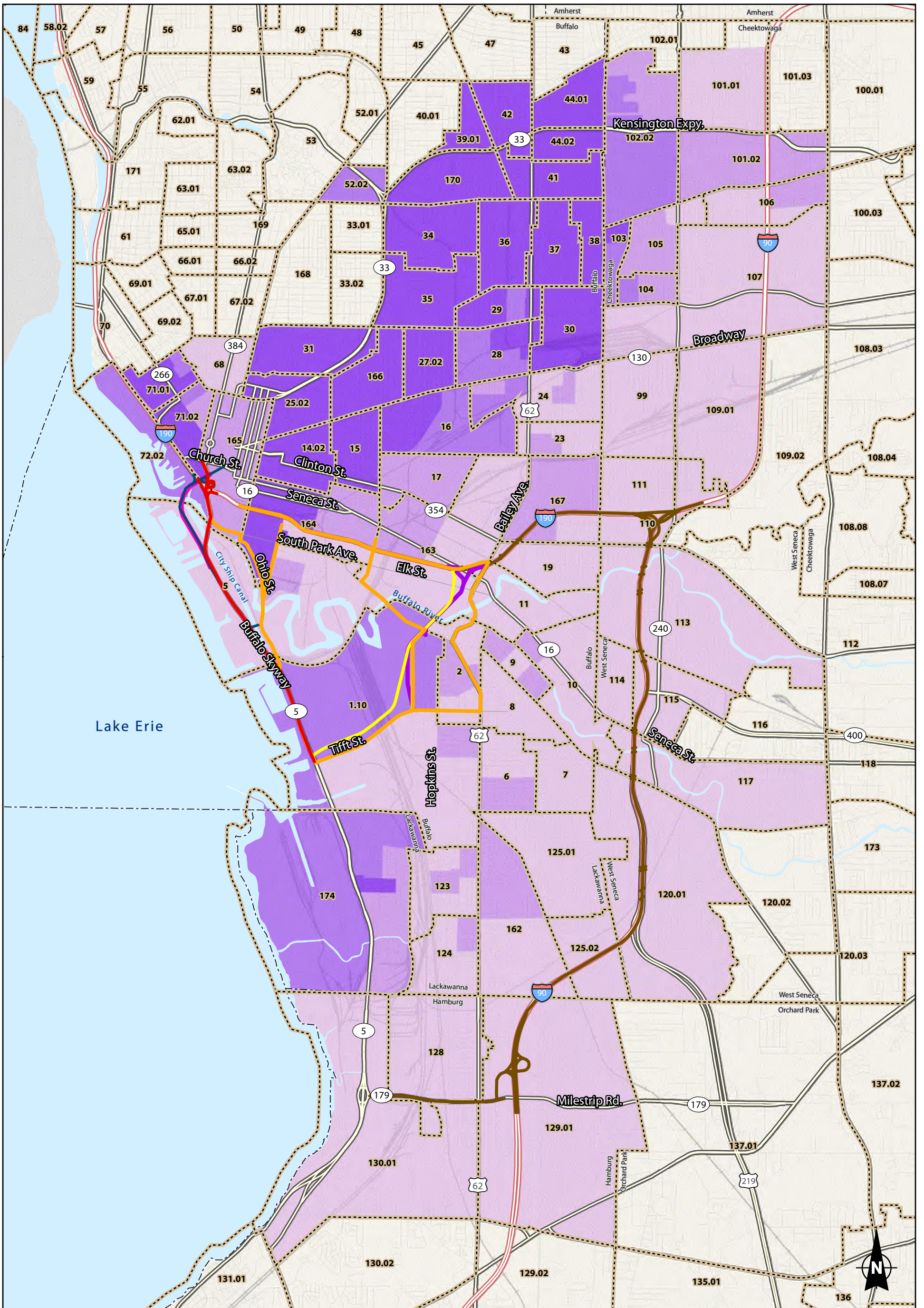
The results are provided in Appendix B of this Scoping Report. Recently completed plans and studies that evaluated potential future public transportation initiatives in the Buffalo-Niagara region were also reviewed to evaluate potential mode shift related to the introduction of additional transit service.

The traffic study for Concepts I, J, and K was conducted using VISSIM and the traffic study for Concept H was conducted using Synchro. The traffic study provides order of magnitude results for year 2025, the estimated time of completion (ETC) for the Project. Although the results could change between this preliminary traffic study and the fully calibrated model that will be developed and used for the DDR/DEIS, the results provide a reasonable estimate of the degree to which these concepts would accommodate the redistributed traffic while minimizing impacts to existing freeways and the local street network.

Table 5-1 presents the results of the traffic study of Concepts I, J and K.

Concept H was evaluated in Synchro because it is a software designed to analyze signalized arterials and has an optimization feature that selects appropriate cycle lengths and offsets to optimize signal coordination along a defined corridor. Therefore, the Synchro results for Concept H cannot be directly compared to the other three concepts that were studied in VISSIM. Both the 2025 No Build and 2025 Concept H conditions were studied in Synchro so that the results are both from the same software and can provide a valid comparison (see Table 5-2). The results are provided for signalized intersections and do not include any freeway segments or ramp junctions. The capacity analysis results demonstrate that Concept H would result in substantial delay and congestion throughout the study area network. Many of the major north-south corridors into Downtown Buffalo, such as Ohio Street, Louisiana Street, and South Park Avenue are one lane in each direction. Despite improvements to signal timing and intersection geometry, the local roadway network does not have enough reserve capacity to accommodate the additional traffic from the Buffalo Skyway structure and approaches.

Concepts that would increase total overall delay (AM plus PM peak period delay) by more than 33% over the No-Build for the estimated time of completion (2025) were dismissed from further consideration. Increases in total delay for Concepts J (44%), K (64%) and H (95%) in 2025 would be greater than 33%. Concept I would increase delay by approximately 15% compared to the No-Build for the 2025 build year. Thus, Concepts H, J, and K are not reasonable or practicable alternatives for the Project and were dismissed from further consideration.



- Buffalo Skyway Corridor
- Railroad
- Interstate Highway
- State/U.S. Highway
- City/Town Boundary
- Census Tract Number and Boundary

Percentage of Population within Census Block Group where Race/Ethnicity is Self-Identified as Something Other than "White, Not Hispanic, or Latino Non-Hispanic"

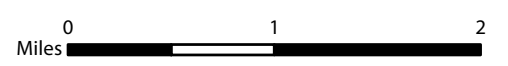
- <25%
- 25%-50%
- 50%-75%
- 75%-90%
- >90%

Data not presented for unshaded census tracts

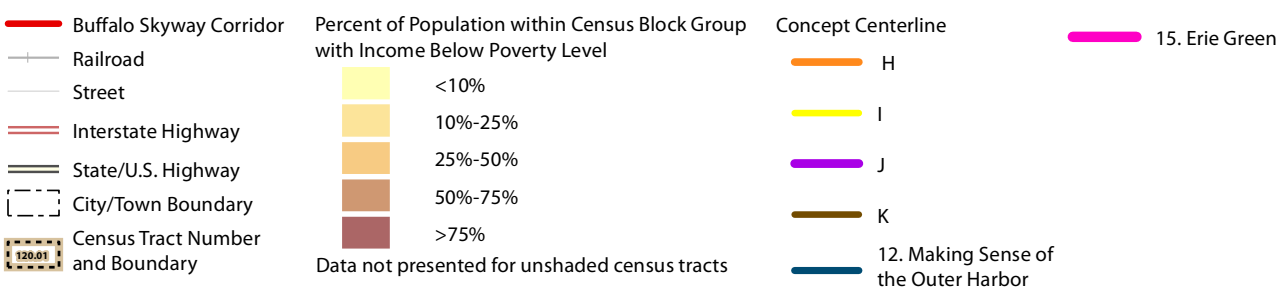
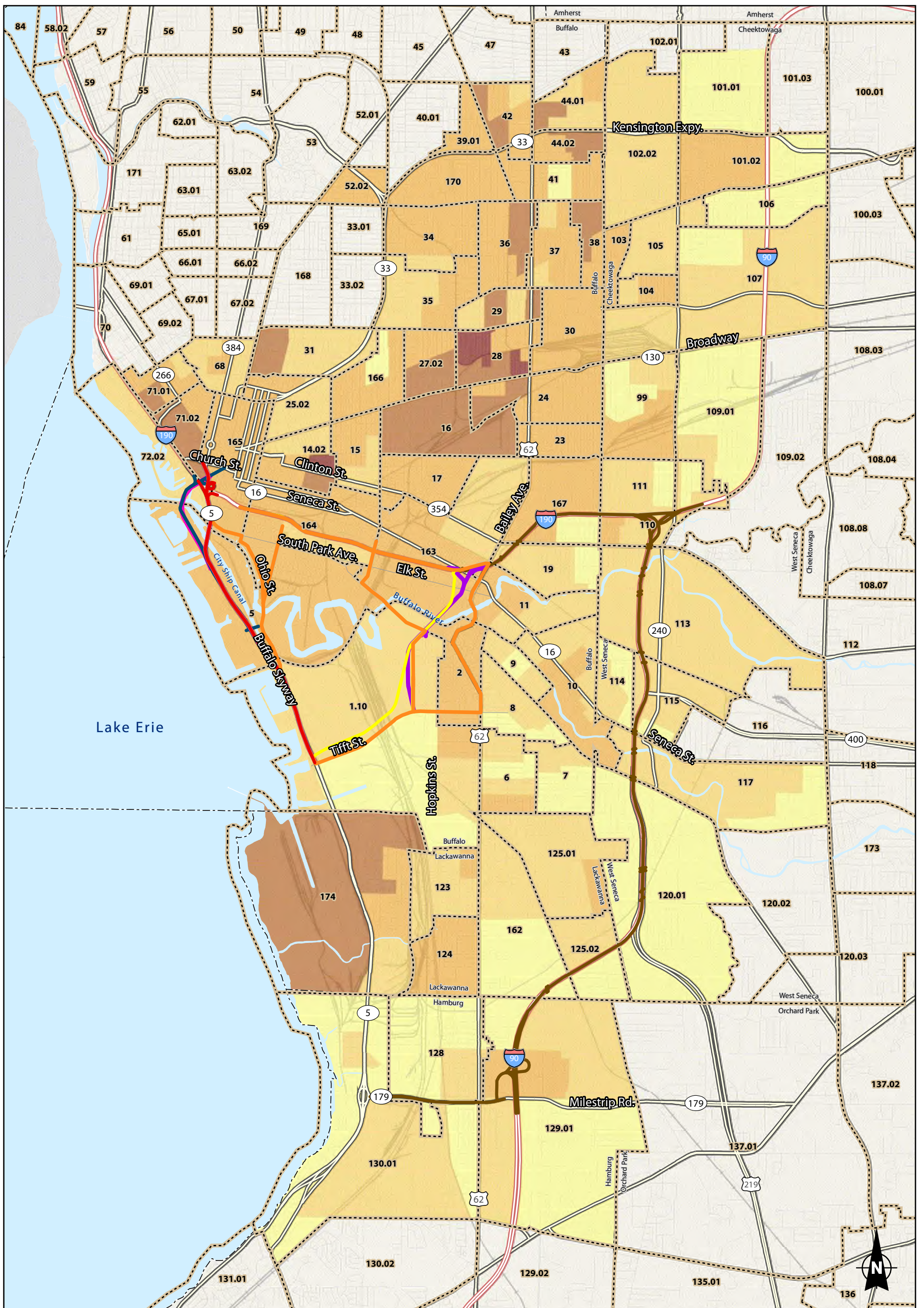
- Concept Centerline
- H
  - I
  - J
  - K
  - 12. Making Sense of the Outer Harbor

15. Erie Green

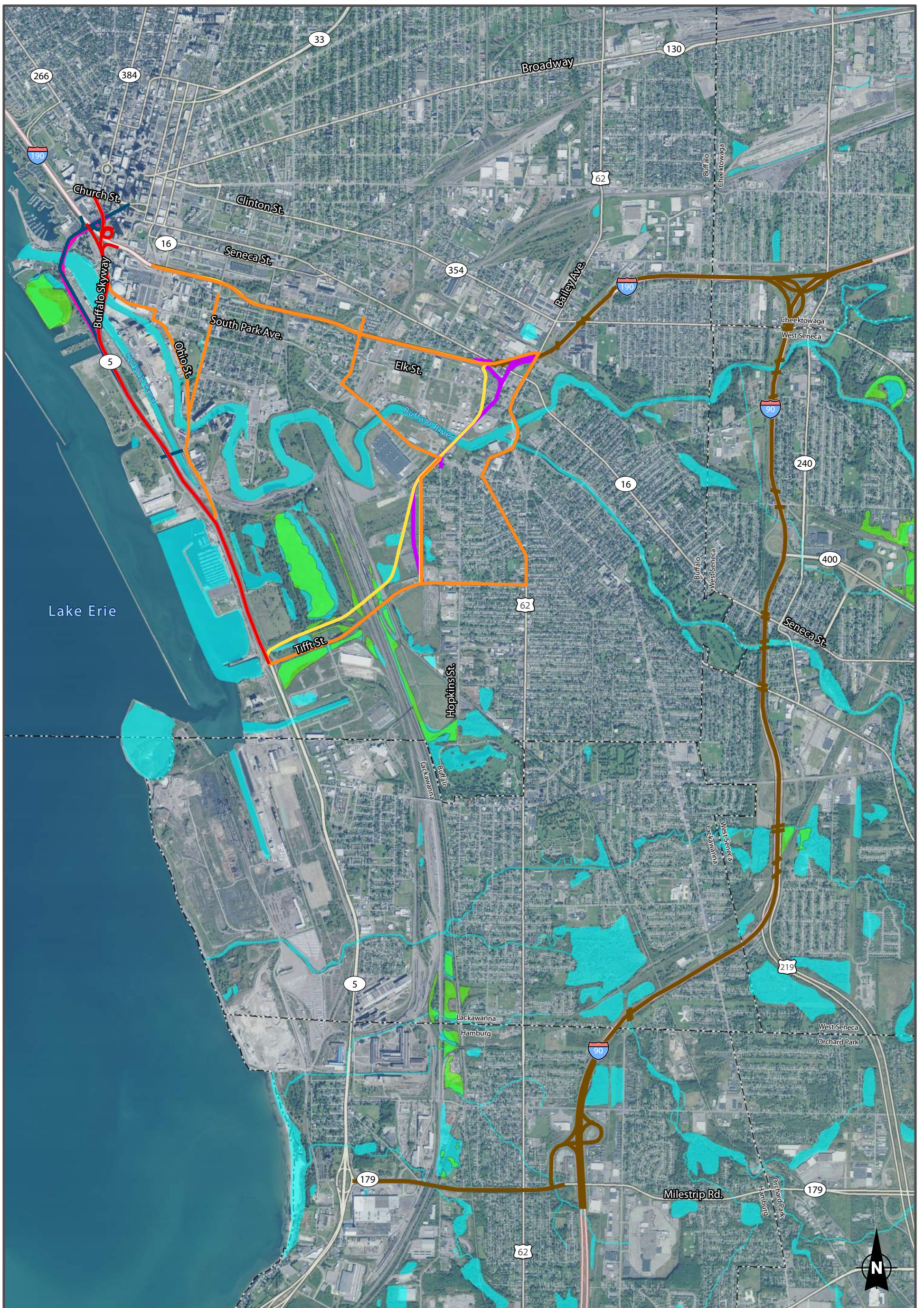
**Figure 5-9**  
**Concepts 12, 15, and H through K**  
**Minority Population**  
 P.I.N. 5134.48  
 NYS Route 5 (Buffalo Skyway) Project  
 Erie County, NY







**Figure 5-10**  
**Concepts 12, 15, and H through K**  
**Low Income Population**  
 P.I.N. 5134.48  
 NYS Route 5 (Buffalo Skyway) Project  
 Erie County, NY

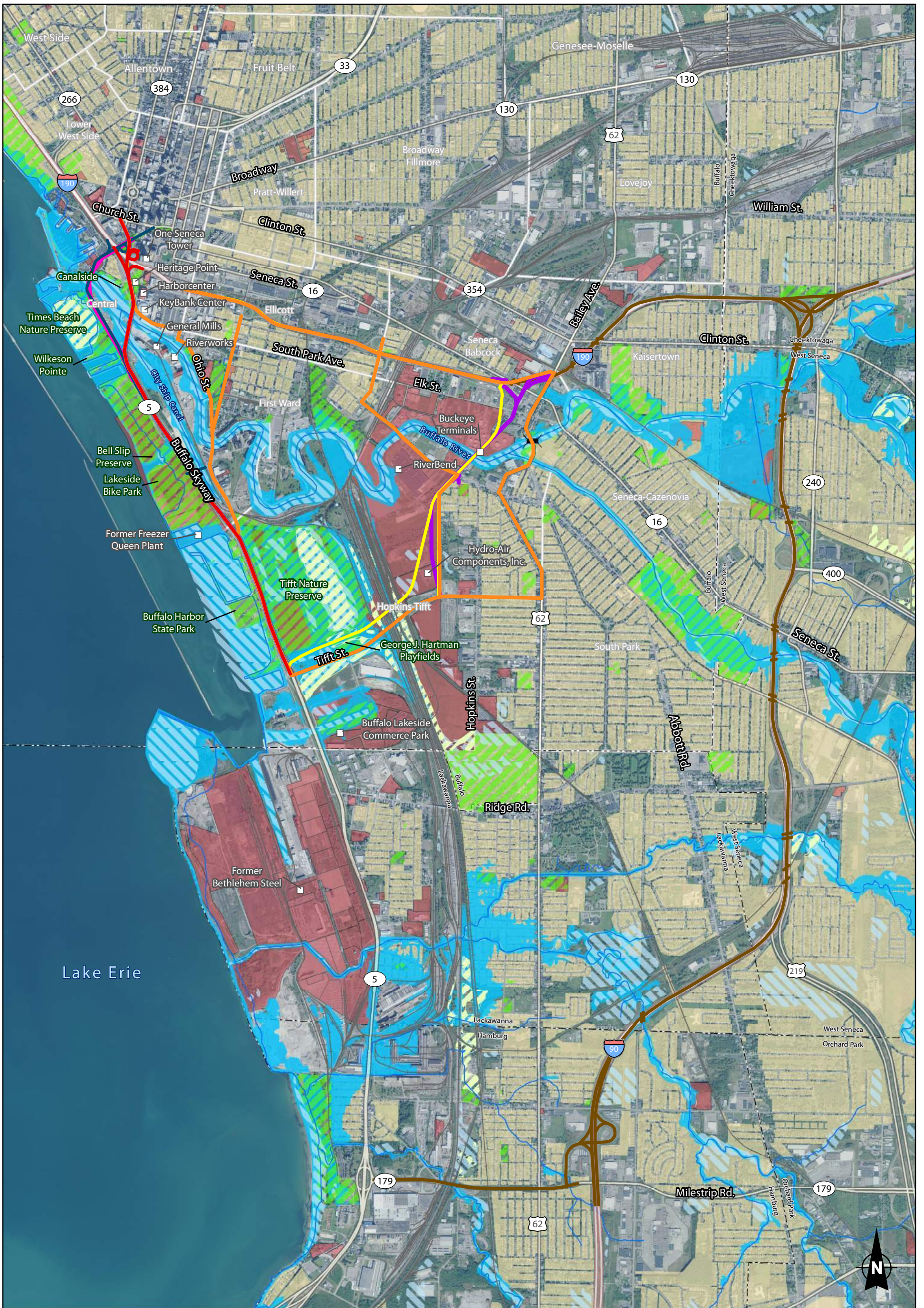


- Buffalo Skyway Corridor
- Interstate Highway
- State/U.S. Highway
- City/Town Boundary
- NYSDEC Mapped Wetland
- National Wetlands Inventory (NWI) Mapped Wetland

- Concept Centerline
- H
- I
- J
- K
- 12. Making Sense of the Outer Harbor
- 15. Erie Green

**Figure 5-11**  
**Concepts 12, 15, and H through K**  
**Federal and State Wetlands**  
 P.I.N. 5134.48  
 NYS Route 5 (Buffalo Skyway) Project  
 Erie County, NY

Source: Ecology and Environment, Inc. 2020; NYSDEC 2019; NYS DOS 2016; USFWS 2019; USDA 2019.

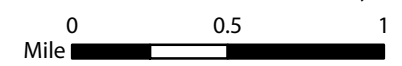


- Railroad
- Interstate Highway
- State/U.S. Highway
- Buffalo Skyway Corridor
- - - City/Town Boundary
- ▭ Neighborhood
- ▭ Residential Zone
- ▭ Business/Commercial Centers
- U.S. Coast Guard Navigable Water Limit
- Surface Waters and Waterways
- ▭ NYSDEC Remediation Site
- ▭ NYSDEC Mapped Wetland
- ▭ NWI Mapped Wetland
- ▭ Park or Recreation Area
- ▭ 100 Year Flood Zone

- Concept Centerline
- H
- I
- J
- K
- 12. Making Sense of the Outer Harbor
- 15. Erie Green

**Figure 5-12**  
**Concepts 12, 15, and H through K**  
**Social, Economic, and**  
**Environmental Considerations**  
 P.I.N. 5134.48  
 NYS Route 5 (Buffalo Skyway) Project  
 Erie County, NY

Source: Ecology and Environment, Inc. 2020; ESRI 2019; FEMA 2019; NYSDEC 2019; NYS DOS 2016; USFWS 2019; USDA 2019.





- |   |                                      |
|---|--------------------------------------|
| Buffalo Skyway Corridor                                   | Concept Centerline H                 |
| Interstate Highway  | Concept Centerline I                 |
| State/U.S. Highway  | Concept Centerline J                 |
| Completed Great Lakes Legacy Act Site                     | 12. Making Sense of the Outer Harbor |
| Completed Great Lakes Restoration Initiative Project Site | 15. Erie Green                       |
| Ongoing Great Lakes Restoration Initiative Project Site   |                                      |

**Figure 5-13**  
**Concepts 12, 15, H, I, and J**  
**Buffalo River Habitat Restoration Projects**  
 P.I.N. 5134.48  
 NYS Route 5 (Buffalo Skyway) Project  
 Erie County, NY

Concept 12 would have traffic results similar to Concept H and thus, the increases in total delay for Concept 12 would exceed the 33% threshold. Thus, Concept 12 is not a reasonable or practicable alternative for the Project and was dismissed from further consideration.

**Table 5-1: VISSIM Results for Concepts I, J, and K**

Period	Scenario	Number of Signalized Intersections Operating at an Overall LOS E or F			Number of Freeway Segments Operating at LOS E or F			Network Measures		
		LOS E	LOS F	Total	LOS E	LOS F	Total	Total Daily Peak Period Delay (hrs)	Avg Speed (mph)	Latent Demand* (# of vehicles)
AM Peak	2025 No Build	8	5	13 out of 131	7	9	16 out of 126	2,363	29	306
	Concept I	12	7	19 out of 133	3	10	13 out of 124	2,870	27	349
	Concept J	4	11	15 out of 132	3	16	19 out of 122	2,925	25	892
	Concept K	8	8	16 out of 131	6	10	16 out of 122	4,096	22	641
PM Peak	2025 No Build	18	30	48 out of 131	0	30	30 out of 126	6,965	17	2,265
	Concept I	19	31	50 out of 133	4	20	24 out of 124	7,895	14	3,905
	Concept J	24	37	61 out of 132	1	20	21 out of 122	10,477	9	6,708
	Concept K	17	44	61 out of 131	0	27	27 out of 122	11,247	11	2,996

\*Latent demand represents the number of vehicles that were unable to enter the VISSIM model network due to congestion on the link connected to a vehicle input zone that allows entry into the VISSIM model network.

**Table 5-2: Synchro Results for Concept H**

Period	Scenario	Number of Signalized Intersections Operating at an Overall LOS E or F			Network Measures		
		LOS E	LOS F	Total	Total Daily Peak Period Delay	Avg Speed (mph)	Number of Unserved Vehicles
AM Peak	2025 No Build	1	4	5 out of 54	891	36	1,584
	Concept H	4	13	17 out of 54	2,162	28	6,923
PM Peak	2025 No Build	1	7	8 out of 54	1,454	34	3,726
	Concept H	4	11	15 out of 54	2,255	30	6,974

Concept 15 has traffic signal preemption for transit and reduced speeds that would affect traffic efficiency. However, the concept could be able to carry the traffic from NYS Route 5 to I-190 and Church Street and

could meet the objective to accommodate the traffic currently carried by the Buffalo Skyway structure and approaches on an improved transportation network.

Concept I would and Concept 15 could meet the project objective to accommodate the traffic currently carried by the Buffalo Skyway structure and approaches on an improved transportation network, and thus, were considered under the third project objective.

### **5.2.3 Objective to Provide Safety, Operational, and Capacity Improvements to the Highway Connections Between NYS Route 5 and I-190**

Concept 15 proposes new interchange ramps on I-190 that would result in ramp spacing on I-190 that is less than the recommended minimums as specified in the American Association of State Highway and Transportation Officials (AASHTO) Green Book. In particular, in Concept 15, the distance from the westbound I-190 on-ramp to the Church Street (Exit 7) off-ramp would be less than 500 feet, compared to the recommended minimum of 2,000 feet in the AASHTO Green Book Chapter 10. This would reduce the safety and operational efficiency of I-190 and would create an unsafe weaving condition. This concept would also require the taking of the Buffalo Sailing School at the north end of Fuhrmann Boulevard and would impact water access in downtown Buffalo. Thus, Concept 15 is not a reasonable or practicable alternative for the Project and was dismissed from further consideration.

Concept I provides a four-lane divided freeway connection with complete control of access between NYS Route 5 and I-190 and an interchange with South Park Avenue that would allow for high-speed travel. The divided, controlled access highway with median barrier would provide a safe highway connection between NYS Route 5 and I-190. The ramp spacing meets AASHTO Chapter 10 recommended minimums and would allow for a safe connection for traffic travelling to and from I-190. Therefore, Concept I meets the objective to provide safety, operational, and capacity improvements to the highway connections between NYS Route 5 and I-190.

### **5.2.4 Objective to Reduce Commercial Vehicular Traffic Traveling on Local Residential Streets Near the RiverBend Site by Providing Improved Commercial Vehicular Access Between I-190 and the Site**

Concept I would reduce commercial vehicular traffic traveling on local residential streets near the RiverBend site by providing improved commercial vehicular access between I-190 and the site. As discussed previously, trucks and other commercial vehicles accessing the RiverBend site primarily utilize I-190 Exit 5 southbound via Louisiana Street and I-190 Exit 4 northbound and southbound via Smith Street. The new South Park Avenue interchange proposed in Concept I would be located in close proximity to the RiverBend site and would be approximately one-half mile from I-190 Exit 3, providing more convenient ingress and egress for commercial vehicles. Therefore, Concept I meets the project objective to reduce commercial vehicular traffic traveling on local residential streets near the RiverBend site by providing improved commercial vehicular access between I-190 and the site.

## **5.3 Reasonable Alternatives that Will be Advanced for Detailed Study in the DDR/DEIS**

As stated above, the NYSDOT undertook a comprehensive and objective evaluation of a range of concepts for the Project. Of the 28 concepts considered, it was determined that only one concept (Concept I) would meet the project purpose and all of the project objectives.

Based on wetland field work and further evaluation of Concept I, it was determined that the western portion of the alignment of Concept I would potentially impact approximately three to five acres of wetlands that are hydrologically connected with both wetlands within the Tiff Nature Preserve and Lake Erie. These wetlands provide habitat support to a variety of upland and wetland flora and fauna within

downtown Buffalo. For example, the wetlands are part of the larger Atlantic Flyway corridor<sup>20</sup> and the Important Bird Area Program of the National Audubon Society<sup>21</sup>. New York has classified Tiff Nature Preserve as an Important Bird Area due to the high level of avian habitat support that they provide. Due to the hydrologic connection and similar habitat of the wetlands crossed by Concept I, it would be expected that they would provide similar avian habitat.

Based on these potential wetland impacts and in consideration of agency input, the NYSDOT studied variations to the Concept I alignment that would avoid, minimize, or reduce impacts to the wetlands referenced above. Two variations, described below, were determined to be both reasonable and practicable and are being advanced for detailed study in the DDR/DEIS as two separate build alternatives. The initial alignment of Concept I was dismissed from further consideration.

### 5.3.1 Build Alternative 1: New Highway Connecting NYS Route 5 to I-190

Build Alternative 1 combines the primary elements of Concept I: New Highway Connecting NYS Route 5 to I-190 and Concept H: Improvements to Existing Streets/Intersections (described below). Although Concept H alone would not meet the project purpose and objectives, it was determined during the concept screening process that the improvements under Concept H could provide an overall traffic benefit when combined with Concept I. A shared-use path that would connect Tiff Street with South Park Avenue was also added in consideration of public comments received during the scoping comment period.

Build Alternative 1 would remove the Buffalo Skyway structure and elevated approaches between Tiff Street and Church Street and realign NYS Route 5 from Tiff Street to I-190 via a new controlled access highway partially utilizing abandoned railroad right-of-way. The highway connector would include interchanges at Tiff Street, South Park Avenue, and I-190. The new interchange with I-190 would replace the current partial interchange at Exit 3 and be dedicated to movements between the highway connector and I-190. To accommodate the additional traffic that would utilize I-190, improvements would be made to I-190 between the new Exit 3 and existing Exit 6 (Elm Street). Existing streets and intersections at key locations would be improved through the addition of turn lanes and traffic signal optimization and coordination. To improve operating conditions for bicyclists and pedestrians, a shared-use path would be constructed to connect Tiff Street with South Park Avenue (see Figure 5-14).

The new alignment of the highway connector could potentially affect up to 11 commercial properties, including partial takings of two parcels in the Buffalo Lakeside Commerce Park. Within these two parcels, the highway connector would potentially impact approximately six to seven acres of wetlands. These wetlands are not connected to a larger complex of mapped wetlands. There would be limited right-of-way impacts due to strip takings needed to add turn lanes at intersections. Build Alternative 1 would cross Class I and Class III railroad tracks and require one crossing of the navigable portion of the Buffalo River for the new bridge carrying the highway connector. In total, Build Alternative 1 would potentially impact approximately nine to 10 acres of wetlands, including wetlands to the east of the railroad tracks.

Build Alternative 1 would incorporate the following features:

- Remove the approximately 3.4 miles of existing four-lane section of NYS Route 5 between Tiff Street and Church Street.
- Construct an approximately 2.6-mile-long four-lane separated controlled access highway with a 55 miles per hour speed limit between Tiff Street and I-190 through primarily undeveloped land, former brownfields, and abandoned railroad right-of-way. Multiple new bridges would be required, including a crossing over the rail yard adjacent to Tiff Street and over the Buffalo River near the abandoned railroad bridge and Buckeye Terminals. Grade separation would be maintained for the Buckeye Terminals access road via a structure over the road and no relocation of fuel tanks would be necessary. Three interchanges would also be constructed:

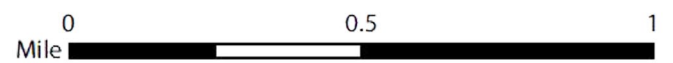
<sup>20</sup> <https://www.fws.gov/birds/management/flyways.php>

<sup>21</sup> <https://www.audubon.org/important-bird-areas/state/new-york>



- Build Alternative 1 - New Roadway
- Proposed Shared-Use Path
- Roadway Improvements
- Removal of Skyway Structure and Elevated Approaches

**Figure 5-14**  
**Build Alternative 1**  
**New Highway Connecting NYS Route 5 and I-190**  
 P.I.N. 5134.48  
 NYS Route 5 (Buffalo Skyway) Project  
 Erie County, NY





- Interchange A – entrance and exit ramps accommodating traffic to and from Tiftt Street, Fuhrmann Boulevard, and NYS Route 5 south of Tiftt Street;
- Interchange B – entrance and exit ramps accommodating traffic to and from South Park Avenue; and
- Interchange C – entrance and exit ramps accommodating traffic to and from northbound and southbound I-190 at the new Exit 3, while removing access to I-190 north via Seneca Street and removing access to James P. Coppola Sr. Boulevard from I-190 south.
- Provide improvements on I-190 between Exit 3 and Exit 6 to reduce traffic delay. These improvements could consist of, but are not limited to, the following: longer acceleration/deceleration lanes, auxiliary lanes between selected interchanges, incident management to reduce non-reoccurring congestion, improvements to ramp geometry, ramp metering for entering traffic, improvements to ramp terminal signals to improve traffic flow exiting the freeway, and Transportation Demand Management (TDM) measures to reduce peak traffic volumes.
- Improve signal synchronization and intersection design, as needed, throughout the vicinity of the Buffalo Skyway corridor.
- Introduce traffic calming measures and improve conditions for bicyclists and pedestrians along the approximately 1.5-mile section of Tiftt Street from Fuhrmann Boulevard to Hopkins Street.
- Construct a shared-use path from the existing shared-use path at the George J. Hartman Play Fields entrance, extending along the north side of Tiftt Street east and continuing along the west side of Rittling Boulevard, then creating a connection on the west side of Abby Street until terminating at South Park Avenue. This would provide a continuous facility dedicated to non-motorized users in South Buffalo to access the existing Shoreline Trail (a component of the NYSDOT Southtowns Connector/Buffalo Outer Harbor Project), creating a direct connection to the Outer Harbor, the Inner Harbor, and the Buffalo River.

As discussed in Section 3.2, the NYSDOT Southtowns Connector/Buffalo Outer Harbor Project included two phases (“Phase 2” and “Phase 3”) that were not advanced due to funding constraints. Build Alternative 1 would not preclude the future reconstruction of NYS Route 5 between Ridge Road and Milestrip Road, which was “Phase 2” of that project. Regarding “Phase 3” of that project, which involved the construction of a Tiftt Street Arterial, Build Alternative 1 includes a new highway between Tiftt Street and I-190, which is needed to accommodate the traffic currently carried by the Buffalo Skyway structure and approaches.

The evaluation of Build Alternative 1 that was conducted in establishing the reasonable alternatives for the Project is described below.

*Meets Project Purpose*

As documented above, Build Alternative 1 meets the project purpose.

*Meets Project Objectives*

As documented below, Build Alternative 1 meets all of the project objectives.

- *Remove the Buffalo Skyway structure and elevated approaches between Tiftt Street and Church Street*

Build Alternative 1 would remove the Buffalo Skyway structure and elevated approaches between Tiftt Street and Church Street, including the following bridges:

- Buffalo Skyway (NYS Route 5 Viaduct) over Buffalo River (BIN 1001579)
- Buffalo Skyway Ramps over I-190 (BIN 100157A, BIN 100157B, BIN100157C)
- NYS Route 5 over Outer Harbor Drive (BIN 1078850)
- NYS Route 5 over Service Road D/Pedestrian Walkway (BIN 1079100)
- NYS Route 5 over CSX Transportation, Inc. Beachline Railroad (BIN 1001559)
- NYS Route 5 over Ohio Street (BIN 1001549)
- NYS Route 5 over Tiftt Nature Preserve (BIN 1079110)
- NYS Route 5 over Tiftt Street (BIN 1074280)

- NYS Route 5 over bike path (BIN 1074270)

The removal of these bridges and excavation of approximately 900,000 square feet of pavement and embankment (as well as any additional earthwork to bring the grade down to that of Fuhrmann Boulevard) would create approximately 45 acres of land that could be repurposed along Buffalo's Inner Harbor and Outer Harbor. Potential development of the land currently occupied by the Buffalo Skyway structure and approaches would be market-driven and subject to local land use and other applicable regulations.

*Accommodate the traffic currently carried by the Buffalo Skyway structure and approaches on an improved transportation network*

Build Alternative 1 would accommodate the traffic currently using the Buffalo Skyway and initial projections of future traffic in the area within the vicinity of the Buffalo Skyway corridor. The highway connector between Tiftt Street and I-190 would provide the same number of lanes as the current facility and would meet all design standards. Improvements to I-190 between Exit 3 and Exit 6 have the potential to address current and future delay and reduce non-standard features on that facility. The partial interchange at I-190 Exit 3 would be replaced with an interchange that accommodates connections in all directions to and from the highway connector. The remainder of the traffic currently using the Buffalo Skyway would divert to other appropriate roadways, including (but not limited to) Louisiana Street, South Park Avenue, and Ohio Street, which would be improved to enhance safety, operations, and throughput.

Based on an evaluation of the alignment of Build Alternative 1 and the initial Concept I alignment, the results of the traffic study conducted for the initial Concept I alignment have been determined to be applicable to Build Alternative 1 and are presented in Table 5-3. Based on the traffic study, it was determined that Build Alternative 1 would meet the second project objective by not increasing total delay more than 33% over the No-Build.

- *Provide safety, operational, and capacity improvements to the highway connections between NYS Route 5 and I-190*

Build Alternative 1 would include improvements to roadways that serve the economic development areas and local communities within South Buffalo. These improvements would also serve those vehicles that would be diverted from the removal of the Buffalo Skyway but not use the proposed highway connector. Candidate improvements include redesigned intersections, removal of non-standard features, and upgraded traffic signal and vehicle detection equipment. These improvements would be anticipated to decrease crashes in the area within the vicinity of the Buffalo Skyway corridor, including on South Park Avenue, Tiftt Street, Ohio Street, and Bailey Avenue, which have accident rates above the statewide average for similar roadways. Adaptive traffic signal control enabled by new signals and vehicle detection equipment would reduce existing and projected future delay at intersections.

- *Reduce commercial vehicular traffic traveling on local residential streets near the RiverBend site by providing improved commercial vehicular access between I-190 and the site*

Build Alternative 1 would reduce the need for trucks accessing the RiverBend site to travel through residential areas. As discussed in Section 3.2, trucks accessing the RiverBend site primarily use I-190 Exit 4 and Exit 5. This results in truck traffic traveling on local residential streets, creating conflicts with other users, including bicyclists and pedestrians. Interchange B of the highway connector would be located at South Park Avenue in close proximity to the RiverBend site and would be approximately one-half mile from the reconfigured I-190 Exit 3.

**Table 5-3: VISSIM Results for Build Alternative 1**

Period	Scenario	Number of Signalized Intersections Operating at an Overall LOS E or F			Number of Freeway Segments Operating at LOS E or F			Network Measures		
		LOS E	LOS F	Total	LOS E	LOS F	Total	Total Daily Peak Period Delay (hrs)	Avg Speed (mph)	Latent Demand (# of vehicles)
AM Peak	2025 No Build	8	5	13 out of 131	7	9	16 out of 126	2,363	29	306
	Build Alternative 1	12	7	19 out of 133	3	10	13 out of 124	2,870	27	349
PM Peak	2025 No Build	18	30	48 out of 131	0	30	30 out of 126	6,965	17	2,265
	Build Alternative 1	19	31	50 out of 133	4	20	24 out of 124	7,895	14	3,905

**5.3.2 Build Alternative 2: New Boulevard Connecting NYS Route 5 to I-190**

Build Alternative 2 combines elements of Concept I: New Highway Connecting NYS Route 5 to I-190, elements of Concept J: New Tiftt Street Arterial, and elements of Concept H: Improvements to Existing Streets/Intersections (described below). Although Concept J alone would not meet the project purpose and objectives, it was determined that elements of Concepts I and J could be modified and combined to accommodate the traffic currently carried by the Buffalo Skyway structure and approaches. In addition, although Concept H alone would not meet the project purpose and objectives, it was determined during the concept screening process that the improvements under Concept H could provide an overall traffic benefit when combined with Concept I. A shared-use path that would connect Tiftt Street with South Park Avenue was also added in consideration of public comments received during the scoping comment period.

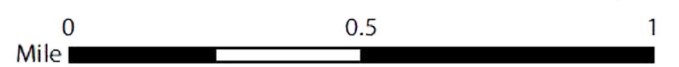
Build Alternative 2 would remove the Buffalo Skyway structure and elevated approaches between Tiftt Street and Church Street and realign NYS Route 5 from Tiftt Street to I-190 via a new boulevard partially utilizing the existing Tiftt Street corridor and abandoned railroad right-of-way. The boulevard would include connections at Fuhrmann Boulevard, Ship Canal Parkway, Tiftt Street, South Park Avenue, and I-190. The new interchange with I-190 would replace the current partial interchange at Exit 3 and be dedicated to movements between the boulevard and I-190. To accommodate the additional traffic that would utilize I-190, improvements would be made to I-190 between the new Exit 3 and existing Exit 6 (Elm Street). Existing streets and intersections at key locations would be improved through the addition of turn lanes and traffic signal optimization and coordination. To improve operating conditions for bicyclists and pedestrians, a shared-use path would be constructed to connect Tiftt Street with South Park Avenue (see Figure 5-15).

The new alignment of the boulevard could potentially affect up to 17 commercial properties, including a partial taking of one parcel and strip takings of two parcels in the Buffalo Lakeside Commerce Park. Within these parcels, the boulevard would potentially impact approximately two to three acres of wetlands. These wetlands are not connected to a larger complex of mapped wetlands. There would be limited right-of-way impacts due to strip takings needed to add turn lanes at intersections. Build Alternative 2 would cross Class I and Class III railroad tracks and require one crossing of the navigable portion of the Buffalo River for the new bridge carrying the boulevard. In total, Build Alternative 2 would potentially impact approximately eight to nine acres of wetlands, including wetlands to the east of the railroad tracks.



- Build Alternative 2 - New Roadway
- Build Alternative 2 - Tift Street Removal
- Proposed Shared-Use Path
- Roadway Improvements
- Removal of Skyway Structure and Elevated Approaches

**Figure 5-15**  
**Build Alternative 2**  
**New Boulevard Connecting NYS Route 5 to I-190**  
 P.I.N. 5134.48  
 NYS Route 5 (Buffalo Skyway) Project  
 Erie County, NY



Build Alternative 2 would incorporate the following features:

- Remove the approximately 3.4 miles of existing four-lane section of NYS Route 5 between Tiftt Street and Church Street.
- Construct an approximately 2.6-mile-long four-lane separated boulevard with partial control of access and a 40 miles per hour speed limit along a portion of Tiftt Street and connecting to I-190 through primarily undeveloped land, former brownfields, and abandoned railroad right-of-way. Multiple new bridges would be required, including a crossing over the rail yard adjacent to Tiftt Street and over the Buffalo River near the abandoned railroad bridge and Buckeye Terminals. Tiftt Street to the east of the rail yard would be realigned to connect with the new boulevard. Access to the rail yard access road on the south side of the existing Tiftt Street alignment would be maintained with Tiftt Street removed west of that access road. Grade separation would be maintained for the Buckeye Terminals access road via a structure over the road and no relocation of fuel tanks would be necessary. Three interchanges would also be constructed:
  - Interchange A – entrance and exit ramps accommodating traffic to and from Tiftt Street east of the rail yard;
  - Interchange B – entrance and exit ramps accommodating traffic to and from South Park Avenue; and
  - Interchange C – entrance and exit ramps accommodating traffic to and from northbound and southbound I-190 at the new Exit 3, while removing access to I-190 north via Seneca Street and removing access to James P. Coppola Sr. Boulevard from I-190 south.
- Two intersections would be modified:
  - Tiftt Street, Fuhrmann Boulevard, and NYS Route 5 – the current roundabout would be replaced with a traffic-signal controlled intersection with dedicated lanes to accommodate movements in all directions between the boulevard and Fuhrmann Boulevard.
  - Tiftt Street and Ship Canal Parkway – dedicated right turn lanes and left turn lanes would be added on Tiftt Street at the existing traffic-signal controlled intersection.
- Provide improvements on I-190 between Exit 3 and Exit 6 to reduce traffic delay. These improvements could consist of, but are not limited to, the following: longer acceleration/deceleration lanes, auxiliary lanes between selected interchanges, incident management to reduce non-reoccurring congestion, improvements to ramp geometry, ramp metering for entering traffic, improvements to ramp terminal signals to improve traffic flow exiting the freeway, and Transportation Demand Management (TDM) measures to reduce peak traffic volumes.
- Improve signal synchronization and intersection design, as needed, throughout the vicinity of the Buffalo Skyway corridor.
- Introduce traffic calming measures and improve conditions for bicyclists and pedestrians along the approximately 2,000-foot section of Tiftt Street from the new Interchange A to Hopkins Street.
- Construct a shared-use path from the existing shared-use path at the George J. Hartman Play Fields entrance, extending along the north side of Tiftt Street east and continuing along the new bridge over the rail yard until terminating at South Park Avenue. This would provide a continuous facility dedicated to non-motorized users in South Buffalo to access the existing Shoreline Trail (a component of the NYSDOT Southtowns Connector/Buffalo Outer Harbor Project), creating a direct connection to the Outer Harbor, the Inner Harbor, and the Buffalo River.

As discussed in Section 3.2, the NYSDOT Southtowns Connector/Buffalo Outer Harbor Project included two phases (“Phase 2” and “Phase 3”) that were not advanced due to funding constraints. Build Alternative 2 would not preclude the future reconstruction of NYS Route 5 between Ridge Road and Milestrip Road, which was “Phase 2” of that project. Regarding “Phase 3” of that project, which involved the construction of a Tiftt Street Arterial, Build Alternative 2 includes a new boulevard partially along the existing Tiftt Street alignment connecting to I-190, which is needed to accommodate the traffic currently carried by the Buffalo Skyway structure and approaches.

The evaluation of Build Alternative 2 that was conducted in establishing the reasonable alternatives for the Project is described below.

### Meets Project Purpose

As documented above, Build Alternative 2 meets the project purpose.

Meets Project Objectives

As documented below, Build Alternative 2 meets all of the project objectives.

- *Remove the Buffalo Skyway structure and elevated approaches between Tift Street and Church Street*

Build Alternative 2 would remove the Buffalo Skyway structure and elevated approaches between Tift Street and Church Street, including the following bridges:

- Buffalo Skyway (NYS Route 5 Viaduct) over Buffalo River (BIN 1001579)
- Buffalo Skyway Ramps over I-190 (BIN 100157A, BIN 100157B, BIN100157C)
- NYS Route 5 over Outer Harbor Drive (BIN 1078850)
- NYS Route 5 over Service Road D/Pedestrian Walkway (BIN 1079100)
- NYS Route 5 over CSX Transportation, Inc. Beachline Railroad (BIN 1001559)
- NYS Route 5 over Ohio Street (BIN 1001549)
- NYS Route 5 over Tift Nature Preserve (BIN 1079110)
- NYS Route 5 over Tift Street (BIN 1074280)

The removal of these bridges and excavation of approximately 900,000 square feet of pavement and embankment (as well as any additional earthwork to bring the grade down to that of Fuhrmann Boulevard) would create approximately 45 acres of land that could be repurposed along Buffalo's Inner Harbor and Outer Harbor. Potential development of the land currently occupied by the Buffalo Skyway structure and approaches would be market-driven and subject to local land use and other applicable regulations.

- *Accommodate the traffic currently carried by the Buffalo Skyway structure and approaches on an improved transportation network*

Build Alternative 2 would accommodate the traffic currently using the Buffalo Skyway and initial projections of future traffic in the area within the vicinity of the Buffalo Skyway corridor. The boulevard would provide the same number of lanes as the current facility and would meet all design standards. Improvements to I-190 between Exit 3 and Exit 6 have the potential to address current and future delay and reduce non-standard features on that facility. The partial interchange at I-190 Exit 3 would be replaced with an interchange that accommodates connections in all directions to and from the boulevard. The remainder of the traffic currently using the Buffalo Skyway would divert to other appropriate roadways, including (but not limited to) Louisiana Street, South Park Avenue, and Ohio Street, which would be improved to enhance safety, operations, and throughput.

A traffic study was conducted for Build Alternative 2 and the results are presented in Table 5-4. Based on the traffic study, it was determined that Build Alternative 2 would meet the second project objective by not increasing total delay more than 33% over the No-Build.

- *Provide safety, operational, and capacity improvements to the highway connections between NYS Route 5 and I-190*

Build Alternative 2 would include improvements to roadways that serve the economic development areas and local communities within South Buffalo. These improvements would also serve those vehicles that would be diverted from the removal of the Buffalo Skyway but not use the proposed boulevard. Candidate improvements include redesigned intersections, removal of non-standard features, and upgraded traffic signal and vehicle detection equipment. These improvements would be anticipated to decrease crashes in the area within the vicinity of the Buffalo Skyway corridor, including on South Park Avenue, Tift Street, Ohio Street, and Bailey Avenue, which have accident rates above the statewide average for similar roadways. Adaptive traffic signal control enabled by new signals and vehicle detection equipment would reduce existing and projected future delay at intersections.

**Table 5-4: VISSIM Results for Build Alternative 2**

Period	Scenario	Number of Signalized Intersections Operating at an Overall LOS E or F			Number of Freeway Segments Operating at LOS E or F			Network Measures		
		LOS E	LOS F	Total	LOS E	LOS F	Total	Total Daily Peak Period Delay (hrs)	Avg Speed (mph)	Latent Demand (# of vehicles)
AM Peak	2025 No Build	8	5	13 out of 131	7	9	16 out of 126	2,363	29	306
	Build Alternative 2	9	6	15 out of 132	3	14	17 out of 122	2,776	26	218
PM Peak	2025 No Build	18	30	48 out of 131	0	30	30 out of 126	6,965	17	2,265
	Build Alternative 2	5	66	71 out of 132	3	30	33 out of 107	9,288	12	6,433

- *Reduce commercial vehicular traffic traveling on local residential streets near the RiverBend site by providing improved commercial vehicular access between I-190 and the site*

Build Alternative 2 would reduce the need for trucks accessing the RiverBend site to travel through residential areas. As discussed in Section 3.2, trucks accessing the RiverBend site primarily use I-190 Exit 4 and Exit 5. This results in truck traffic traveling on local residential streets, creating conflicts with other users, including bicyclists and pedestrians. Interchange B of the boulevard would be located at South Park Avenue in close proximity to the RiverBend site and would be approximately one-half mile from the reconfigured I-190 Exit 3.

**5.3.3 Potential for Social and Environmental Effects**

A preliminary evaluation of the potential for effects on minority and low-income populations, wetlands, navigable waters, parks and recreation areas, and habitat restoration projects was undertaken for Build Alternative 1 and Build Alternative 2. Table 5-5 presents a summary of the social and environmental considerations.

Minority Population

Figure 5-16 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) by census tract and the alignments of Build Alternative 1 and Build Alternative 2 (the initial Concept 1 alignment is also shown for reference).

As shown, Build Alternative 1 and Build Alternative 2 would both be located within census tracts that contain at least one block group with a minority population of 25% or greater, and thus, have the potential to affect these communities.

In addition, the diversion of traffic currently using the Buffalo Skyway onto local streets, as described in the traffic study discussion and Appendix B, has the potential to affect communities with minority populations.

**Table 5-5: Summary of Social and Environmental Considerations for Build Alternative 1 and Build Alternative 2**

Key Topic Area						
Concept/ Alternative	Minority Population <sup>a</sup>	Low Income Population <sup>b</sup>	Wetlands	Park and Recreation Areas	Navigable Waters	Habitat Restoration Projects
Build Alternative 1	Located within census tracts with minority population; potential for effects on these communities.	Located within census tracts with low income population; potential for effects on these communities.	Potentially impact approximately nine to 10 acres of wetlands.	Would be located within 1,000 feet of park and recreation areas; potential for effects on these areas.	Would cross the Buffalo River within its navigable limits; but is not expected to impede water navigation.	Would parallel the site of the City Ship Canal submerged and emergent vegetation planting project and cross the eastern-most extent of the RiverBend I restoration site.
Build Alternative 2	Located within census tracts with minority population; potential for effects on these communities.	Located within census tracts with low income population; potential for effects on these communities.	Potentially impact approximately eight to nine acres of wetlands.	Would be located within 1,000 feet of park and recreation areas; potential for effects on these areas.	Would cross the Buffalo River within its navigable limits; but is not expected to impede water navigation.	Would parallel the site of the City Ship Canal submerged and emergent vegetation planting project and cross the eastern-most extent of the RiverBend I restoration site.
<sup>a</sup> 25% or greater of population within census block group where race/ethnicity is self-identified as something other than "White, Not Hispanic, or Latino Non-Hispanic." <sup>b</sup> 25% or greater of population within census block group with income below poverty level.						

Low Income Population

Figure 5-17 depicts the percentage of the population within census block groups where income is below the poverty level (low income population) by census tract and the alignments of Build Alternative 1 and Build Alternative 2 (the initial Concept I alignment is also shown for reference).

As shown, Build Alternative 1 and Build Alternative 2 would both be located within census tracts that contain at least one block group with a low income population of 25% or greater, and thus, have the potential to affect these communities.

In addition, the diversion of traffic currently using the Buffalo Skyway onto local streets, as described in the traffic study discussion and Appendix B, has the potential to affect communities within minority populations.

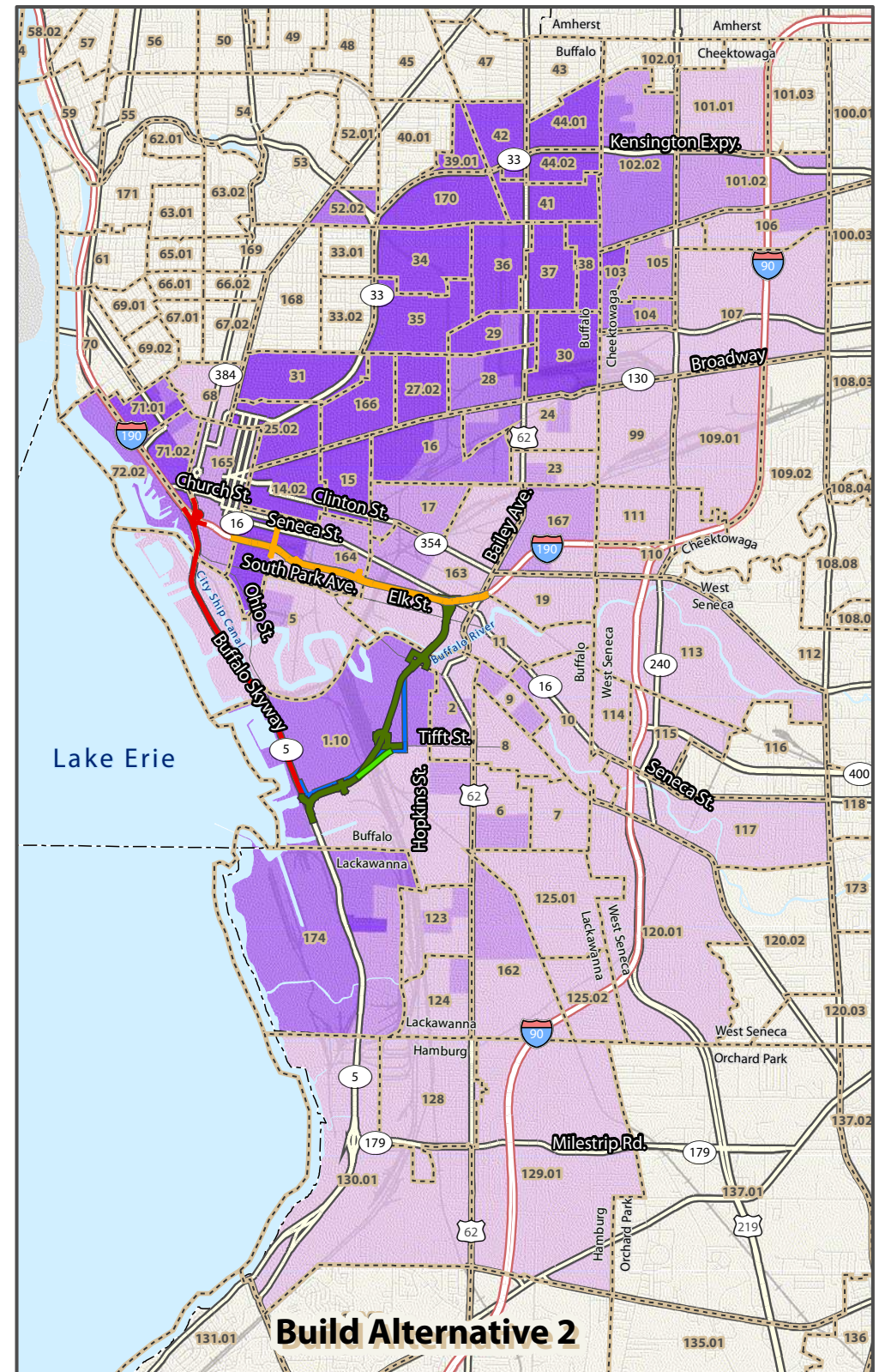
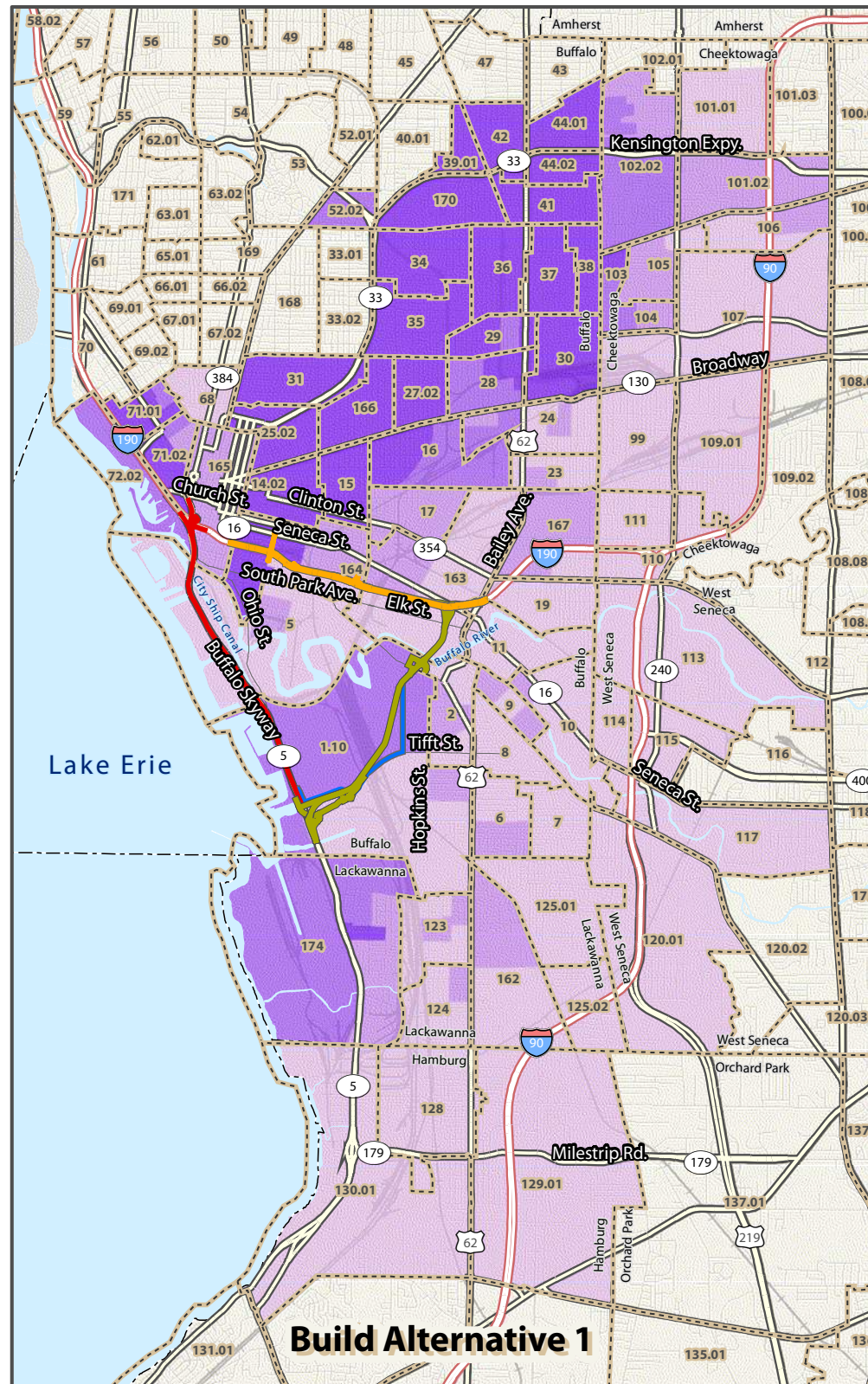
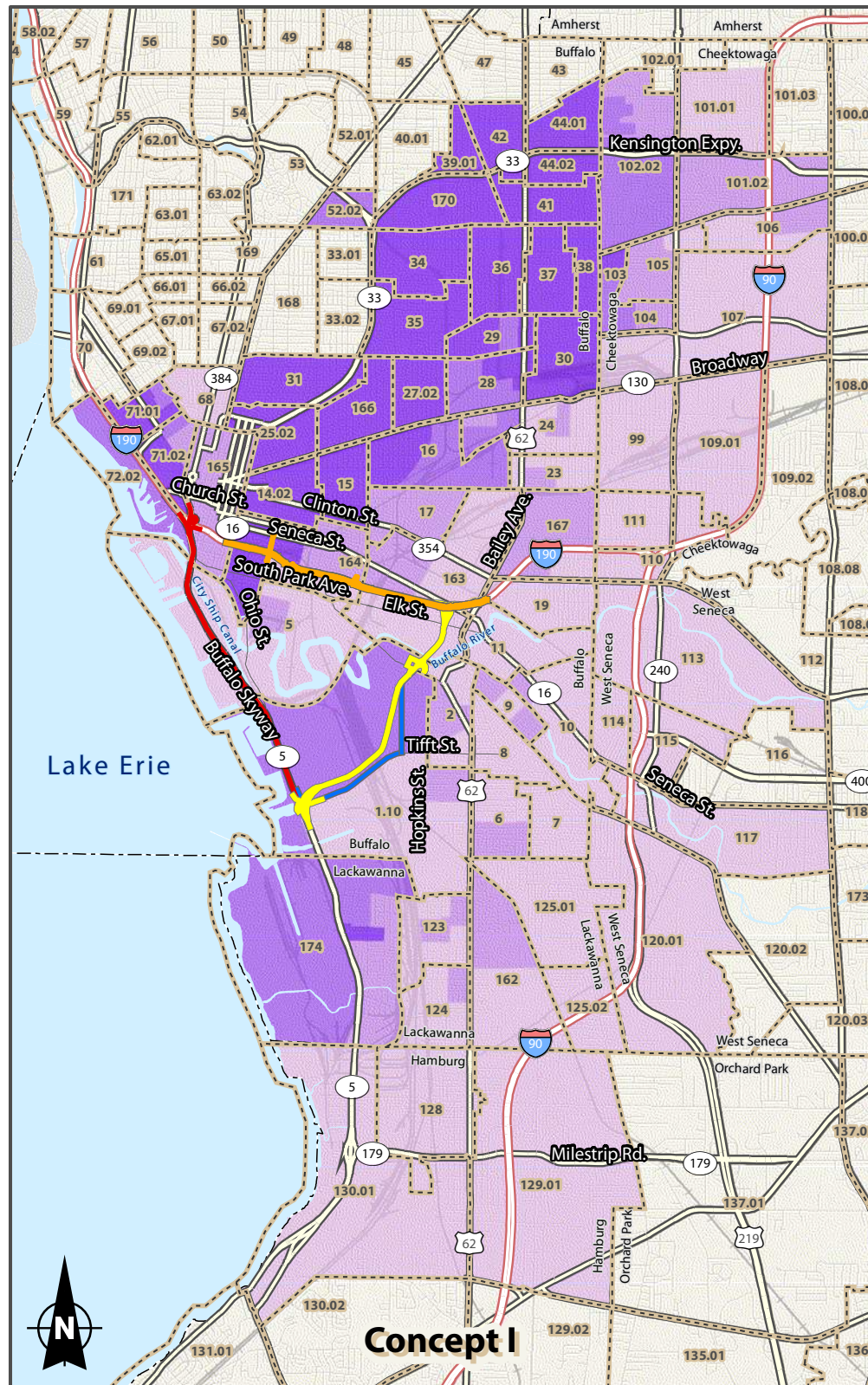
Wetlands

Figure 5-18 depicts wetlands and the alignments of Build Alternative 1 and Build Alternative 2 (the initial Concept I alignment is also shown for reference).

Build Alternative 1 would cross over wetlands at the new bridge over the Buffalo River and would cross through wetlands along Tiff Street west of Rittling Boulevard and west of the Buffalo River, including south of Tiff Street through the Buffalo Lakeside Commerce Park. Based on preliminary field work, Build Alternative 1 would potentially impact approximately nine to ten acres of wetlands.

Build Alternative 2 would cross over wetlands at the new bridge over the Buffalo River and would cross through wetlands along Tiff Street west of Rittling Boulevard and west of the Buffalo River, including





- Railroad
- Interstate Highway
- State/U.S. Highway
- Buffalo Skyway Corridor
- City/Town Boundary
- Census Tract Number and Boundary

Percentage of Population within Census Block Group where Race/Ethnicity is Self-Identified as Something Other than "White, Not Hispanic, or Latino Non-Hispanic"

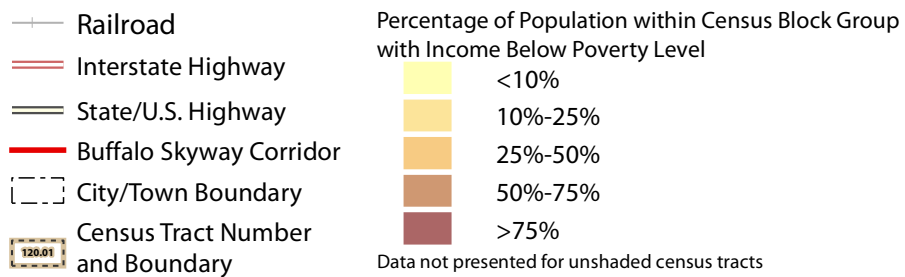
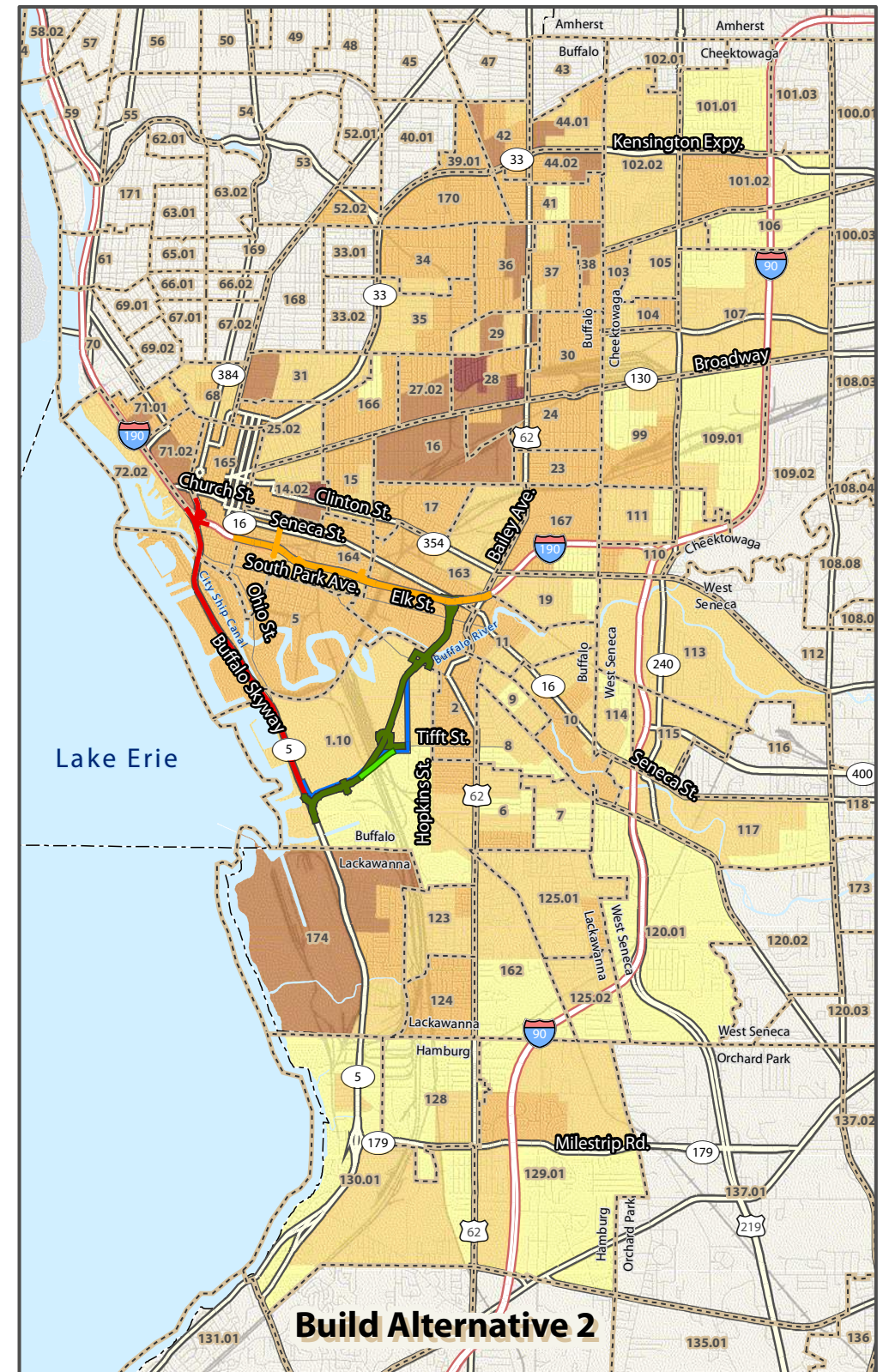
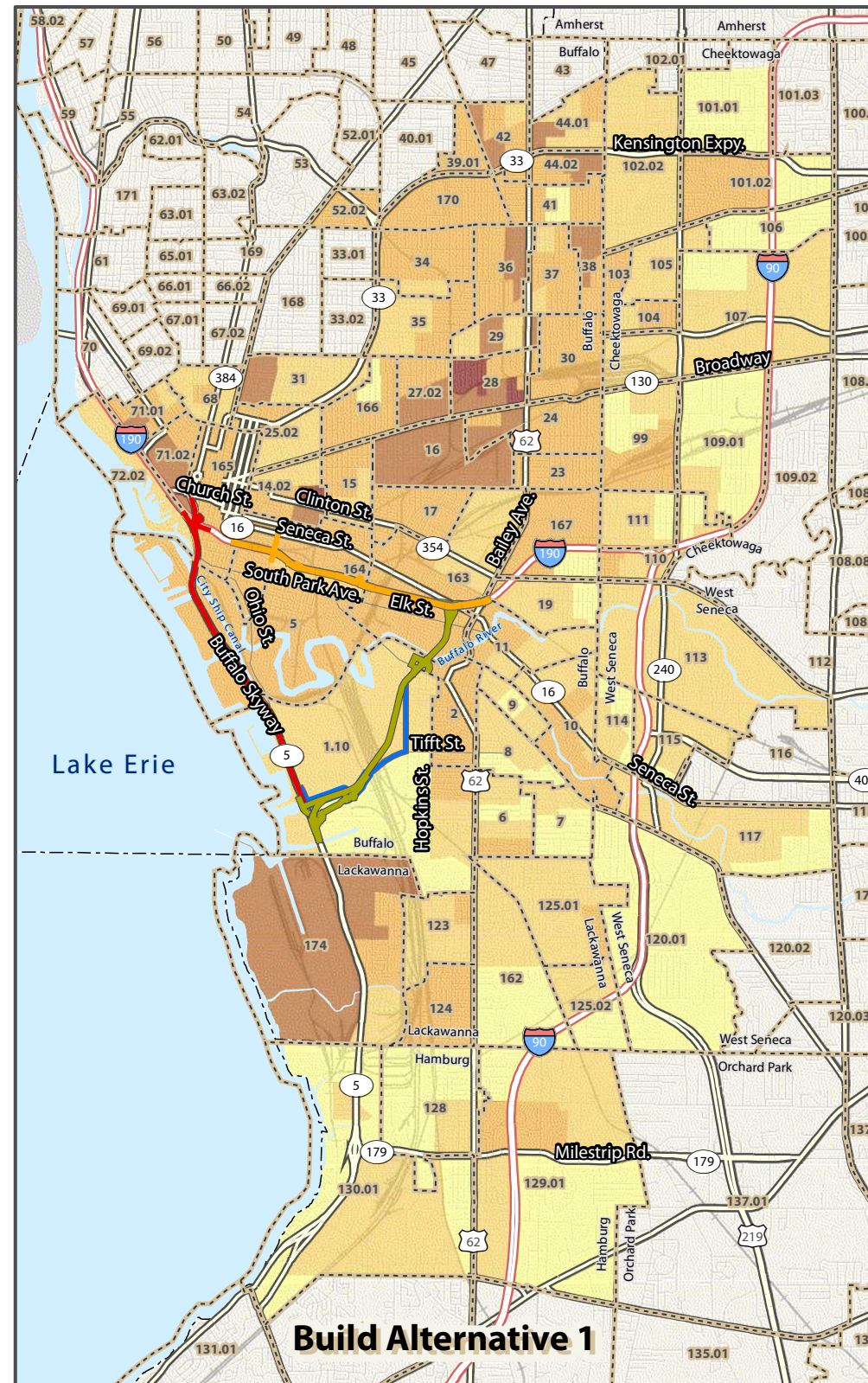
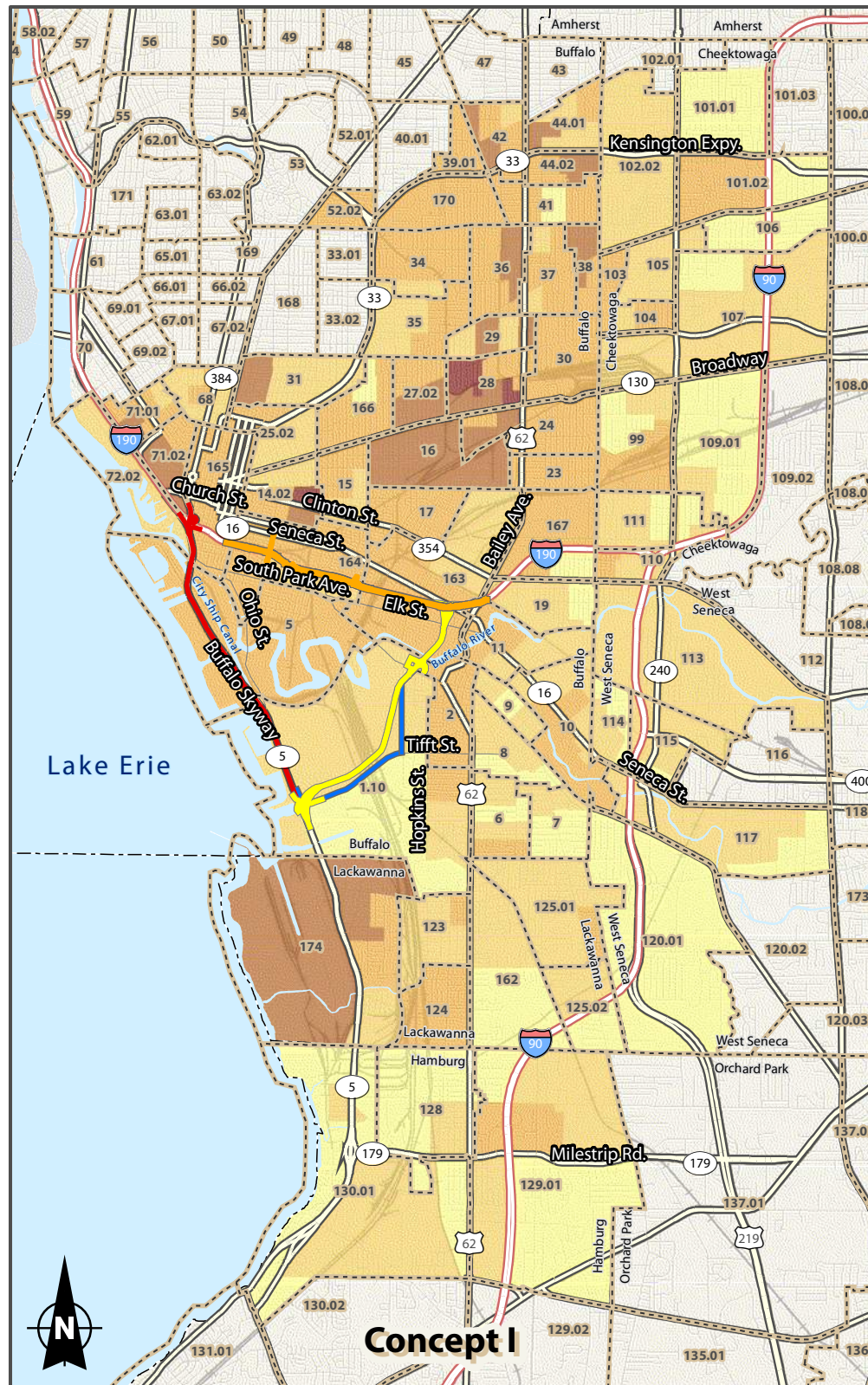
	<25%
	25%-50%
	50%-75%
	>75%

Data not presented for unshaded census tracts

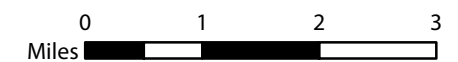
- Concept I
- Roadway Improvements
- Build Alternative 1
- Build Alternative 2 - New Roadway
- Build Alternative 2 - Tift Street Removal
- Proposed Shared-Use Path

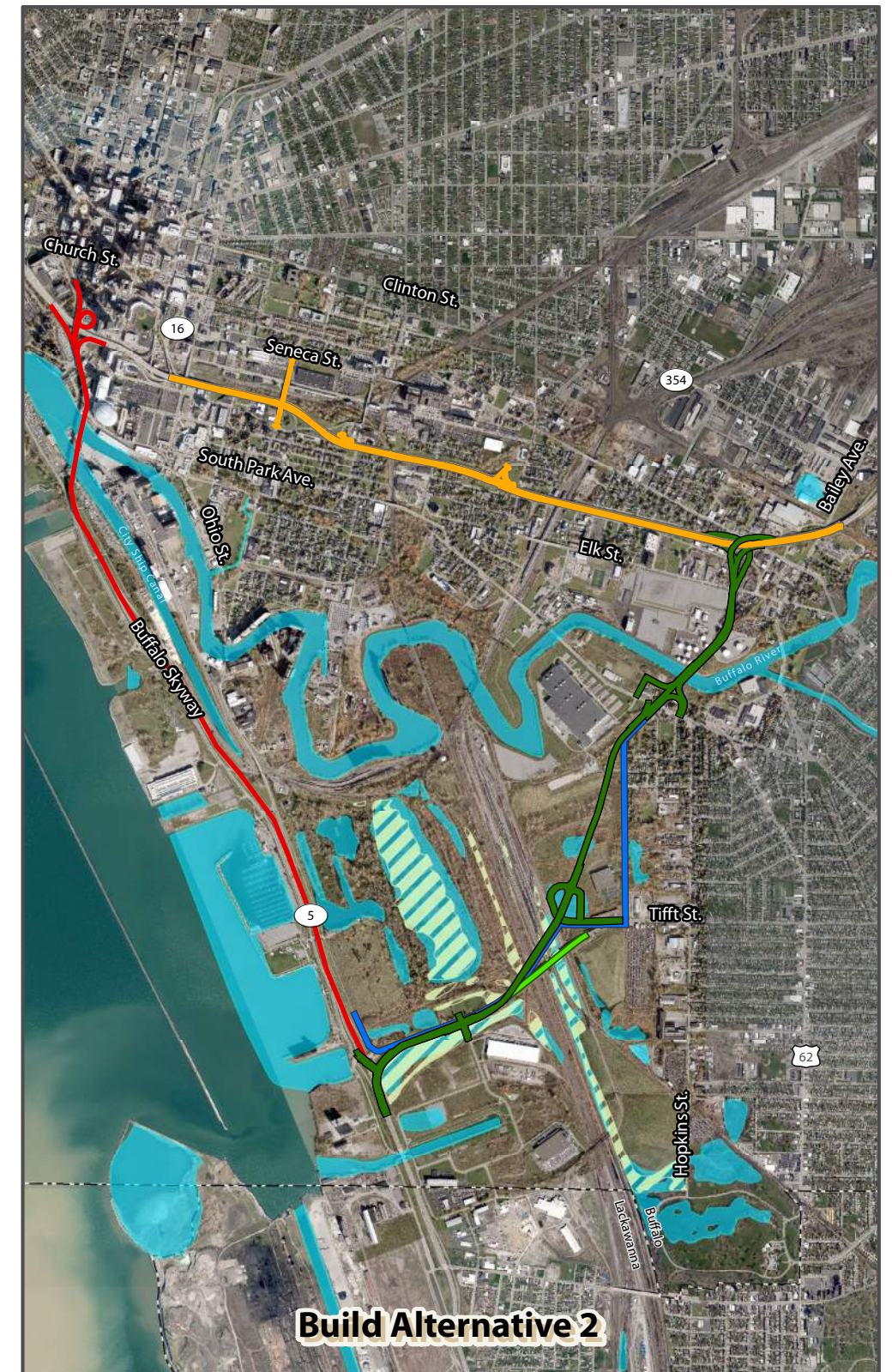
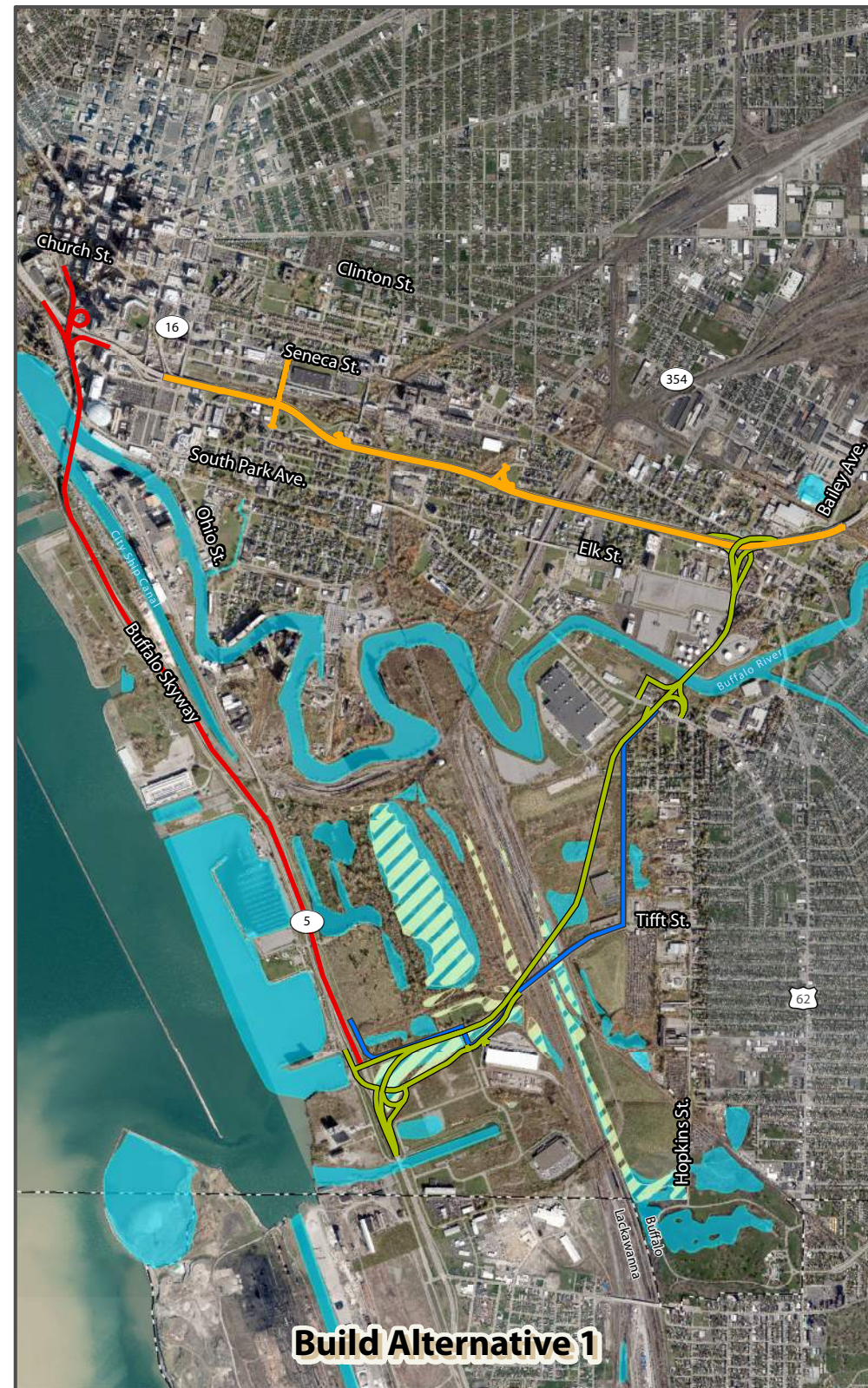
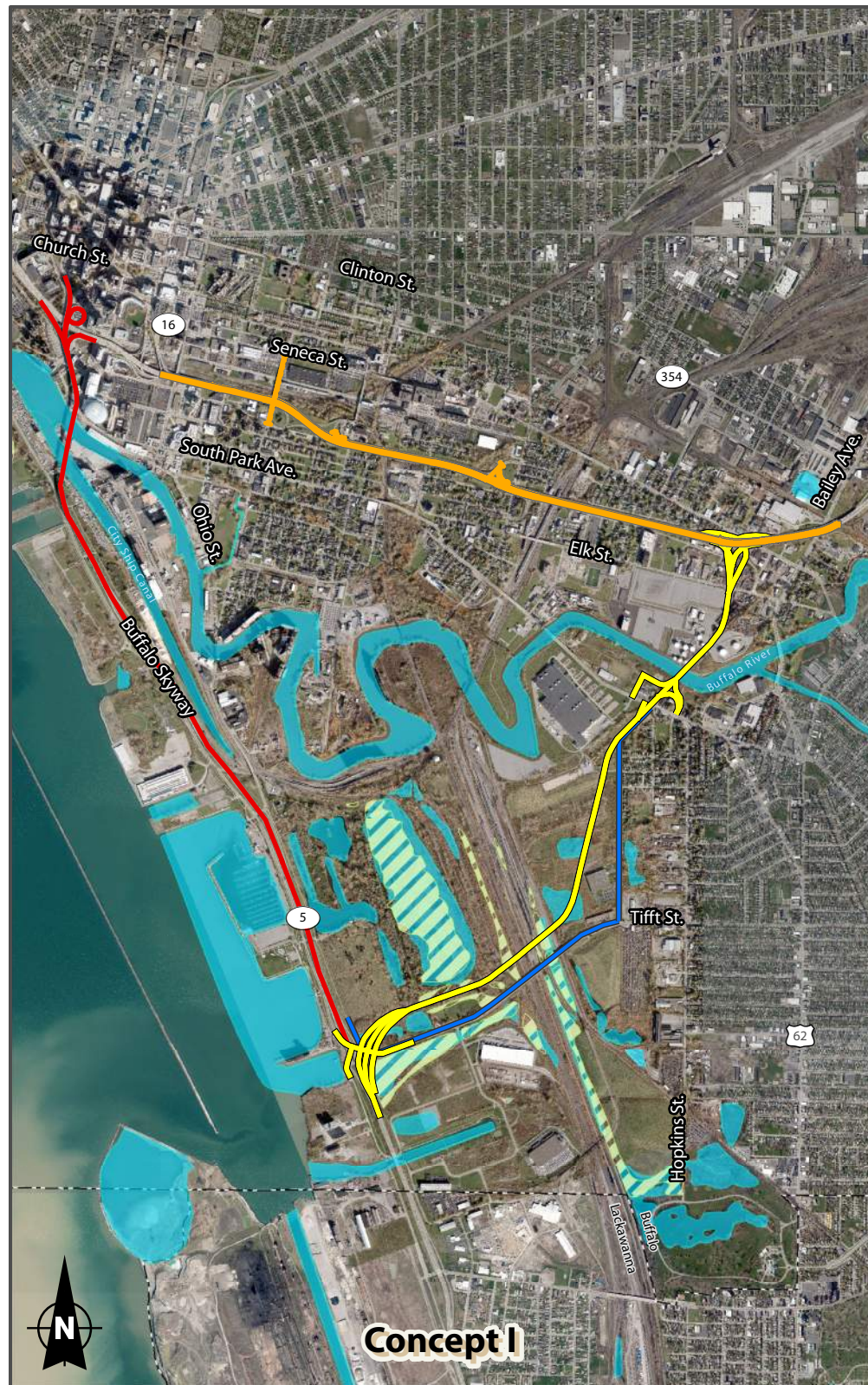
**Figure 5-16**  
**Concept I, Build Alternative 1, and Build Alternative 2**  
**Minority Population**  
 P.I.N. 5134.48  
 NYS Route 5 (Buffalo Skyway) Project  
 Erie County, NY





**Figure 5-17**  
**Concept I, Build Alternative 1, and Build Alternative 2**  
**Low Income Population**  
 P.I.N. 5134.48  
 NYS Route 5 (Buffalo Skyway) Project  
 Erie County, NY

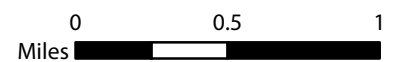




- Interstate Highway
- State/U.S. Highway
- Buffalo Skyway Corridor
- City/Town Boundary
- NYSDEC Mapped Wetland
- National Wetlands Inventory (NWI) Mapped Wetland
- Concept I
- Roadway Improvements
- Build Alternative 1
- Build Alternative 2 - New Roadway
- Build Alternative 2 - Tift Street Removal
- Shared-Use Path

Source: Ecology and Environment, Inc. 2020; Erie County 2018; ESRI 2020; NYS DEC, 2019; NYS GIS Planning Office 2020; USFWS, 2019.

**Figure 5-18**  
**Concept I, Build Alternative 1, and Build Alternative 2**  
**Federal and State Wetlands**  
 P.I.N. 5134.48  
 NYS Route 5 (Buffalo Skyway) Project  
 Erie County, NY



south of Tift Street through the Buffalo Lakeside Commerce Park. Based on preliminary field work, Build Alternative 2 would potentially impact approximately eight to nine acres of wetlands.

#### Park and Recreation Areas

Figure 5-19 depicts parks and recreation areas and the alignments of Build Alternative 1 and Build Alternative 2 (the initial Concept I alignment is also shown for reference). Potential effects on park and recreation areas include strip takings, increased traffic nearby the facility(ies), and construction effects (e.g., construction noise, dust). It is not currently anticipated that either build alternative would require the conversion of LWCF-assisted properties.

As shown, Build Alternative 1 and Build Alternative 2 would both be located within 1,000 feet of the following parks:

- Tift Nature Preserve
- George J. Hartman Play Fields (LWCF-assisted)
- Taylor Playground
- Ship Canal Commons
- Collins Park

#### Navigable Waters

Figure 5-19 depicts the U.S. Coast Guard navigable waters limits and the alignments of Build Alternative 1 and Build Alternative 2 (the initial Concept I alignment is also shown for reference). Build Alternative 1 and Build Alternative 2 would both cross the Buffalo River once at the same location with a bridge. While the crossing would be located within the navigable limits of the river, it is expected that the crossing would not impede water navigation during peak traffic periods or impact marinas and businesses that rely on this waterway for their operations due to the location of the crossing.

#### Habitat Restoration Projects

Figure 5-20 depicts habitat restoration projects and the alignments of Build Alternative 1 and Build Alternative 2 (the initial Concept I alignment is also shown for reference). As shown, Build Alternative 1 and Build Alternative 2 would have the same potential effects on habitat restoration projects, as described below.

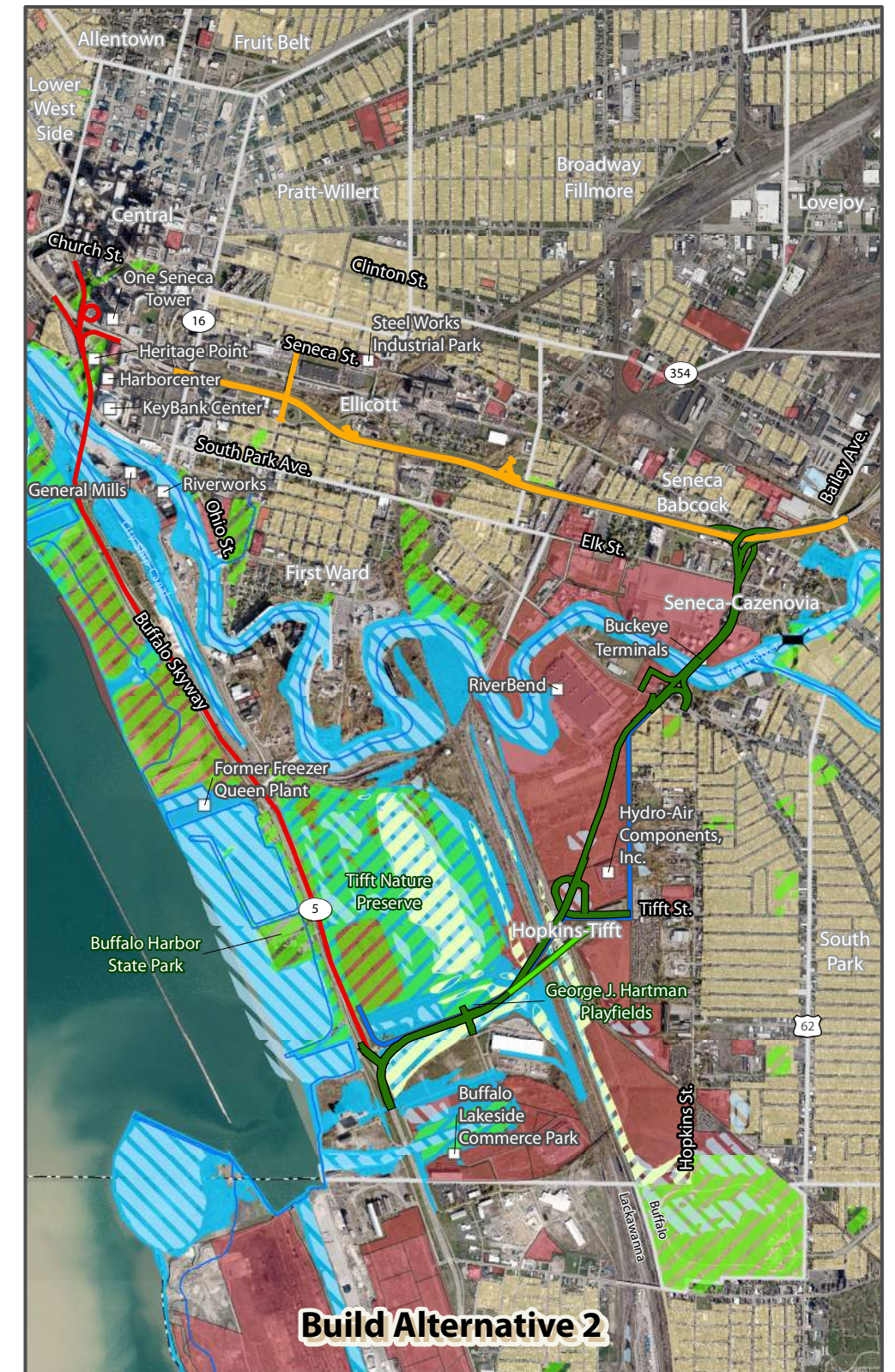
The existing Buffalo Skyway structure and elevated approaches do not cross over any of the identified Buffalo River habitat restoration projects. A portion of the Buffalo Skyway parallels the site of the City Ship Canal submerged and emergent vegetation planting project. During removal, stormwater runoff could indirectly affect water quality within the City Ship Canal submerged and emergent vegetation planting project area.

The new bridge crossing the Buffalo River would cross the eastern-most extent of the RiverBend I restoration site. During construction of the bridge, temporary disturbance to the RiverBend I restoration site could occur due to its proximity to the construction activities. Stormwater runoff during construction could also indirectly affect the RiverBend I restoration site and adjacent water quality within the Buffalo River.

No effects would be anticipated to the Old Bailey Woods restoration site given that the new bridge crossing the Buffalo River would be downstream and not immediately adjacent to the site.

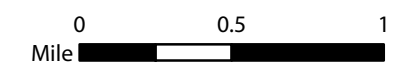
## **5.4 No Build Alternative**

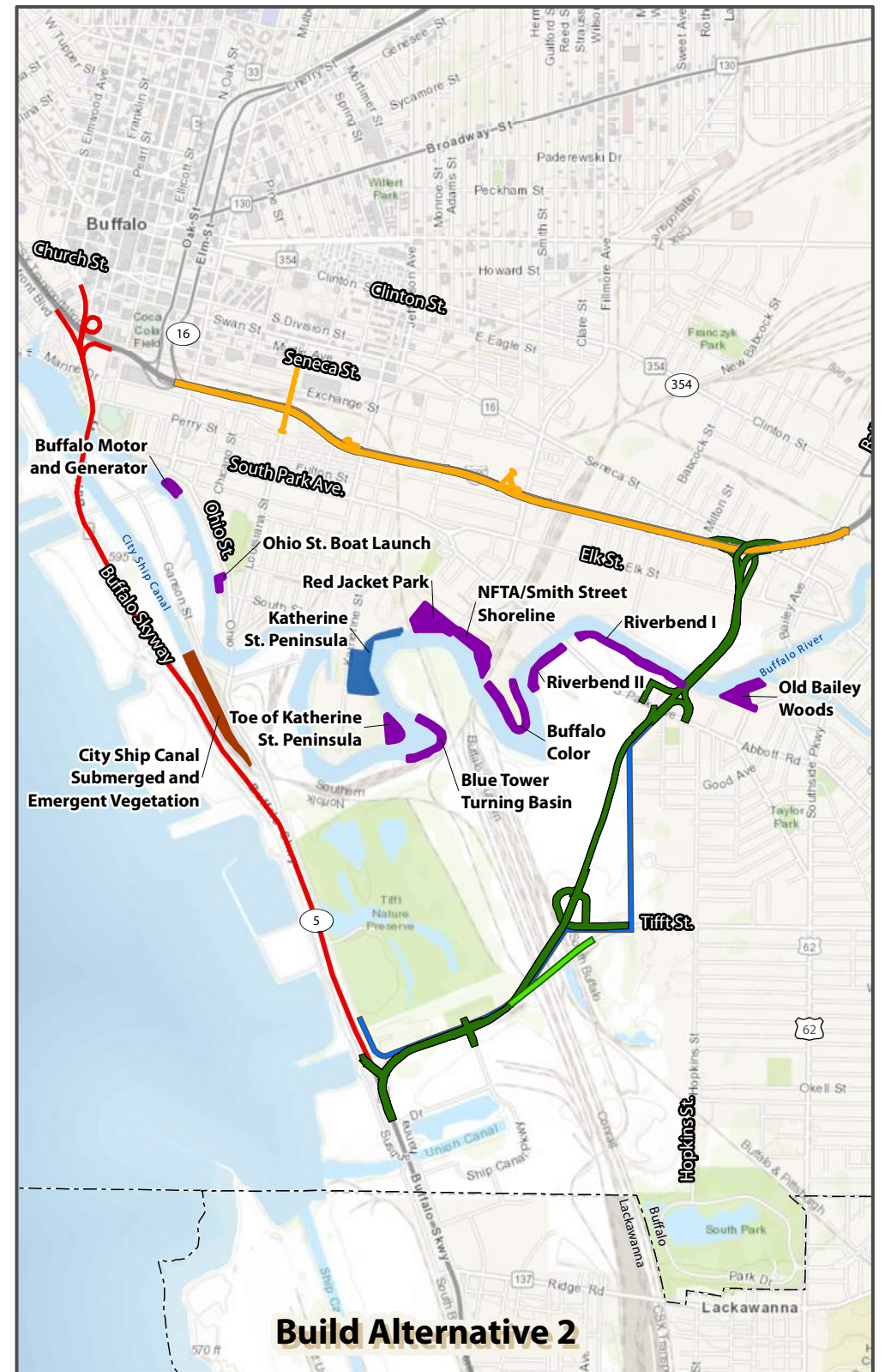
The No Build Alternative assumes no improvements as part of this Project. Although the No Build Alternative does not meet the project purpose and objectives, NEPA requires that it be evaluated in an EIS. The No Build Alternative also serves as the baseline condition against which the potential benefits and effects of the build alternative are evaluated.



- |                         |  |   |
|-------------------------|--|---|
| Interstate Highway      | Business/Commercial Centers            | Concept I                                 |
| State/U.S. Highway      | U.S. Coast Guard Navigable Water Limit | Roadway Improvements                      |
| Buffalo Skyway Corridor | Surface Waters and Waterways           | Build Alternative 1                       |
| City/Town Boundary      | NYSDEC Remediation Site                | Build Alternative 2 - New Roadway         |
| Neighborhood            | NYSDEC Mapped Wetland                  | Build Alternative 2 - Tift Street Removal |
| Residential Zone        | NWI Mapped Wetland                     | Proposed Shared-Use Path                  |
|                         | Park or Recreation Area                |   |
|                         | 100 Year Flood Zone                    |   |

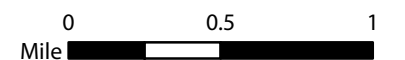
**Figure 5-19**  
**Concept I, Build Alternative 1, and Build Alternative 2**  
**Social, Economic, and Environmental Considerations**  
 P.I.N. 5134.48  
 NYS Route 5 (Buffalo Skyway) Project  
 Erie County, NY





- Railroad
- Interstate Highway
- State/U.S. Highway
- Buffalo Skyway Corridor
- City/Town Boundary
- Completed Great Lakes Legacy Act Site
- Completed Great Lakes Restoration Initiative Project Site
- Ongoing Great Lakes Restoration Initiative Project Site
- Concept I
- Roadway Improvements
- Build Alternative 1
- Build Alternative 2 - New Roadway
- Build Alternative 2 - Tift Street Removal
- Proposed Shared-Use Path

**Figure 5-20**  
**Concept I, Build Alternative 1, and Build Alternative 2**  
**Buffalo River Habitat Restoration Projects**  
 P.I.N. 5134.48  
 NYS Route 5 (Buffalo Skyway) Project  
 Erie County, NY



## 5.5 No-Action Alternative – Section 404(b)(1) Guidelines

Under NEPA and the Section 404(b)(1) Guidelines, the USACE must evaluate a “no-action alternative” as part of the agency’s alternatives analysis. As per Appendix B of 33 CFR Part 325 (NEPA Implementation Procedures for the USACE Regulatory Program), the “no-action” alternative is one that results in either no construction requiring a USACE permit or the denial of a USACE permit.

Of the 28 concepts evaluated for this Project (discussed in Section 5.1), the following concepts would not likely require an Individual Permit under Section 404 of the Clean Water Act:

- Concept 2: Skyway River Loop
- Concept 3: Olmsted Remixed
- Concept H: Improvements to Existing Routes
- Concept J: New Tiff Street Arterial
- Concept L: Construct a Katherine Street Bridge

However, as discussed in Section 5.1 and Section 5.2, none of these concepts would meet the project purpose and objectives, and thus, are not reasonable or practicable alternatives for the Project. Concept I, which is anticipated to require an Individual Permit, is the only concept of the 28 concepts evaluated that would meet the project purpose and objectives. Thus, the No-Action Alternative under the Section 404(b)(1) Guidelines is essentially the No-Build Alternative described in Section 5.2, which assumes no improvements as part of this Project.

As part of the DDR/DEIS, the NYSDOT will continue to evaluate measures, such as design modifications, to minimize impacts to regulated waters, including wetlands, resulting from implementation of the proposed action.

## 5.6 Conclusion

Based on a comprehensive and objective evaluation of a range of concepts (potential alternatives) during the scoping process, the NYSDOT has determined that Build Alternative 1 and Build Alternative 2 are the only reasonable (feasible and practical) alternatives 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 objectives, which address the identified transportation needs within the area and define the fundamental reasons why the Project is being proposed. The potential effects resulting from implementation of the build alternatives will be assessed and documented in the DDR/DEIS for the Project. Measures to mitigate adverse effects, including measures to avoid, minimize, and compensate for adverse effects, will also be developed as effects are determined.

## **SECTION 6 Anticipated Costs and Schedule**

The NYSDOT anticipates issuing a Record of Decision for the Project by July 2021. The cost of the build alternatives is estimated at \$600 million (2020 dollars). Construction of the build alternatives would take approximately three years.



## SECTION 7 Public Involvement and Agency Coordination

### 7.1 Public Involvement Opportunities

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

EO 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 C: Limited English Proficiency Census Data, English is the primary language spoken (approximately 85% of the population) in the general project area (e.g., areas surrounding NYS Route 5 from Church Street to Milestrip Road, areas surrounding I-90 from Milestrip Road to I-190). Spanish/Spanish Creole is the primary non-English language spoken in the area (approximately 7%). Arabic is spoken by approximately 2% of the total population in the area. In compliance with EO 13166 “*Improving Access to Services for Persons with Limited English Proficiency*” and New York State EO 26 “*Statewide Language Access Policy*,” the public involvement activities conducted for the Project during the scoping process were conducted in consideration of those populations with limited English proficiency, including the following:

- Advertising for the public scoping meetings in local Spanish-language and Arabic-language newspapers;
- Distributing Spanish-language and Arabic-language flyers for the public scoping meetings;
- Providing Spanish-language and Arabic-language interpreters at the public scoping meetings; and
- Having trilingual materials available at the public scoping meetings and on the Project website.

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.

#### **Public Outreach to Date**

##### **Public Scoping Meetings**

Public scoping meetings for the Project were held on January 28 and 29, 2020. The NYSDOT held these meetings to provide information about the Project; describe the project development and environmental review processes; and obtain input from attendees.

The public scoping meetings were advertised in the following ways:

- Electronic distribution to local elected officials, business organizations, and community-based groups
- Publication in local newspapers and online news sources:

- The Buffalo News
  - Buffalo Rising
  - Orchard Park Bee
  - Hamburg Sun
  - Angola Pennysaver
  - Panorama Hispano News (Spanish-language)
  - Buffalo Latino Village (Spanish-language)
  - WNYMuslims (Arabic-language)
- Physical notices (flyers) placed at 28 community locations in Buffalo and Southtowns communities (see Figure 7-1), including:
    - Municipal buildings
    - Commercial centers
    - Libraries
    - Community centers
    - Fitness centers
    - Museums

**Scoping Meeting (two sessions) – January 28, 2020.** Two public scoping meeting sessions for the Project were held on Tuesday, January 28, 2020 at the Gateway Building, 3556 Lake Shore Road, Blasdell, New York. One session was held from 1:00 p.m. to 4:00 p.m., and the second session was held from 5:00 p.m. to 8:00 p.m. A total of 195 attendees were present, including community members; elected officials and their representatives; representatives of government agencies, non-profit organizations, and businesses; union leaders and members; and members of the local media. Of the meeting attendees, 57 or approximately 29% submitted written and/or electronic comments during the scoping meeting sessions. Approximately five media outlets covered the meeting.

**Scoping Meeting – January 29, 2020.** A public scoping meeting for the Project was held on Wednesday, January 29, 2020, from 4:00 p.m. to 8:00 p.m. The meeting was held at Southside Elementary School, 430 Southside Parkway, Buffalo, New York, which is located within a neighborhood in South Buffalo with identified low income populations and near public transportation routes. A total of 128 attendees were present, including community members; elected officials and their representatives; representatives of government agencies, non-profit organizations, and businesses; union leaders and members; and members of the local media. Of the meeting attendees, 36 or approximately 28% submitted written and/or electronic comments during the scoping meeting on a range of topics.

A stenographer was available at the scoping meetings to record formal verbal comments from attendees. Spanish-language, Arabic-language, and American Sign Language interpreters were also available.

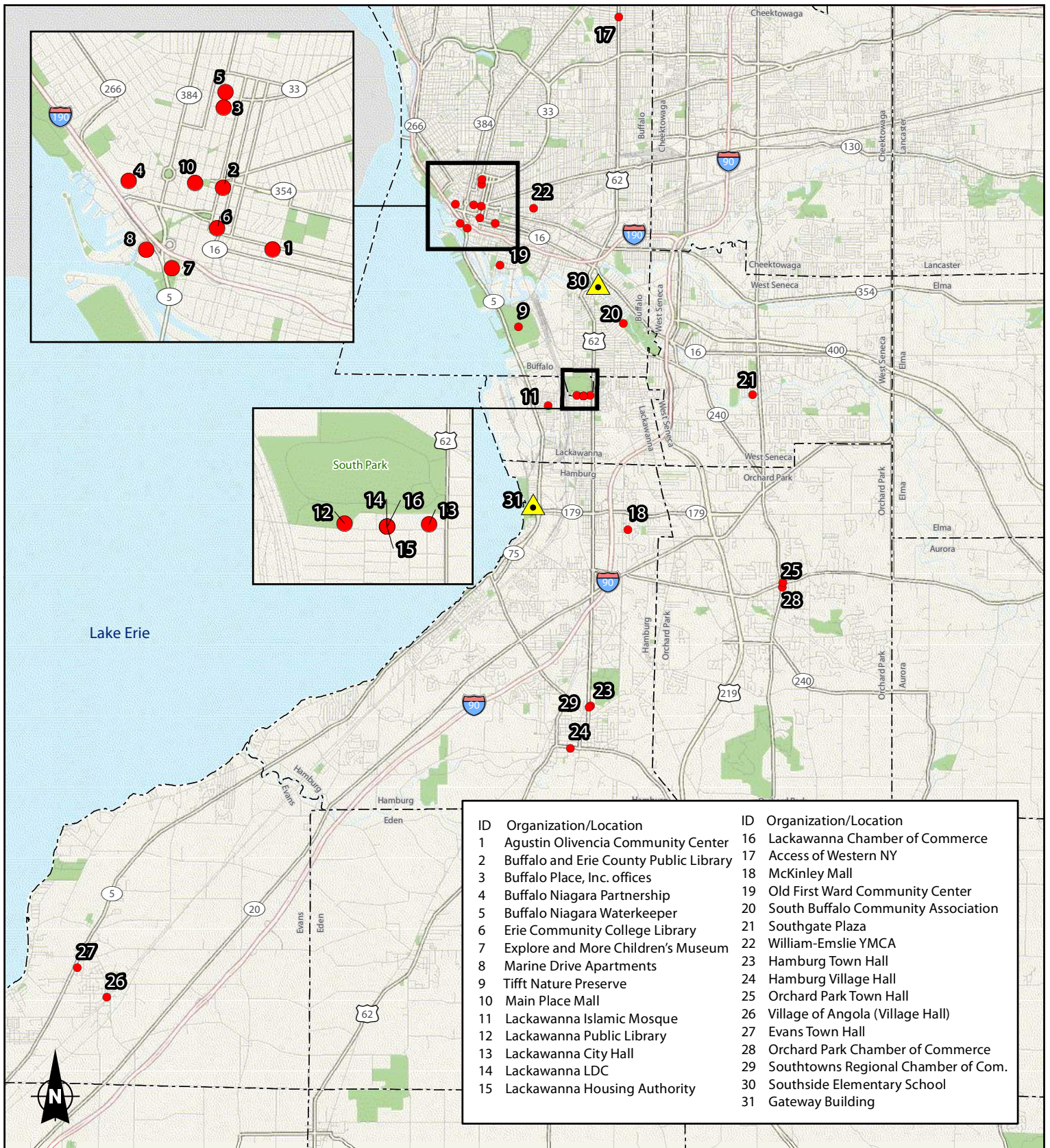
The meetings consisted of 19 display boards that provided information in an open-house format, with a narrated project presentation that played on a continuous loop throughout the meetings.

An area in each venue was dedicated to comments, with tables, chairs, comment cards, 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 website. Comments were accepted through February 28, 2020. Appendix D of this Scoping Report contains the comments received and responses to substantive comments.

A public information brochure was developed and made available at the scoping meetings. The brochure provided a general project overview and described the ways in which the public could provide comments. The brochure was available on the project website. Spanish- and Arabic-language versions of the meeting notices, meeting brochures, and comment forms were also made available.

### **Project Website**

A project website (<https://buffaloskyway.dot.ny.gov/>) was 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



**Figure 7-1**  
**Outreach Locations**

P.I.N. 5134.48

NYS Route 5 (Buffalo Skyway) Project

Erie County, NY

- Railroad
- Street
- Interstate Highway
- State/U.S. Highway
- City/Town Boundary
- Park

- Flyer Distribution
- Public Scoping Meeting Locations

during the Project. The website will continue to be updated to include announcements of public meetings and provide access to documents (e.g., DDR/DEIS).

### 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 meetings and on the project website. These lists will be used to share meeting notices and other communications with the public.

### Stakeholder Meetings

As part of the ongoing public outreach for the Project, the NYSDOT presented the Project at several stakeholder meetings, as listed in Table 7-1. The NYSDOT presentations included an overview of the Project and described the project purpose and needs, scope of work, representative concepts, and NEPA EIS process.

**Table 7-1: Additional Stakeholder Meetings**

<b>Stakeholder/Agency/ Organization</b>	<b>Meeting Location</b>	<b>Meeting Date</b>
City of Buffalo Common Council Members and Staff, FAIR Committee of WNY	NYSDOT Region 5 100 Seneca St. Buffalo, NY	January 22, 2020
Erie County Legislature Staff, Buffalo Niagara Partnership, Buffalo Place, FAIR Committee of WNY, Village of Blasdell	NYSDOT Region 5 100 Seneca St. Buffalo, NY	January 23, 2020
Buffalo Niagara International Trade Gateway Organization (ITGO), Welded Tube USA, Inc., Sonwil Distribution	NYSDOT Region 5 100 Seneca St. Buffalo, NY	February 21, 2020
General Mills	NYSDOT Region 5 100 Seneca St. Buffalo, NY	March 9, 2020
Buckeye Partners, L.P.	NYSDOT Region 5 100 Seneca St. Buffalo, NY	March 10, 2020
Bouquard's Boat Livery, Buffalo River History Tours/Queen City Ferry/Spirit of Buffalo, Buffalo Scholastic Rowing Association, Dale's Marine Service, Grand Lady Cruises, Patriot Sailing, RCR Yachts, Inc., Safe Harbor Marina	NYSDOT Region 5 100 Seneca St. Buffalo, NY	March 11, 2020
Bidco Marine Group, Buffalo Motor & General Corp., Gerdau Recycling, Lafarge Holcim, St. Mary's Cement, Rigidized Metals/Silo City, TMP Technologies	Webex/Conference Call	March 24, 2020
Our Outer Harbor, Buffalo Niagara Waterkeeper, Friends of Times Beach Nature Preserve, League of Women Voters, Preservation Buffalo Niagara, Sierra Club Niagara Group, Western New York Environmental Alliance	Webex/Conference Call	March 25, 2020

### **DDR/DEIS Public Comment Period and Public Hearing**

A 45-day public comment period will follow the release of the DDR/DEIS 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/DEIS 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/DEIS comment period will be considered and substantive comments responded to in the Final Design Report/Final EIS.

## **7.2 Agency Coordination**

### **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 proposed 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 § 1501.6) that an agency may request the Lead Agency to designate it a Cooperating Agency

The following agencies have been invited to serve as Cooperating Agencies for the Project:

- U.S. Environmental Protection Agency (USEPA) – Region 2
- U.S. Army Corps of Engineers (USACE) – Buffalo District
- U.S. Department of the Interior – National Park Service - Region 1
- U.S. Department of the Interior – Fish and Wildlife Service – Region 5
- U.S. Coast Guard
- New York State Office of Parks, Recreation, and Historic Preservation (NYS OPRHP) – State Historic Preservation Office (SHPO)
- NYS OPRHP – State Parks
- New York State Department of State (NYSDOS)
- New York State Department of Environmental Conservation (NYSDEC)
- Empire State Development (ESD) – Erie Canal Harbor Development Corporation (ECHDC)
- New York State Thruway Authority (NYSTA)

**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)
- Seneca Nation of Indians
- Tonawanda Seneca Nation
- Seneca Cayuga Tribe of Oklahoma
- Tuscarora Nation
- Greater Buffalo-Niagara Regional Transportation Council
- Niagara Frontier Transportation Authority

- Amtrak
- CSX Transportation, Inc.
- Genesee and Wyoming, Inc.
- Buffalo Southern Railroad
- Norfolk Southern Corporation, Mid-Atlantic Region
- Erie County Industrial Development Agency

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. Meetings have and will continue to be held with the agencies throughout the EIS process to update them on the status of the Project and discuss other topics as appropriate.

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.

### **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.

### **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 Section 106, which will be taken into consideration as part of the Section 4(f) evaluation.

### **Land and Water Conservation Fund Conversion Coordination**

The conversion provision in the Land and Water Conservation Fund Act of 1965 (LWCF) (54 USC 200305(f)(3)) requires that property acquired or developed with LWCF funds shall not be converted to uses other than for public outdoor recreation uses. Coordination with the NYS OPRHP is necessary since it is the state agency responsible for administering the LWCF funds. Consultation with the NPS is required for final approval if it is determined that a conversion is needed.