

Tri-State Transportation Campaign Natural Resources Defense Council

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April 3, 2006

Re: Comments of the Tri-State Transportation Campaign and Natural Resources Defense Council on the Proposed Parkland Conversion for the Yankee Stadium Redevelopment Project

Dear Mr. Lyons:

This letter constitutes the written comments of the Tri-State Transportation Campaign and Natural Resources Defense Council (NRDC) on the proposed conversion of a portion of Macomb's Dam Park into non-parkland use for Yankee Stadium-related uses under the Land and Water Conservation Fund Act (LWCF), *U.S.C. § 4601-4 et seq.* The Tri-State Transportation Campaign is the region's leading non-profit consortium of experts, planning organizations, activist and environmental groups concerned with transportation investments and projects. Its mission is to achieve an environmentally sound, economically efficient and socially just transportation network and system in the 32 counties in and surrounding New York City. NRDC is a national environmental organization with over 62,000 members in New York State. For over 20 years, NRDC has advocated for clean water, clean air, and healthy communities in the New York City.

The National Park Service (NPS) should deny this request for conversion of Macomb's Dam Park. The conversion in this case is part of a greater plan to alienate public parkland in order construct a new Yankee Stadium and four new parking garages, which will add thousands of parking spaces and result in additional peak hour auto trips that will worsen congestion and air pollution in a region that suffers from one of the highest asthma rates in the country. These impacts have to be taken into account by the

NPS. The National Environmental Policy Act (NEPA) requires agencies to study the direct and indirect effects that are reasonably foreseeable from a proposed project, as well as the cumulative impacts of the proposed action and other similar actions. *NEPA*, § 2 *et seq.*, 42 U.S.C. § 4321 *et seq.*; 40 C.F.R. § 1508.8; 40 C.F.R. § 1508.25.

Natural parkland in this case will be replaced with synthetic and scattered replacement facilities. Much of the replacement “parkland” for this project is being constructed on top of parking garages, while some of the replacement parkland is going to be built a half-mile away, and community residents will have to cross the Major Deegan Expressway to access it. Nearly 400 mature trees along with 22 acres of contiguous parkland will be lost.

Further, the Yankee Stadium Project Final Environmental Impact Statement prepared by the New York City Department of Parks and Recreation and serving as an environmental assessment for NPS’s environmental impacts of the proposed conversion is seriously flawed and fails to take a hard look at the proposed action’s environmental impacts as required by the City Environmental Quality Review (CEQR), the State Environmental Quality Review Act (SEQRA), and NEPA. The dramatic increase in parking associated with this project will result in additional parking-induced auto trips; however, the FEIS asserts that a dramatic increase in the number of parking spaces will not generate any additional peak hour vehicle trips – a serious flaw in the FEIS that affects other sections of the FEIS because assumptions about traffic influence findings on congestion, air quality, and noise. Mitigation measures based on faulty traffic, air quality, and noise impacts will not be sufficient. A thorough Clean Air Act conformity analysis has not been performed. Given the severity of the project’s impacts, NPS should find the proposed conversion will have a significant impact on the human environment; thus, requiring a full environmental impact statement from NPS and the requisite public comment periods.

I. Approval for Parkland Conversion Should Be Denied Under the Land and Water Conservation Act

The federal Land and Water Conservation Fund Act requires all states that receive grants to maintain the benefited land as public outdoor recreational space forever. *16 U.S.C. §§ 4601-8(f)(3)*. In certain cases, conversion to non-recreational uses is permitted, but the act contains stringent requirements that must be met before the conversion can be approved by NPS. Under the LWCF, NPS must find, among other things, that: (1) all practical alternatives to the proposed conversion have been evaluated; (2) the fair market value of park property to be converted has been established and the property proposed for substitution is of at least equal fair market value; and (3) the proposed replacement is of reasonably equivalent usefulness and location as the converted property.¹ The LWCF

¹ The section referred to as Section 6(f) of the LWCF provides:

No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than

regulations further require that the project comply with applicable federal statutes, regulatory requirements, and policies, including NEPA.

The conversion plan proposed for this project fails to meet these requirements. All practical alternatives to the proposed conversion have not been evaluated in this case. The FEIS fails to study the obvious alternative of renovating the current stadium, which would eliminate the need for the parkland conversion. The plan's proposed replacement parkland is not "of reasonably equivalent usefulness and location." The Yankee Stadium project involves the destruction of natural parkland and about 400 mature trees, which provides air quality benefits to a community that suffers from one of the highest asthma rates in the county. Much of the project's replacement parkland will actually be constructed on top of parking garages. One parcel, specifically designated as a replacement parcel under Section 6(f) is about one-half mile away from Macomb's Dam Park and on the other side of the Major Deegan Expressway, making it difficult for the community to access it. *See*, Table 4-4, Section 6(f) Parcels: Recreational Facilities, *FEIS*, at 4-14.

The public has not been given the opportunity to view the appraisals for the proposed conversion, thus making it impossible to comment on this aspect of the project. The FEIS does not contain the actual appraised value of the parkland and the replacement parkland; instead, it merely states, "An appraisal of the fair market value of both the portion of Macomb's Dam Park that would be utilized for the project, as well as that of the properties proposed for substitution has been conducted as part of the formal conversion proposal, to satisfy this requirement." *FEIS*, at 4-13. In both its comments on the draft and final environmental impact statements for this project and a New York State Freedom of Information Law request sent to the New York City Department of Parks and Recreation on February 2, 2006, the Campaign has requested copies of the appraisal documents. The agency has yet to submit any of the documents to the Campaign. (The Campaign reserves the right to submit additional comments on the FEIS and the proposed LWCF conversion in light of its outstanding FOIL request.)

II. The FEIS Prepared by the New York City Department of Parks and Recreation Failed to Study Parking-Induced Travel

Neither the DEIS nor the FEIS studies the parking-induced travel that will occur as the result of a nearly 75 percent increase in the amount of off-street parking in the vicinity of the stadium. Neither the DEIS nor the FEIS has adequately documented the

public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.

16 U.S.C. § 4601-8(f)(3).

alleged “spill over” effect caused by an alleged lack of off-street paid parking facilities in the surrounding neighborhood. Neither the DEIS nor the FEIS ties the scale of the additional parking facilities to the scale of the problem of the “spill over” parking. And neither the DEIS nor the FEIS explain why people who currently park for free in the surrounding neighborhood will pay to park in off-street parking facilities without some enforcement measure, such as a residential permitting scheme.

Instead, the FEIS asserts that thousands of new parking spaces are necessary as part of the Proposed Action and posits the theory that because the proposed project would create a new Yankee stadium with a slightly smaller seating capacity than the existing stadium, there will be no increase in auto-trips to Yankees games. The Yankee Stadium FEIS also claims that the additional paid parking spaces will draw people who currently park for free in the streets surrounding Yankee Stadium.

Failing to account for the impacts of induced traffic caused by the construction of more parking spaces on the area’s already congested roadways is a serious error. Assumptions about traffic influence an environmental impacts statement’s findings on congestion, air quality, and noise – and any mitigation measures based on faulty traffic, air quality, and noise impacts will not be sufficient.

The Campaign and community residents raised these concerns in their comments on the Yankee Stadium draft scoping document and their *Yankee Stadium DEIS* comments. Unfortunately, the *Yankee Stadium FEIS* failed to address these concerns in any meaningful way. The *Yankee Stadium FEIS* makes the same assertion as the scoping document and the DEIS that there will be no increase in peak hour trips, and instead of addressing the impacts of parking-induced auto trips, it now claims that the project will result in fewer parking spaces.

The most recent parking figures still show a dramatic increase in the amount of off-street parking spaces in the vicinity of the stadium. Four new parking garages, with a total of 4,735 spaces, will be constructed for stadium patrons, while 3,216 spaces will be added as part of the Gateway Center project. Parking at Gateway Center will be available for Yankees fans. The new stadium and the new parking garages, together with the parking available at the Gateway Center site, *will* generate more peak hour vehicle trips than those already coming to the area for the existing stadium. The phenomenon of parking-induced auto trips is well documented by transportation analysts. Study after study shows that the availability of parking has one of the most significant impacts on travelers’ mode choice.

In fact, the *CEQR Technical Manual* identifies “induced traffic” as an issue of concern for parking garages. *CEQR Technical Manual* at 3Q-3. Further, according to the *CEQR Technical Manual*, actions that would generate peak hour auto traffic or divert existing peak hour traffic, resulting in 100 or more auto trips in this part of the city may “result in significant adverse air quality impacts from mobile sources.” *CEQR Technical Manual* at 3Q-9. This action will result in thousands of additional spaces in a ½-mile

radius of the stadium. Induced traffic caused by such a large increase in the amount of parking will likely result in significant air quality impacts from mobile sources.

According to the New York State Department of Transportation's *Bronx Arterial Needs Major Investment Study* ("BAN MIS"), currently, when the Yankees are playing in the Bronx, game-related traffic adds to congestion, and significant congestion occurs on the Major Deegan Expressway, the local streets, the bridges crossing into the Bronx, and the FDR and Harlem River drives. On the weekdays, most games are in the evening, and there is overlap with the evening peak commute traffic. There are about 80 home games per year, and, according to the *Yankee Stadium FEIS*, average attendance is expected to increase.

Traffic congestion results in diminished air quality. Emission rates for many pollutants follow a U-shaped curve, with emission rates declining as speed increases up to a certain level, and then climbing again. Emissions from carbon monoxide and volatile organic compounds are generally highest in low-speed, congested driving conditions. Slower vehicle speeds also produce more toxic air pollutants, such as benzene. Vehicles in congestion stemming from the current stadium, current commuter traffic, and parking-induced travel caused by the Yankee Stadium and Gateway Center projects will clearly be at the upper end of the "U" curve – idling or traveling very slowly, and thus emitting maximum levels of pollutants.

In order to get a truly conservative estimate of induced traffic impacts, the DEIS should have assumed that the additional parking facilities will be filled on game days and that cars will still "spill over" into the surrounding neighborhood to find free parking spaces. Interestingly, although the *Yankee Stadium FEIS* claimed that the construction of four new parking garages will somehow lessen the traffic impacts that occur on game-days, it admits that "[t]he increased number of parking spaces that would result from the proposed project would still not accommodate the full parking demand ... A number of fans would still park on-street." *Yankee Stadium FEIS* at 15-2. In fact, the four new parking garages will be leased by the State to private operators as a for-profit enterprise. In other words, incentive will exist to fill the garages. However, both availability and price of parking have significant impacts on auto users' decisions to drive; therefore, it should be assumed that free parking in the vicinity of the stadium will continue to be used.

The FEIS derives its mode share for the new stadium entirely from surveys of Yankees fans. There are several problems with this method. Surveys are susceptible to a variety of biases and error, and it is well-documented in transportation literature that they can result in vastly overstated mass transit use. The FEIS does not contain the survey instruments, despite the fact that the Campaign's written comments on the draft scoping document and DEIS requested their inclusion. Therefore, the public has not had the opportunity to review these instruments for biases or other errors. The margins of errors for these surveys were not revealed in the FEIS.

Further, the data derived from the surveys has been misapplied. The surveys in this case “provided information on current travel origins and destinations, modal splits, and temporal distribution. The data were then compared to results from other surveys ... to solidify the necessary assumptions on travel characteristics for projecting future trips to and from the stadium.” *Yankee Stadium DEIS*, at 15-23. According to the DEIS, “[f]or both the weekday and weekend game conditions, the primary mode of travel is auto, making up 63 and 68 percent of the total stadium trips, respectively.” These percentages are “based on the average of two comprehensive surveys conducted for Yankees games.” The DEIS claims that this “is a conservative (i.e., high) estimate of auto use since the most recent surveys on game day show decreasing auto use and more transit use resulting from an increased fan base from Manhattan.” *Yankee Stadium DEIS*, at 15-23. Herein lies the problem: The current stadium has far fewer parking spaces associated with it than the proposed project will have. The new stadium with its thousands of additional parking spaces is a completely different project. Surveys of current stadium patrons on their current travel mode do not capture the willingness or likelihood of patrons to drive in the future when thousands of additional parking spaces will be available. A truly “conservative” mode share would account for parking-induced trips, and assume that mode share of greater than 63 and 68 percent will drive. In addition, since the FEIS does not reveal what the margins of error were for the surveys, it is not clear that the percentages used were actually conservative within the survey results.

Still, the FEIS claims the traffic volume projections are conservative. According to the FEIS, the “auto shares for Yankee Stadium—63 percent for weeknight games and 68 percent for weekend games—are higher than for other sports venues in New York City, higher than for Mets games at Shea Stadium, and higher than for the U.S. Open at Flushing Meadows Corona Park, where nearly twice as many parking spaces are available (between both sites) than at Yankee Stadium, yet where the auto shares are lower. Therefore, it is not true that more parking spaces mean that more people would drive to games.” Response to Comment 92, *FEIS* at 25-52. Unfortunately, the FEIS does not contain information necessary to evaluate these claims, including (1) the sources for this information, (2) the actual mode shares for each venue (e.g., percent taking transit, percent taking auto), (3) the average numbers of fans in attendance for each event, (4) the fans' origins and destinations, broken down in percentages (e.g., X% are from Manhattan), (5) the vehicle occupancy rates for auto trips to both events, etc. (The Campaign has actually come across documents that show a much lower mass transit mode share for Shea Stadium than the current Yankee Stadium, which supports the idea that limited access to mass transit and availability of parking lead to more auto trips.) In any event, this information does not prove that there will be no increase in auto trips to Yankee Stadium given that the Proposed Action includes a massive increase in off-street parking, the new stadium will be further away from the 161st Street subway station than the current stadium, no program will be put in place to prevent drivers from parking for free in the surrounding neighborhood, average game attendance for Yankees games is expected to increase, and the Proposed Action does not include any improvements to the mass transit system.

The FEIS further claims that the traffic volume projections are conservative because they “do not take a trip reduction credit for the new stadium’s smaller capacity—there is no trip reduction credit for 3,000 fewer fans on sellout game day.” Response to Comment 109, *FEIS* at 25-60. In fact, the “trip reduction credit” for fewer seats is not that significant. When one multiplies 3,000 by the projected mode shares of 63 percent auto on weekdays and 68 percent auto on weekends, and then divides the numbers by the weekday (2.65 persons per vehicle) and weekend auto vehicle occupancy rates (2.75 persons per vehicle), the results show a “trip reduction credit” of 713 and 741 cars. This alleged slight reduction in auto trips on sellout game days is certainly not conservative if one actually accounts for the parking-induced travel that will occur due to the addition of thousands of off-street parking spaces.

The FEIS also claims that the traffic volume projections are conservative because they “did not assume a trip reduction credit for ‘no shows’ on game days, which can be up to 15 percent, according to available stadium data.” Response to Comment 109, *FEIS* at 25-60. However, the FEIS also claims that home game attendance is expected to increase and says, “For the past decade, Yankees’ home games attendance has trended upward. ... Average game attendance has exceeded 35,000 every year since 1999. The peak was last year, 2005, with an average game attendance of 50,499 and a season total of 4,090,440.” *FEIS* at S-6; *see*, Table S-1, Baseball Attendance History at Yankee Stadium, *FEIS*, at S-6. Given that home game attendance has been increasing and is expected to follow that trend, it would be inappropriate to deduct “up to 15 percent” for “no shows” and would result in assumptions that are not conservative.

Oddly enough, the FEIS also claims that the traffic volume projections are conservative because “[t]ravel surveys also indicate that more fans are coming from Manhattan and, as a result, auto use has been declining.” *FEIS*, Response to Comment 92, at 25-51. However, this statement only undermines the FEIS’s assertion that all of the additional off-street parking is needed. Instead, the Proposed Action appears designed to encourage and enable more people to drive.

The traffic study, air quality and noise analyses, and mitigation measures in the *Yankee Stadium FEIS* must be redone to account for the dramatic increase in parking and the parking-induced auto trips that will occur as a result. By failing to study the impacts of parking-induced travel, NYCDPR has fallen short of its statutory obligation under State Environmental Quality Review Act (“SEQRA”) and the City Environmental Quality Review (“CEQR”) and NEPA to take a “hard look” at the potential environmental impacts of the Proposed Action.

III. A Thorough Clean Air Act Conformity Analysis and Determination is Required

The current parking plan for the new stadium will generate sufficient additional traffic to warrant a thorough conformity analysis and determination, as required by the Clean Air Act, as amended, and federal transportation law. First, federal law requires

general conformity requirements to be met whenever a proposed federal action is within an ozone nonattainment area, such as New York City. Second, the *CEQR Technical Manual* identifies “induced traffic” as an issue of concern for parking garages. *CEQR Technical Manual* at 3Q-3. This manual states that actions that would generate more than 100 or more auto trips during peak hours may “result in significant adverse air quality impacts from mobile sources,” triggering the need for their consideration. *CEQR Technical Manual* at 3Q-9. Thus, because of the alienation of parkland and the addition of more than 4,700 additional parking spaces to the vicinity of the stadium, the proposal easily meets each of these thresholds. Even though the project is not a transportation project *per se*, the City must do a thorough conformity analysis and determination before proceeding further.

IV. Key Documents and Studies Were Not Included in the DEIS or the FEIS

Both SEQRA and CEQR require the lead agency to make available to the public the supporting studies and information relied upon for the factual content, assumptions and conclusions of an Environmental Impact Statement. 6 NYCRR § 617.9(b)(7); CEQR at § 6-09(e). The Court of Appeals has held that “a primary purpose of a DEIS is ‘to inform the public and other public agencies as early as possible about proposed actions that may significantly affect the quality of the environment, and to solicit comments which will assist the agency in the decision making process in determining the environmental consequences of the proposed action’ (ECL 8-0109 [4]) – a purpose arguably best served by broad disclosure.” *Jackson v. New York State Urban Dev. Corp.*, 67 N.Y.2d 400, 422; 494 N.E.2d 429, 439; 503 N.Y.S.2d 298, 309 (1986).

The public in this case was not given the opportunity to comment on the survey instruments used, despite the fact that the mode share in this case is derived entirely from these surveys. Considering that findings on traffic serve as a key linchpin for many of the analyses included in the DEIS and the FEIS, the public should have been given the opportunity to comment on the instruments.

Despite the Campaign’s requests that the survey instruments be included in the DEIS and FEIS, and SEQRA’s and CEQR’s public disclosure mandates, the lead agency refused to disclose the documents. The FEIS claims “[s]urvey instruments do not need to be contained within an EIS.” *FEIS*, Response to Comment 109, at 25-60.

Surveys are susceptible to a variety of biases and error, and it is well documented in transportation literature that they can result in vastly overstated mass transit use. A recent article in the journal *Planning* noted that, “In general, planners should treat survey data as imperfect and suggestive, rather than as factual and objective, regardless of how small the margins of error, how good the response rates, or how sophisticated the statistics used to analyze the data.” (Sterngold, A. “Battling Bias: Beware of surveys that overstate people’s attitudes, activities, and future behavior,” *Planning*, July 2005.)

With the exception of the years that two of the surveys were conducted and the name of the consulting firms that conducted the surveys, no information regarding the surveys was included in the DEIS or the FEIS. *See, e.g., FEIS* at 15-23. In fact, no information that could be used to evaluate the validity of the survey instruments, including sample sizes, margins of error, respondents' demographics, and questions asked, is included in the documents.

In addition, appraisals of Macomb's Dam Park property and alleged substitution property were performed in anticipation of compliance with Section 6(f) of the Land and Water Conservation Fund Act. However, neither the DEIS nor the FEIS contain any information on the appraisals, other than to report that they occurred. Given the public interest involved in the conversion of public parkland, these documents should have been included in the FEIS.

On February 2, 2006, the Campaign filed a Freedom of Information Law request on behalf of the Campaign for records pertaining to this EIS, including (1) records sent by or to the lead agency to or from any federal, state, or local environmental regulatory agency concerning (a) the contents of the EIS, (b) the conversion of sections of Macomb's Dam Park under the federal Land and Water Conservation Fund, or (c) any regulatory approval that may be needed for any aspect of the Proposed Action; (2) records concerning any appraisals of portions of Macomb's Dam Park or properties proposed for substitution as part of the Proposed Action's conversion proposal under the federal Land and Water Conservation Fund Act; and (3) the transportation surveys that were used to project travel behavior.

These records have not been provided yet by the Department of Parks and Recreation. Because these records are vital to the Campaign's understanding of the findings of the FEIS, the Campaign reserves the right to submit additional comments on the FEIS.

V. The FEIS Describes Projects that Will Not Exist as Part of the Proposed Action and Contains Empty Statements of "Support" for Mass Transit Improvements

The FEIS contains a description of the Yankee Stadium Neighborhood Development Plan issued by Bronx Borough President Adolfo Carrion Jr. The Borough President's plan not only supported the development of a new stadium but also called for "the development of a hotel conference center, sports and fitness center, a high school for sports industry careers, and transportation improvements for subway, regional rail, and waterborne transport." *FEIS* at S-4. Unfortunately, none of these additional projects are part of the Proposed Action. A Metro-North station at Yankee Stadium has long been considered necessary to help alleviate traffic congestion stemming from current Yankees games. In fact, the New York State Department of Transportation's *Bronx Arterial Needs Major Investment Study* found that many people who usually take Metro North to work in

Manhattan will actually drive to work on game days and then drive to Yankee Stadium so they do not have to return to Grand Central Station or 125th Street to catch a train.

The FEIS is filled with messages of “support” for a Metro-North station, as well as other transit amenities including expansion of the ferry terminal and expanded service, on behalf of the City, the Yankees, and the NYC Department of Parks and Recreation. See, *e.g.*, Response to Comment 22, *FEIS* at 25-14 (“although a new Metro-North station is not part of the proposed project, the City and the Yankees support the construction of the proposed Metro-North Yankee Stadium station”); Response to Comment 112, *FEIS* at 25-62; Response to Comment 114, *FEIS* at 25- 63.

However, it must be noted that “support” in this case does not mean to fund or to offer financial assistance. The State in this case will be paying for parking garages to be built atop parkland in a region that has one of the highest asthma rates in the country, rather than putting money toward a Metro-North station, which would reduce auto trips. The Yankees have not offered to provide any funding for mass transit improvements.

Further, the FEIS asserts, “Mass transit improvements would not diminish the need for the amount of parking being proposed.” *FEIS*, Response to Comment 91, at 25-51. However, neither the FEIS nor the DEIS studied the impacts that improvements to the mass transit system, including the construction of a Metro-North station, would have on traffic, congestion, or travel mode share; therefore, that assertion should be considered baseless.

VI. Cumulative Impacts and Segmentation

The Gateway Center at Bronx Terminal Market and the Yankee Stadium Project, which includes the construction of a new Yankee Stadium and four new parking garages, are literally right next to each other. The construction periods for the two projects overlap – the new Yankee Stadium and all four parking garages will be completed by 2009, while the Build years for Gateway Center are 2009 and 2014. It is assumed that Yankees fans will use Gateway Center parking. “The Gateway Center at Bronx Terminal Market retail development ... would construct about 2,991 parking spaces as part of the development with about 1,200 spaces available during Yankees games.” *Yankee Stadium DEIS*, at 15-21. The construction, traffic, noise, and air quality impacts of the two projects will compound each other; however, both projects are being reviewed in separate environmental impact statements.

Both studies were required to study the cumulative impacts of the two projects under both SEQRA and NEPA. SEQRA defines cumulative impacts as “two or more individual effects on the environment which, when taken together, are significant or which compound or increase other environmental effects. The individual effects may be changes resulting from a single project or a number of separate projects.” 2 *E.C.L.* § 8-0109(2)(b). An agency “must consider reasonably related long-term, short-term and cumulative effects, including other simultaneous or subsequent actions which are: (1)

included in any long-range plan of which the action under consideration is a part; (2) likely to be undertaken as a result thereof; or (3) dependent thereupon.” 6 *N.Y.C.R.R.* § 617.7(c)(2). In addition, segmentation is impermissible under the SEQRA. Segmentation is “the division of the environmental review of an action such that various activities or stages are addressed . . . as though they were independent, unrelated activities, needing individual determinations of significance.” 6 *N.Y.C.R.R.* § 617.2. NEPA requires agencies to study the direct and indirect effects that are reasonably foreseeable from a proposed project, as well the cumulative impacts of the proposed action and other similar actions. *NEPA*, § 2 *et seq.*, 42 *U.S.C.* § 4321 *et seq.*; 40 *C.F.R.* § 1508.8; 40 *C.F.R.* § 1508.25. Given that the two projects will have cumulative environmental impacts, are located right next to each other, and are expected to share parking facilities, one environmental impact statement would have been appropriate.

VII. The Purpose and Need Statement is Skewed Toward the Construction of More Parking

According to the FEIS’s Purpose and Need Statement, “Parking conditions at the existing stadium today are clearly inadequate and contribute to the traffic congestion that accompanies most home games as fans circulate excessively on local streets in search of hard-to-find parking spaces.” *Yankee Stadium FEIS*, at 1-6. This problem is only likely to worsen since game attendance is expected to increase. Unfortunately, there is no mention of congestion management, and, apparently, no goal of reducing auto trips, promoting mass transit, and improving air quality. The environment of the surrounding community and the health of its residents should not be sacrificed to create a more car-dependent suburban-focused facility. As such, plans to build more parking must be reconsidered, and the purpose and need should be amended to reflect a commitment to improving the community’s environment.

VIII. The Project Needs a Mass Transit Component

Congestion management in the area is sorely needed. According to the New York State Department of Transportation, Yankees games already result in significant congestion on the Major Deegan Expressway, the local streets, the bridges crossing into the Bronx, and the FDR and Harlem River drives. However, instead of utilizing planning methods that would discourage auto trips, this project will greatly increase the amount of parking – and give auto users a greater incentive to drive. Other sports facilities are implementing procedures to reduce auto trips, including promoting mass transit at the games and implementing residential permit systems.

Rather than constructing more parking facilities, this project should include improvements to the mass transit infrastructure. Interestingly, DOT’s Bronx Arterial Needs study also found that many people who usually take Metro North to work drive to Yankees to work and then to games so they do not have to return to Grand Central or

125th Street to catch a train. Unfortunately, proposals to build a Metro North station at Yankee Stadium have been languishing for years and are not part of the current project. And since the *Yankee Stadium FEIS* admits that average game attendance will continue to increase, the impacts caused by traffic and congestion will only worsen.

IX. The FEIS Study Area Should Be Extended to Account for Impacts This Project Will Have on the Greater Road Network

The New York State Department of Transportation's *Bronx Arterial Needs Major Investment Study* ("BAN MIS") has identified Yankee Stadium as a major source of congestion, and, in fact, the *Yankee Stadium FEIS* admits that the greater road network already suffers from massive levels of congestion. Response to Comment 92, *FEIS* at 25-51 ("For travel to Yankee Stadium by car, most fans must use the Major Deegan Expressway, or the George Washington Bridge, the Cross Bronx Expressway, or combinations of these facilities, all of which are well known to be congested.").

The BAN MIS was developed to address concerns with traffic operations and safety, transit services, goods movement, and bicycle and pedestrian mobility in the congested highway corridors of the Bronx. According to the study,

When the team is playing in town, significant traffic congestion can be observed on the MDE with effects spilling over onto the local streets in the vicinity, the Grand Concourse, East 161st Street, the bridges crossing into the Bronx, and the FDR and Harlem River drives. On weekdays, most games are in the evening and, thus, there is some overlap with the evening peak commute traffic.

Bronx Arterial Needs Major Investment Study, Existing Conditions and Problem Identification Report, Technical Memorandum #2, October 1999, at 2-3.

As a result of stadium-related congestion, commuter traffic that would have used the Major Deegan Expressway to return home may be using alternate routes, including the Bronx River Parkway and the Henry Hudson Parkway. In addition to studying the impacts of parking-induced traffic, the FEIS should have studied the impact of diverted commuter traffic.

Because of its impact on the greater road network, the study area boundary should be extended beyond the ¼-mile perimeter around the project. If home games are currently causing significant traffic congestion on the Major Deegan Expressway with effects spilling over onto the local streets in the vicinity, the Grand Concourse, East 161st Street, the bridges crossing into the Bronx, and the FDR and Harlem River drives, then adding parking spaces will only increase congestion and extend the amount of gridlock on these roadways. In addition, if Yankee Stadium traffic is diverting commuter traffic, the study area should have also been extended to include these impacts.

X. This Project Will Adversely Impact an Environmental Justice Community

The South Bronx is a low-income and minority community. It has one of the highest asthma rates in the country and lowest rates of auto-ownership in the city. The South Bronx also has a disproportionate number of waste transfer stations and high levels of diesel truck traffic. This project will increase traffic on already congested roadways, and result in increased air pollution in an area that already suffers from poor air quality. This project will also result in the destruction of community parks and hundreds of mature trees. The DEIS and the FEIS should have studied the cumulative impact of the proposed action and other mobile and stationary sources of air emissions, and address the health impacts that will be caused by the Proposed Action on the area's already sensitive population. The impacts of the Proposed Action will be adverse and will be predominantly borne by a low-income minority community.

XI. Conclusion

The South Bronx needs better urban planning. It is disheartening that economic development in this area will have to come at the expense of the health and quality of life of its residents. The failure of this FEIS to study the impacts of the addition of thousands of parking spaces should be considered a fatal flaw, and the lead agency in this case has not satisfied its statutory duties under CEQR, SEQRA, and NEPA to take a "hard look" at all potential significant adverse environmental impacts.

Sincerely,

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