



ROBERT J. RODRIGUEZ  
Assemblymember  
68<sup>th</sup> District

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August 12, 2018

Hector Santana  
Second Avenue Subway  
Community Information Center  
69 East 125th Street  
New York, NY 10035

Donald Burns, AICP  
Director, Planning and Program Development  
Federal Transit Administration, Region II  
One Bowling Green, Room 429  
New York, NY

**RE: Written Comments on the Supplemental Environmental Assessment of the Second Avenue Subway Phase 2**

Dear Mr. Donald Burns,

As the New York State Assemblymember who represents the 68th Assembly district covering East Harlem, I appreciate the opportunity to comment on the *Supplemental Environmental Assessment to the Second Avenue Subway Final Environmental Impact Statement: Phase 2* (Supplemental EA) prepared for the Federal Transportation Administration (FTA).

I would like to thank the Metropolitan Transportation Authority (MTA) for supporting the East Harlem community by extending the Second Avenue Subway to our neighborhood, allowing for less congestion on the existing subway lines and reducing vehicular traffic in our community. I have supported this project from its inception, and am pleased to see Phase 2 begin the preliminary stages of scoping and construction. The project and its construction will have an immense impact on our residents as we prepare to impose a modern subway system on the east side that will eventually connect upper and lower Manhattan. We must consider long and short-term pros and cons and address them as they are presented accordingly. While the East Harlem community stands to benefit economically from this project, construction will disrupt development, traffic, transit, and the environment and displace a number of businesses and residences along the Second Avenue corridor.

After review of the Supplemental EA, which modifies and updates the 2004 Final Environmental Impact Statement (2004 FEIS), the MTA has taken consideration to lessen some of the impacts outlined in the 2004 FEIS because of the adaptation of the East Harlem Rezoning plan, East Harlem Historic district, and from findings in historic and archaeological assessments near the

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construction impact sites. The MTA has modified site locations based on new and future developments planned along the construction zones and is using advancements in technology and engineering to enhance the design and construction of the Second Avenue Subway.

A project of this magnitude requires an open and transparent review of plans and active community engagement, I would like to address a few concerns that have been raised by my constituents and community stakeholders.

### Construction Zones and Safety

It is estimated that at each new station construction will affect a three to five block radius for three to five years. There should be enhanced safety measures and crossing guards in construction zones near school zones during school hours and neighborhood parks. There are nearly fifteen schools within the construction area that will be affected by increased traffic, narrowed sidewalks, and noise exposure.

While the Supplemental EA addresses considerations of nearby and adjacent new and future developments, the EA lacks specifics of how the MTA plans to work with these developers to maximize potential economic benefits near proposed entrances and ancillary sites. The EA lacks detail of how the development of adjacent properties may be prevented or made more difficult during the construction of the Second Avenue Subway.

Within the ancillary buildings, the design calls for retail space, yet there are no details on how the MTA plans to maximize these spaces or how many feet will be provided for commercial or retail space. There should be consideration to develop entrance and ancillary space into larger developments in order to maximize economic development. A plan should also be developed for local small businesses in the community to have preference for new retail space.

### Metro North 125th Street Station

Local community groups have penned the Metro North 125th Street Station as the new “Uptown Grand Central”. The area from Park Avenue to Lexington Avenue along 125th street has great opportunity for economic development that could be supplemented by retail and commercial development in a plan that encourages public private partnerships with adjacent developers. The Supplemental EA does not include plans to incorporate public private partnerships in order to improve and nurture new and future development.

The Supplemental EA and Modified Design misses great opportunity to collaborate with nearby developers to make Uptown Grand Central a reality. We should envision this as a major transportation hub that includes easy access to and from intermodal transportation connections that improves and supports residential and economic development. Retail and commercial opportunities should be considered at all ancillaries and entrances. Further, a public private partnership that instills value capture at 125th Street should be considered. Nearby property

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owners stand to generate much value from the improved infrastructure; plans should be implemented for value capture that would in turn help fund other infrastructure projects. Alternate plans should be considered to maximize economic growth at 125th Street and Park Avenue and fall in line with Uptown Grand Central plans.

The span of 125th street from the Metro North Station at Park Avenue to Third Avenue is currently a retail center of the neighborhood. While disruptions have been minimized in the Modified Design along 125th street with the use of mining rather than cut and cover construction, the plan does not express how the retail hub benefits economic development. In addition, a new mezzanine level is proposed for the 125th Station, plans should incorporate retail into the new stations.

#### Transportation

It is expected that there will be significant disruptions to subway and commuter services on the Metro North and the Lexington Avenue line. Lane closures and speed reduction in identified areas are predicted and increased trucks and construction vehicles will impose congestion and safety concerns. It is critical that the MTA remain committed to traffic monitoring, management and mitigation with the NYCDOT. The Modified Design lacks detail on where buses will be rerouted that as stated will cause delays on other East Harlem bus lines that already run at an average of four miles per hour. Further, at the Metro North station during construction the plan is not clear on where the existing taxi queue at Park Avenue and 125th Street will be temporarily located.

#### Post Construction

Ridership increases because of accessibility to multiple lines of transportation in the new transportation hub. Station space should be maximized to improve the flow of pedestrian traffic at and below street level, and allow for easy and accessible transfers to the Metro North, buses, the 4/5/6 line and the new Second Avenue Subway. Again, there are significant opportunities for intermodal connectivity between the Metro North, buses, taxis, and subway transfers. Ridership transfers between the Metro North and the subway lines should be optimized for easy accessibility and in line with the flow and volume of increased vehicular and pedestrian traffic along 125th Street. Below level, careful consideration should be taken to ensure that connection tunnels and platforms can accommodate the volume of commuters.

#### Parking

The Supplemental EA does not fully address the loss in parking spaces during construction of the Second Avenue Subway. The Supplemental EA maintains the analysis provided in the 2004 FEIS. The 2004 FEIS concluded that while parking would be lost at construction zones there was adequate alternative street parking and access to parking garages and lots. Since the 2004 FEIS there has been up spurt in development around the East Harlem community that has already caused loss of parking in other areas.



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In 2018, the New York City Department of Transportation (NYCDOT) launched a car sharing pilot program in East Harlem. With 10 location sites across the community, and allocating 20 parking spaces to the program, four of the locations are on or near Second Avenue. The relocation of the pilot program locations to other areas of East Harlem during the construction would adversely affect residential parking.

### Noise Pollution

Although a certain level of pollution and noise are inevitable, many people are concerned about the physical and noise pollutants that would affect air quality and general quality of life. During Phase 1, there were complaints of residents that experienced adverse effects due to the ground-borne noise. Noise pollution can contribute to causing detrimental health reactions, such as, hypertension, high stress, tinnitus, and sleep disturbances. Between 10pm and 7am, there is an '80 level' max noise. More information is needed on the timeline of progress and proximity to residents, especially in the night hours. The Supplemental EA should be updated to address the recent changes in parking in the community.

### Air Quality

East Harlem has the sixth highest rate of children aged 5-14 to be hospitalized for asthma, a rate twice that of the citywide rate. Adult hospitalization is ranked fifth in the city in East Harlem according to the NYC 2015 Community Health Profile. The mitigation program for Phase 2 will include best practices to reduce dust. The Modified Design will follow a “no visible dust” policy and require that contractors develop a plan to control emissions. The contractors should have additional oversight to ensure that the best practices are used to reduce emissions. Expertise and advisement should be pertinently given to plan development during blasting and tunnel boring periods. The MTA should regularly update the public during workshops and community sessions on the air quality during construction.

Since the 2004 FEIS, environmental standards have changed; The U.S. Environmental Protection Agency (EPA) 2010 standard regarding 1-hour average NO<sub>2</sub>, which was established without guidelines to evaluate project level emissions. The Modified Design warns that these types of emissions could occur. The EA provides limited information as to the effects of exceeding the 1-hour standard, and how it could potentially affect workers and residents. More information on the guidelines and regulation from the EPA should be communicated in the Supplemental EA and to the public over time.

A regular air monitoring system and report to the community and stakeholders should be provided during public outreach events. Additional monitoring of air quality in cut and cover construction zones should be implemented throughout the construction period.

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### Pest Control

The Supplemental EA addresses pest control within construction plans with contractors. Rat sightings have increased due to heightened development in and around East Harlem. A recent study by Vanessa Mateus of the Geospatial Analytics Lab, developed an interactive map to analyze NYC311 rodent complaints in order to identify areas of high rodent infestation in New York City. East Harlem ranked a six on a rodent severity scale, nine being severe to two being low. The areas of most reported rat sightings were East Harlem South and East Harlem North from Park Avenue to 2nd Avenue between East 109th Street to 117th Street. A more detailed plan of pest management and control should be considered in the areas identified by the current study. These areas should have more intense actions in order to quell the rodent problem during construction. Barriers, fencing, and stored construction equipment can become havens for rodent infestations, thus the MTA should publically report on rodent and pest control throughout the construction process and actions that should be taken to prevent and reduce rodent populations in the newly constructed subway stations.

### Displacement and Relocation

The Modified Design differs from the 2004 FEIS in requiring additional space for acquisition and displacing additional businesses and residents. In the Modified Design (preferred or alternate), either 505 or 157 employees will be displaced and 170 residents will lose their homes. Ergo, the use of eminent domain should only be used when necessary and compensation should reflect true market value. The plan lacks details on the fair and just compensation of these businesses and residences. When exercising eminent domain for economic development and public infrastructure purposes, the MTA should prepare a comprehensive economic development plan and a property owner impact assessment, both of which are not included in the Supplemental EA.

In addition, more information should be provided on relocation efforts for businesses and potential provisions of housing options to be relocated into units in East Harlem Community. Many of the business affected by Phase 1 construction reported loss in profits and visibility, the MTA says they will provide signage to business owners along the Second Avenue corridor in construction zones in order to help to maintain customers during the 9-year construction period. The MTA should develop a more comprehensive economic development plan that incorporates plans to help the business owners during this period.

In addition, it has been reported that post Phase 1 completion, the new Second Avenue line draws new customers and business owners from nearby avenues. This has posed a detriment to businesses on Third Avenue and Lexington Avenues, who have reported declines in patronage. More information should be provided on the adverse impacts of current and recently closed businesses that are located in nearby areas during and post construction on Third and Lexington Avenues from Phase 1, and how the new subway line will permanently affect business and commerce in other commercial and retail areas near Second Avenue.



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Local Hiring

The Second Avenue Subway project offers a great opportunity for local contractors and construction workers to be employed for the next few years as the subway is built. The Supplemental EA includes no local hiring initiative during and after the project's completion. This would allow the subway to generate revenue for the local community, an area where the unemployment rate is 7.3% according to census data provided in 2016, and nearly half of East Harlem residents are seeking employment opportunities (52 percent).

Minority and Women Owned Business Enterprise Utilization

This year, Governor Andrew Cuomo increased Minority and Women-owned Business Enterprises (M/WBE) goals for state contracting to 35 percent. State-certified MWBEs have won more than \$10.4 billion in state contracts since 2011. The Supplement EA does not incorporate plans to utilize certified State M/WBEs.

Timeline

Although Phase 2 was slated to be completed in 7 years according to the 2004 FEIS, the new timeline presented has stated that Phase 2 completion should be expected for 2029. That is an additional 3 years to the original schedule. The MTA should take into consideration parallel building sites in order to amend the timeline. Adjacent or parallel sites may be forced to delay development until after the construction, causing prolonged disruptions for years after the project's completion. Collaborating and planning with developers to incorporate simultaneous construction would help to reduce the adverse impacts of noise and air pollution and decrease the amount of prolonged development post construction.

The Second Avenue Subway is an immense project that will have an enormous economic, environmental, and transportation benefits and adverse impacts on the East Harlem community during and after its completion. The MTA has taken measures to address ways to lower the adverse impacts in the Supplemental EA through modified designs. In my comments, I have outlined a few points of where supplement information should be provided and plans developed to optimize the benefits and minimize the adverse impacts associated with the project. I will continue to monitor and work closely with my constituency, community stakeholders, the Metropolitan Transit Authority and City and State agencies to ensure that the Second Avenue Subway Phase 2 is completed safely, on budget, and on time.

Should you have any further questions or concerns I can be reached at (212) 828-3953. Thank you.

Sincerely,

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A handwritten signature in black ink, reading 'Robert J. Rodriguez'.

Robert J. Rodriguez  
New York State Assembly  
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East Harlem/El Barrio, Central Harlem, and the Upper East Side

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