



October 20, 2020

Mr. Andrew Brooks
Environmental Program Manager - Airports Division
Federal Aviation Administration
Eastern Regional Office, AEA-610
1 Aviation Plaza
Jamaica, New York 11434

Sent via email
comments@lgaaccessseis.com

Dear Mr. Brooks:

On behalf of the Guardians of Flushing Bay, thank you for the opportunity to comment on the proposed LaGuardia Airport Access Improvement Project's Draft Environmental Impact Statement (DEIS).

Guardians of Flushing Bay (GoFB) is a coalition of residents, human-powered boaters and park users advocating for a healthy and equitably accessible Flushing Bay and Creek. Through waterfront programming, hands on stewardship, community visioning and bottom up advocacy GoFB strives to realize Flushing Waterways as a place where our most marginalized watershed residents can learn, work and thrive. We are also a member of the Sensible Way to LGA coalition, a united group of local residents, community-based organizations, and citywide partners fighting for a substantial and meaningful LGA Airtrain EIS process that produces the best alternative for all New Yorkers. And we are long standing partners of Riverkeeper, an environmental watchdog group protecting and restoring the Hudson River and its tributaries (of which Flushing Bay and Creek are included).

Project Background

The Port Authority of New York and New Jersey (Port Authority) proposes to construct an elevated AirTrain to carry passengers between The New York City Transit Authority Mets-Willets Point and the LaGuardia Airport. The proposal comprises multiple pieces of large scale infrastructure. For operations and support infrastructure, the proposal calls for a passenger

and walkway systems, parking garages, ground transportation facilities, a multilevel operations, maintenance, and storage facility with 500 Airport employee parking spaces, traction power substations located at the on-airport East Station, the Mets-Willets Point Station, a 27kV main substation, and utilities infrastructure. For the people mover, the proposal includes two on-airport stations and a terminus station at Willets Point connecting to the Long Island Railroad (“LIRR”) Port Washington Branch and the NYC Number 7 subway line.

The rail system would span approximately 2.3 miles in length, traversing the Flushing Bay Promenade at World’s Fair Marina and continuing alongside the East Elmhurst community of Queens. The proposed rail line, beginning at the airport north of the Grand Central parkway, would tower over a 2,100-foot stretch of promenade until the 31 st Drive pedestrian bridge where it would pass over the westbound lanes of the Grand Central Parkway and follow the highway median until crossing over to the CitiField Parking lots.

Project Concerns

Guardians of Flushing Bay believes that the proposed LGA AirTrain is an ill conceived transportation project that alienates parkland, crowds overburdened transit infrastructure and is an irresponsible use of federal stimulus funds. The Flushing Bay parkland, which is relied upon by the surrounding communities, is effectively being treated as a sacrifice zone for massive infrastructure and ongoing construction. We are calling on you, FAA, to adequately recognize the concerns of local community members and water users from the tri-state area who rely on the parkland, views of the Bay and enjoyment of the waterfront.

GoFB is concerned about several specific aspects of the FAA’s LGA AirTrain DEIS. Many of these concerns are included in the comments submitted by Pace Environmental Litigation Clinic (the “Pace Clinic”) on behalf of Riverkeeper. The concerns raised in the Pace Clinic’s letter include 1. an unlawfully narrowed Purpose and Need Statement; 2. unlawfully narrowed criteria that preclude any alternatives other than the LGA AirTrain; and 3. ignored issues and alternatives required by Section 4(f) of the Department of Transportation Act of 1966 regarding alienation of parkland. We are submitting additional concerns here that focus on potential impacts to our environmental justice communities and the subsequent mitigation proposals meant to address them.

1. Fails to Consider COVID-19 Impacts

The impacts of the COVID-19 pandemic on our local watershed communities and NYC as a whole are varied and complex. They should be factored into both the environmental review process and the proposed project.

Our watershed communities have been the epicenter of the global pandemic. In April, 2020 East Elmhurst, Jackson Heights and Corona were listed as three of the top five NYC neighborhoods with the highest positive cases of COVID-19¹. In May, 2020 the three neighborhoods were among the top 20 NYC neighborhoods with the highest COVID-19 related death rates ². Instead of investing in desperately needed social services and open space, we have watched as this costly project continues to be pushed through. As we stated in a letter to our Congressional Delegates signed by our partners at Ditmars Blvd Block Association, Queens Community Board 3, Together We Can, and COVID Care Network³, the wake of the initial impact of COVID-19 is a moment to prioritize community resilience, health and transit equity. It is not a time to push forward mass airport transportation infrastructure that offers little benefit to the local community.

An additional unfortunate ramification of the COVID-19 crisis is the dependence on virtual engagement for public comments. By being entirely digital, FAA's DEIS engagement process has excluded our community members with barriers to technology, whether that be skill or access. We recognize that these are unprecedented times that require use of technology and we appreciate FAA's multiple virtual public workshops and hearings. We also recognize that the consequent exclusion of community members with barriers to technology is the result of pushing forward the environmental review despite the challenges and limitations presented by the COVID-19 crisis. We ask that FAA properly consider this impact in your reviews.

With the largest Combined Sewage Overflow outfalls in the City, Flushing Bay is heavily polluted by 2.3 billion gallons of raw sewage discharging yearly from New York City's sewer system. The NYC Department of Environmental Protection's proposal to build a Flushing tunnel to alleviate pressure on Flushing Bay's CSOs including BB-06, a massive sewage overflow pipe releasing 649 million gallons of raw sewage and contaminated stormwater every year, may be stalled due to limited funding⁴. Similarly, the Flushing Bay promenade has had increased trash debris and a lack of repairs due to a limited NYC Parks budget for maintenance and sanitation. These issues became so unsightly that Community Board 3 organized multiple community and environmental groups including GoFB to cosponsor a Flushing Bay Promenade community clean up and repair day. Lack of funding for open space, park maintenance and environmental

¹ Sharon Lerner, *Coronavirus Numbers Reflect New York City's Deep Economic Divide*, The Intercept (April 9, 2020) <https://theintercept.com/2020/04/09/nyc-coronavirus-deaths-race-economic-divide/>

² Michael Schwirtz and Lindsey Rogers Cook, *These N.Y.C Neighborhoods Have The Highest Rates of Virus Deaths*, The New York Times (May 18, 2020) <https://www.nytimes.com/2020/05/18/nyregion/coronavirus-deaths-nyc.html>

³ Letter from Rebecca Pryor, Program Coordinator, Guardians of Flushing Bay to NY/NJ Congressional Delegation (June 11, 2020).

⁴ Letter from Marcella R. Eckles, Deputy General Counsel, Bureau of Legal Affairs to Dena Putnick, Esq. Office of General Counsel, NYC Department of Environmental Conservation (September 16, 2020).

protection are likely to worsen as the pandemic continues. We urge FAA to factor these consequences of the global pandemic into their analysis of impacts and adequate mitigation.

2. *Fails to Recognize our Low-Income Environmental Justice Communities*

The DEIS fails our low-income environmental justice communities in two key ways: 1. Even though residents fall below Federal and City poverty levels, FAA does not consider these communities low-income environmental justice populations⁵ and 2. The project's General and Extended Study Area include large, more affluent census tracts that barely fall in the study area's border (tract 907 is the most notable example),⁶ while it excludes lower income census tracts that could be disproportionately impacted from the proposed project and cumulative actions.

The FAA finds the direct study area to rightly warrant 'minority environmental justice population' status due to the percentage of Black Indigenous and People of Color. However, the DEIS finds that the study area does not warrant the status of 'low-income environmental justice population' despite findings that the General Study Area and the Extended Study Area fall below NYC's Poverty Level at higher percentages than is the average for the rest of NYC and Queens County specifically. Furthermore, the Extended Study Area's boundary includes larger, more affluent census tracts, like tract 907 in College Point, which lie narrowly in the boundary and influence the low-income population analysis⁷. At the same time, the Extended Study Area's boundaries exclude some of Downtown Flushing's most impoverished census tracts, such as tracts 853 and 869, which may be impacted by the proposed project especially when studied together with the proposed Special Flushing Waterfront District (SFWD).

Affordable housing, small business and labor advocates in Flushing are deeply concerned about the adverse impacts that the proposed SFWD could have on low- and moderate-income residents, workers and small business owners⁸. Similarly, while the AirTrain has been touted as a driver of economic development for Flushing,⁹ it remains unclear to local advocates and residents how this project will create long lasting economic development opportunities for Flushing's low-income residents and small businesses. In fact, it is possible that the project will encourage

⁵ Fed. Aviation Admin., Alternatives, Draft Environmental Impact Statement; LaGuardia Airport (LGA) Access Improvement Project, LaGuardia Airport, Queens at 216 (2020).

⁶ Fed. Aviation Admin., Alternatives, Draft Environmental Impact Statement; LaGuardia Airport (LGA) Access Improvement Project, LaGuardia Airport, Queens at 219 (2020).

⁷ Fed. Aviation Admin., Appendix N, Socioeconomics and Environmental Justice, Draft Environmental Impact Statement; LaGuardia Airport (LGA) Access Improvement Project, LaGuardia Airport, Queens at 2 (2020).

⁸ Letter from Flushing for Equitable Development and Urban Planning Coalition to Council Member Peter Koo, (October 19, 2020).

⁹ Better Way to LGA, *OPINION: The LaGuardia AirTrain is About Jobs, Jobs, Jobs*, Streetsblog (September 22, 2020) <https://nyc.streetsblog.org/2020/09/22/opinion-the-laguardia-airtrain-is-about-jobs-jobs-jobs/>

the development of more market rate housing, airport hotels and high-scale shopping districts. It is critical that the economic status of the census tracts directly impacted by projects like the SFWD and Willets Point Redevelopment be considered in FAA's analysis.

We urge FAA to reconsider the Extended Study Area to include Downtown Flushing census tracts that would suffer cumulative impacts and to reevaluate its environmental justice designation as both 'low-income' and 'minority' environmental justice communities. Upon doing so, we ask that FAA adequately assess the impacts that this project could have on our low-income communities, both independently and cumulatively with the SFWD and Willets Point Development.

3. Fails to Assess Indirect Displacement Impacts

The DEIS does not evaluate potential impacts on indirect residential and commercial displacement, either for the AirTrain independently or cumulatively with other proposed development projects. As an organization dedicated to equitable access to the waterfront, GoFB believes that the absence of indirect displacement impact in the review is a glaring omission in your analysis.

While the DEIS references the impact that the AirTrain could have cumulatively with the proposed SFWD and Willets Point redevelopment for several categories, it does not assess their cumulative impact on indirect displacement. Both projects, however, have been sharply criticized for their potential residential and commercial displacement. Taken together with the proposed AirTrain, the three projects could have enormous impacts on local residents. The consequence of not examining the potential indirect displacement for this project, on its own and cumulatively, is illuminated upon closer examination of the impacted neighborhoods.

To the East of Citi Field is Willets Point, a disinvested neighborhood entirely in a floodplain composed of immigrant owned auto body small-businesses, several of whom were relocated to the Bronx in 2013 during the proposed rezoning of Willets Points and eventually evicted from their new location.¹⁰ With the City's ongoing proposal to finalize the development plans for Willets Point, the remaining businesses may soon face similar fates. To the East of Willets Point is Downtown Flushing, a neighborhood with a growing income gap and situated alongside a severely polluted Flushing Creek. The proposed SFWD, now in the midst of the Uniform Land

¹⁰ Katie Honan, *Displaced Willets Point Auto Shops Being Evicted From New Bronx Home*, DNA Info (September 22, 2017).

<https://www.dnainfo.com/new-york/20170922/corona/willets-point-hunts-point-sunrise-cooperative-evicted-eminent-domain/>

Use Review Procedure (ULURP), has undergone sharp criticism from urban planning¹¹, environmental justice, affordable housing and economic equity advocates¹².

On the West side of the Bay is East Elmhurst. As of 2011, East Elmhurst residents, many of whom live directly across from the proposed AirTrain route, have resided in their homes longer than any other NYC neighborhood.¹³ These long standing residents are mostly Black homeowners, many of whom (or whose families) moved to the neighborhood during the 1960s and 1970s in a period of white flight. East Elmhurst, suffering from the sound and air pollution emitted from LGA, was one of the limited places in NYC where Black homeowners were welcome. Today, East Elmhurst is home to a growing LatinX population, both immigrant and non-immigrant born. Residents of this historic neighborhood use the Flushing Bay Promenade to jog, walk, run, dragon boat and enjoy the scenic views of the Bay.

Considered together with the Willets Point redevelopment and SFWD, Port Authority's preferred AirTrain route could impose disproportionate hardship on both these environmental justice communities and on Flushing Bay and Creek, the health of which are integral to the health of the local communities. We ask that FAA consider these impacts in full by analyzing the potential indirect residential and commercial displacement.

4. *Fails to Adequately Mitigate Project Impacts*

The DEIS fails to properly mitigate the long-lasting impact of the proposed project on the environmental justice populations that it disproportionately impacts.

The DEIS refers to a Memorandum of Agreement (MOU) between Port Authority and NYC Parks, which includes a one time payment for promenade improvements—\$8.5 million for “enhancing and improving the paths, including refurbishment of railing and walkway to a uniform and improved condition, (ii) de minimis repairs, as necessary, to the bulkhead/seawall alongside the paths to make them safe for public use, (iii) irrigation...and (iv) improved landscaping along the entirety of the Promenade/Marine area including the planting of trees”¹⁴.

¹¹ The Municipal Art Society of New York, *Much Ado About Flushing*, Report and Analysis of the Special Flushing Waterfront District, (September 3, 2020). <https://www.mas.org/news/much-ado-about-flushing/>

¹² Christine Chung, *Locals Lawsuit Slams Flushing Waterfront Development Project*, The City (June 8, 2020). <https://www.thecity.nyc/2020/6/8/21284151/flushing-west-waterfront-development-project-lawsuit>

¹³ Joseph Berger, *There Stays the Neighborhood*, New York Times (January 7, 2020). <https://www.nytimes.com/2011/01/08/nyregion/08elmhurst.html>

¹⁴ Fed. Aviation Admin., Draft DOT Section 4(f) and 6(f) Evaluation, Draft Environmental Impact Statement; LaGuardia Airport (LGA) Access Improvement Project, LaGuardia Airport, Queens, App'x I at 113 (2020), Memorandum of Agreement Concerning the Coordination Between the Parties on Certain Matters Regarding an Airport Mass Transit Project at LaGuardia Airport by and Between the Port Authority of New York and New Jersey and the City of New York at Ex. J, pp. 27 (2019).

These are meager items compared to the impact of the project and they do not address any of the disproportionate sight, sound or coastal impacts to the environmental justice communities. Furthermore, the miniscule budget offers no plan for operations or ongoing mitigation for the 13.16 acre park. For reference, other waterfront parks in NYC—Hunts Point South, Domino Park and Brooklyn Bridge Park—all average over \$4 million *per acre* for capital costs and maintenance.

A one time payment to fix railings, repave the promenade and replant trees that will be destroyed by the AirTrain does not properly mitigate a 40-70 foot tall project that will remain on the park indefinitely. These items do not respond to the needs of an environmental justice community whose largest environmental resource is being alienated, encumbered and sacrificed. Simply put, it is insulting to park users and neighbors to have to endure an AirTrain in order to get run of the mill Park improvements without any plan for maintenance and operations.

In partnership with Riverkeeper, GoFB developed the Flushing Waterways Vision Plan¹⁵, a community-driven living document that outlines over 50 recommendations to enhance the waterfront and respond to the needs of local residents. Among several other improvements for the Flushing Bay Promenade, the plan recommends landscaped sound walls¹⁶ to drown out the noise of the Grand Central Parkway, functional design changes to the two pedestrian overpasses that would make them useful and safe for walkers, joggers and bikers¹⁷, and restored marshland along the water's edge¹⁸. These are the kind of improvements that would actually respond to the impacts of ongoing construction, constant pollution and disconnected access points. While the Vision Plan needs to be further expanded to ensure that it includes all the voices of our watershed, it remains a powerful example of what a community-generated vision of waterfront open space could look like.

GoFB stands with the East Elmhurst community associations who have expressed similar concerns around mitigation within the residential portion of the neighborhood. We agree that proper mitigation for a project of this scale should include a community center for seniors and youth, an apprenticeship program to ensure local hiring of AirTrain related jobs, mitigations to combat the air and noise pollution *and* extensive, community-generated improvements to the waterfront park. All potential impacts must be considered and mitigated accordingly.

¹⁵ “Flushing Waterways VISION PLAN.” *Riverkeeper*, Guardians of Flushing Bay, 15 Mar. 2018, www.riverkeeper.org/campaigns/restore-nyc-waterways/flushing-waterways-vision-plan/ [hereinafter Vision Plan].

¹⁶ Vision Plan, at 62 and 65.

¹⁷ Vision Plan, at 44 and 46.

¹⁸ Vision Plan, at 44.

Conclusion

Given these concerns and in alignment with the Pace Clinic, we believe that the FAA needs to revise and publish a second draft for public comment before finalizing the EIS. Thank you for your consideration of our concerns and suggestions. We hope that the remainder of the environmental review is conducted with full community engagement, substantial review of all impacts, and a robust study for the best alternative to LaGuardia Airport for all New Yorkers.

Sincerely,



Rebecca Pryor
Program Coordinator
Guardians of Flushing Bay and Riverkeeper, Inc.

With Support From:

Ditmars Blvd Block Association
Empire Dragons NYC
Flushing Workers Center
Greater Flushing Chamber of Commerce
Jackson Heights Beautification Group
Together We Can
Queens Distance Runners