

Agency Coordination Plan

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1. Introduction

The Federal Transit Administration (FTA), as lead federal agency for the National Environmental Policy Act (NEPA), and the Niagara Frontier Transit Metro System, Inc. (Metro), as local project sponsor and joint lead agency for the New York State Environmental Quality Review Act (SEQR), are preparing an Environmental Impact Statement (EIS) for the Metro proposed Buffalo-Amherst-Tonawanda Corridor Transit Expansion project (the Proposed Project).

1.1 PURPOSE OF PUBLIC INVOLVEMENT PLAN

The environmental provisions in 23 USC § 139 require that lead agencies establish a plan for coordinating public and agency participation and comment on the environmental review process for a project. Accordingly, the FTA and Metro have prepared this Agency Coordination Plan (ACP) for the Proposed Project to describe the process and communication methods for disseminating information about the Proposed Project and for soliciting input from the public and agencies. The ACP complies with the current federal surface transportation law, Fixing America's Surface Transportation Act (FAST Act).

The ACP will be in effect throughout the environmental review process, ending with the Record of Decision. The plan is a flexible, "living" document that can be amended as needed during the process.

1.2 PROJECT OVERVIEW

Metro is proposing to expand high quality transit from its current terminus at University Station on the University at Buffalo (UB) South Campus, along Kenmore Avenue, Niagara Falls Boulevard, Maple Road, and Sweet Home Road, through the UB North Campus to John James Audubon Parkway and Interstate 990 (I 990). The build alternatives being considered include a light rail transit (LRT) extension and a bus rapid transit (BRT) system. Both alternatives would essentially follow the same alignment and would be primarily at-grade. Ten stations, with two park & ride facilities and an overnight storage facility are proposed for both alternatives.

High-quality transit service in the Greater-Buffalo region has been considered for over 50 years. The concept for Metro Rail evolved in the 1960s and 1970s as one segment of a proposed 43-mile network of rapid-transit rail lines across the region. Plans were developed for a 14-mile rail line running between downtown Buffalo and Amherst to north of the planned UB North Campus. The rail line was scaled back to a 6.4-mile line terminating at the UB South Campus. This line opened in 1985 and continues to operate as the existing Metro Rail.

The existing Metro Rail serves a diversity of activity centers and land uses, ranging from the waterfront to the urban center of downtown Buffalo and the Buffalo Niagara Medical Campus (BNMC), to the large and expanding UB campuses and other colleges, to older established residential neighborhoods and emerging commercial and employment centers.

In 2010, the Niagara Frontier Transportation Authority (NFTA) updated its 2001 Strategic Assessment. The review examined available rights-of-way and major arterial corridors as possible locations for major transit investments. The study identified four corridors as candidates for future major investment. The Buffalo-Amherst-Tonawanda Corridor Transit Expansion corridor was recommended as a candidate for further study.

An update to NFTA's Strategic Assessment gave priority to the task of expanding high quality transit through the Northtowns to the University at Buffalo North Campus. NFTA initiated an Alternatives Analysis (AA) to determine the best means of linking key activity centers in Downtown Buffalo with education and employment opportunities in the Towns of Amherst and Tonawanda via high-quality transit service. The AA narrowed a long list of 36 Tier 1 options (including different routes and modes of transit like bus and Bus Rapid Transit) down to 15 Tier 2 options. Of those 15 options, just 7 were deemed worthy of deeper evaluation and these Tier 3 screenings resulted in the recommendation of a LPA by NFTA in January of 2017.

With the establishment of an LPA, the Greater Buffalo-Niagara Regional Transportation Council (GBNRTC) kicked-off a Transit-Oriented Development (TOD) study to bring current riders, community members, businesses, developers, and local officials together to shape growth and the built environment around station areas and along the transit corridor.

Metro, as the lead agency, initiated the environmental review process for the Metro Rail Expansion in 2018 and undertook a review of the environmental, socio-economic, and fiscal impacts in accordance with SEQRA. The LPA was further refined at the outset of the development of the SEQRA EIS. The SEQR DEIS was released in January 2020 and two public hearings were held in February 2020 to provide an opportunity to reach the public and solicit input in response to the DEIS. During the comment period for the SEQR DEIS, FTA requested lead agency participation, requiring that the environmental review be conducted pursuant to the National Environmental Policy Act (NEPA). The findings of the SEQR DEIS, the written and oral comments received during the SEQR public hearing, and comments received during the SEQR DEIS document public comment period that ended on March 24, 2020, will inform the development of a new DEIS prepared pursuant to NEPA.

1.3 POTENTIAL KEY RESOURCE AREAS

The EIS for the Proposed Project will include an evaluation of the potential social, economic, and environmental effects resulting from the action. The potential key topics of concern include the following:

- Environmental topics, including traffic, noise, cultural and historic resources, visual resources, hazardous waste and contaminated materials, and wetlands
- Social considerations, including environmental justice
- Economic considerations, including property acquisition and potential effects on local and/or regional businesses
- Construction-related effects.

2. Agency Coordination Plan

The appropriate agencies will be identified and invited to serve as Cooperating and/or Participating Agencies for the Proposed Project. 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.

According to the Council on Environmental Quality (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 also states (40 CFR §1501.6) that an agency may request the lead agency to designate it a Cooperating Agency.

"Participating Agencies" are those 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. Metro and FTA have considered the distinctions noted below in deciding whether to invite an agency to serve as a Cooperating/Participating Agency or as a Participating Agency.

The roles and responsibilities of Cooperating and Participating Agencies are similar, but Cooperating Agencies have a higher degree of authority, responsibility, and involvement in the environmental review process. A Cooperating Agency with jurisdiction may adopt without recirculating the EIS of a lead agency when, after an independent review of the statement, the Cooperating Agency concludes that its comments and suggestions have been satisfied. This provision is particularly important to permitting agencies that, as Cooperating Agencies, may adopt USDOT environmental documents.

Cooperating Agencies are responsible for providing input on:

- Purpose and need
- Range of alternatives
- Methodologies
- Issues that could substantially delay or prevent granting of permit/approval
- Mitigation

Cooperating Agencies also share the responsibilities of Participating Agencies. The roles of Participating Agencies are to:

- Provide comments, responses, studies, or methodologies on those areas within the special expertise or jurisdiction of the agency
- Use the process to address any environmental issues of concern to the agency

Table 2-1 lists the agencies that have been invited to serve as Cooperating and/or Participating Agencies for the Project along with the reason for their requested involvement and particular responsibilities. The Cooperating and Participating Agencies will be consulted throughout the EIS process.

Table 2-1 List of Invited Cooperating and Participating Agencies

Agency Name	Involvement
Cooperating Agencies	
Federal Highway Administration	Traffic and transportation
U.S. Environmental Protection Agency	Section 309 Clean Air Act
U.S. Army Corps of Engineers	Section 404 Clean Water Act; 33 USC 408 (Section 408); Section 10 of the Rivers & Harbors Act of 1899
U.S. Fish and Wildlife Service	Section 7 of the Endangered Species Act
Empire State Development	Project funding
New York State Department of Transportation	Traffic and transportation
New York State Department of Environmental Conservation	New York State environmental permits
New York State Office of Parks, Recreation and Historic Preservation – State Historic Preservation Office	Section 106, National Historic Preservation Act; Section 4(f), U.S. Department of Transportation Act
Dormitory Authority State of New York (DASNY)/ State University of New York	University at Buffalo campus
Erie County Department of Public Works	Transportation right-of-way
Participating Agencies	
Greater Buffalo Niagara Regional Transportation Council	Consultation regarding traffic modeling and forecasting
Erie County Department of Environment and Planning	Consultation regarding planning and development
City of Buffalo	Consultation regarding ongoing and planned development within the project study area and other topics as needed
Town of Amherst	Consultation regarding ongoing and planned development within the project study area and other topics as needed
Town of Tonawanda	Consultation regarding ongoing and planned development within the project study area and other topics as needed

Coordination with Cooperating and Participating Agencies will occur through a combination of meetings, conference calls, and/or email updates. Meetings or conference calls with Cooperating Agencies are anticipated to occur regularly throughout the environmental review process. Additional meetings with Cooperating and Participating Agencies will be held on an as-needed basis to resolve issues as they arise. These meetings will be specific to the issue and agency involved.

In addition to the Cooperating and Participating Agencies, the lead agencies will solicit input from project stakeholders, including adjacent municipalities and other agencies/organizations.

2.1 AGENCY CONTACT INFORMATION

Table 2-2 lists contact information for the invited Cooperating and Participating Agencies for the Project.

Table 2-2 Agency Contact Information

Agency Name	Phone	Website
Cooperating Agencies		
Federal Highway Administration	518-431-8882	https://www.fhwa.dot.gov/nydiv/
U.S Environmental Protection Agency	877-251-4575	http://www.epa.gov/
U.S. Army Corps of Engineers	202-761-0011	https://www.usace.army.mil/
U.S. Fish and Wildlife Service	800-344-9453	https://www.fws.gov/
Empire State Development	716-846-8200	https://www.esd.ny.gov
New York State Department of Transportation	716-847-3238	http://www.dot.ny.gov/
New York State Department of Environmental Conservation	716-851-7200	http://www.dec.ny.gov/
New York State Office of Parks, Recreation and Historic Preservation – State Historic Preservation Office	518-237-8643	https://parks.ny.gov/
Dormitory Authority State of New York (DASNY)/ State University of New York	716-884-9780	https://www.dasny.org
Erie County Department of Public Works	716-858-8390	http://www2.erie.gov/dpw/
Participating Agencies		
Greater Buffalo Niagara Regional Transportation Council	716-856-2026	https://www.gbnrtc.org/
Erie County Department of Environment and Planning	716-858-8390	http://www2.erie.gov/environment/
City of Buffalo	716-851-4769	https://www.buffalony.gov/
Town of Amherst	716-631-0000	https://www.amherst.ny.us
Town of Tonawanda	716-877-8800	https://www.tonawanda.ny.us

3. Environmental Review Process

The purpose of the environmental review process is to promote informed decision-making by considering the potential environmental and social impacts of the Proposed Project. Metro will engage federal, state, and local agencies with a defined interest in the Proposed Project, as well as the public that could potentially be affected by the Proposed Project. The environmental review process includes opportunities for agencies and the public to provide input. Table 3-1 provides an overall project schedule with key coordination points. Anticipated completion dates are included for informational and resource planning purposes. Timeframes and review periods are established in accordance with the CEQ regulations implementing the NEPA (40 CFR parts 1500-1508) and FTA's environmental regulations (23 CFR part 771).

Table 3-1 Coordination Points

Coordination Point	Originating Agency	Receiving Agency/Agencies	Task	Approximate Date
Notice of Intent (NOI) to prepare Draft EIS	FTA	EPA	Develop NOI FTA publishes NOI in Federal Register	August 2021
Scoping Process	FTA with Metro	Public, Participating and Cooperating Agencies	Publish Draft Scoping report to allow public and agencies to comment on purpose and need, alternatives, and environmental issues. Metro prepares Scoping Summary Report.	August - October 2021
Identification of Cooperating and Participating Agencies	FTA with Metro	Cooperating and Participating Agencies	Invite agencies; agencies accept or decline in writing within 30 days.	September 2021
Coordination Plan including Schedule	FTA with Metro	Public, Participating and Cooperating Agencies	Prepare draft Agency Coordination Plan and Public Involvement Plan; recipients review and comment; Metro finalizes plan based on comments.	September 2021
Purpose and Need	FTA with Metro	Public, Participating and Cooperating Agencies	Prepare draft purpose and need, consider comments during scoping and refine purpose and need using these comments.	October 2021
Assessment Methodologies	FTA with Metro	Participating and Cooperating Agencies	Discuss methodologies with permitting, Cooperating and Participating Agencies.	September - October 2021
DEIS	FTA with Metro	Public, Participating and Cooperating Agencies	Develop DEIS document.	October 2021 – August 2022
DEIS Circulation	FTA with Metro	Public, Participating and Cooperating Agencies	Publish NOA of DEIS in Federal Register for 60-day public review and conduct 2 Public Hearings	September – December 2022
FEIS	FTA with Metro	Public, Participating and Cooperating Agencies	Complete FEIS document.	January – April 2023
ROD	FTA with Metro	Public, Participating and Cooperating Agencies	Metro to send FTA a draft Notice of Availability (NOA) for FEIS/ROD to be released for public review.	April 2023
Combined FEIS/ROD Circulation	FTA with Metro	Public, Participating and Cooperating Agencies	Circulate combined FEIS/ROD document.	July 2023