

# ***Niagara Gorge Corridor***

***Robert Moses Parkway Removal  
Main Street to Findlay Drive  
Niagara Falls, NY***

## ***Design Report/ Environmental Assessment***

### ***Appendix D - White Paper***

**Appropriateness of Applying NEPA  
Requirements to the First Phase Project**

**PIN 5761.90  
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***In cooperation with:***

New York State Department of Transportation  
New York Power Authority  
USA Niagara Development Corporation  
**The City of Niagara Falls, NY**



**White Paper on the Niagara Gorge Corridor Project:  
Appropriateness of Applying National Environmental Policy Act Requirements  
to the First Phase Project**

**Main Street (NYS Route 104) to Findlay Drive  
City of Niagara Falls, NY**

**Introduction**

The Niagara Gorge Corridor (NGC) Project, including modification or elimination of the Robert Moses Parkway (RMP)<sup>1</sup>, has been, and is still being considered between Main Street in the City of Niagara Falls, New York and Center Street in the Village of Lewiston, New York; a length totaling six miles. Further consideration is being given to proposing a first-phase project of construction at the south end of the NGC between Main Street (NYS Route 104) in downtown Niagara Falls and Findlay Drive near DeVeaux Woods and Whirlpool state parks, a distance of almost two miles. Accordingly, a second phase of construction would potentially be considered along the northern portion between Findlay Drive and Center Street, a distance of approximately four miles. See **Figures 1, 2 and 3** in Appendix.

Following a public scoping process completed in 2013, a consensus—one that transcended over two decades of previous public discussion—evolved around a proposal to open access to the Niagara Gorge by modifying RMP and local road access. Between Main Street and Findlay Drive, this would essentially involve removing the RMP and consolidating all north-south road access (i.e., the equivalent of 8 travel lanes) into a single road largely following the right-of-way of the existing Third Street/Whirlpool Street. This would be possible given the limited amount of traffic that uses both the RMP and Third Street/Whirlpool Street, which in combination currently totals no more than 400 trips in any direction in either the AM or the PM peak hour.

As a result of the scoping process conducted for the NGC Project, and as agreed to by the Memorandum of Understanding (MOU) partner agencies for the project (i.e., the NYS Office of Parks Recreation and Historic Preservation [State Parks], the NYS Department of Transportation [NYSDOT], the USA Niagara Development Corporation [USAN] and the City of Niagara Falls [the City]), it was determined that a project between Main Street and Findlay Drive should be advanced as a separate action through the environmental documentation process pursuant to the National Environmental Policy Act (NEPA). This white paper provides further background on this determination.

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<sup>1</sup> The RMP within the NGC, part of the NYS Parkway System, was originally completed in 1962 as a four-lane limited-access expressway limited to non-commercial vehicular traffic and certain types of transit/intercity bus travel. In 2000, as part of a “Pilot Project” to test the effects of reducing the size/type of the roadway, the two SB lanes of the RMP were closed to traffic and converted to a wide “multi-purpose trail” and the remaining NB lanes were converted to two-way, 40 MPH traffic. However, the large majority of physical expressway features (grade separation, fencing, concrete barriers, etc.) were left in place except in limited locations; for example, where an interchange would have been rendered inaccessible. This configuration has since remained in place.

As stated in 23 CFR 777.111(f), “*In order to ensure meaningful evaluation of alternatives and to avoid commitments to transportation improvements before they are fully evaluated, the action evaluated in each EIS or finding of no significant impact (FONSI) shall:*

- (1) Connect logical termini and be of sufficient length to address environmental matters on a broad scope;*
- (2) Have independent utility or independent significance, i.e., be usable and be a reasonable expenditure even if no additional transportation improvements in the area are made; and*
- (3) Not restrict consideration of alternatives for other reasonably foreseeable transportation improvements.”*

The following sections of this white paper address each of these three requirements in terms of demonstrating the appropriateness of assessing social, economic, and environmental effects pursuant to NEPA for the Main Street-to-Findlay Drive Project as a separate action. Along much of this approximately two-mile long corridor, the RMP closely parallels the four-lane Third Street/Whirlpool Street. It is not anticipated at this time that the evaluation of any subsequent project phase north of Findlay Drive would be initiated while the NEPA documentation process is underway for this first-phase project.

As noted above, the potential for studying a first-phase project and advancing that project through the NEPA process was introduced during the course of project scoping. In the *Niagara Gorge Corridor Project Draft Scoping Report* (released on February 20, 2013), the subsequent *Niagara Gorge Corridor Project Final Scoping Report* (October 2013) and at the third public meeting held on February 20, 2013, the concept of accelerating the Main Street-to-Findlay Drive Project as the first-phase project was clearly presented in the context of meeting the three criteria identified in 23 CFR 777.111(f), as well as additional elements. At the public meeting, various presentation and distribution materials indicated the reasons for proposing the Main Street-to-Findlay Drive Project as a separate action to be advanced through the NEPA process. Based on the information presented at these meetings and in these various materials, reasons for proceeding in such manner can be further refined and summarized according to the three stated criteria:

***(1) Connect logical termini and be of sufficient length to address environmental matters***

- The Main Street-to-Findlay Drive Project has clear geographically defined termini for a stand-alone project.
- The Main Street-to-Findlay Drive Project will not result in any impacts north of Findlay Drive beyond those that would occur as part of the No-Build Alternative.

***(2) Have independent utility or independent significance***

- The Main Street-to-Findlay Drive Project would accomplish objectives that are compatible with the overall corridor objectives, even if construction north of Findlay Drive is never undertaken.
- The Main Street-to-Findlay Drive Project would independently support economic development opportunities in the Niagara Falls area.
- The Main Street-to-Findlay Drive Project has received stakeholder and public support.
- The Main Street-to-Findlay Drive Project has the greatest potential to reasonably secure funding.
- The Main Street-to-Findlay Drive Project complies with the project partner agencies' objective (i.e., as stated in a 2006 Memorandum of Understanding) of finding alternatives that have independent utility from other portions of the RMP, to allow for a first-phase project that could be immediately advanced.

***(3) Does not restrict consideration of alternatives for other reasonably foreseeable transportation improvements***

- The Main Street-to-Findlay Drive Project will not restrict consideration, evaluation, selection or construction of any reasonable alternative being considered north of Findlay Drive.

It was also indicated at the third public meeting that key supporters of the first-phase project included: the MOU partner agencies (State Parks, NYSDOT, USAN and the City) as well as the Village of Lewiston, the Town of Lewiston and the New York Power Authority (NYPA, which owns roughly 75% of the Gorge rim land upon which the RMP sits). Similarly, these entities, as well as additional municipalities in the northern portion of the NGC, had previously publicly supported the completion of the Main Street-to-Findlay Drive Project as an independent first-phase project as part of a City of Niagara Falls/State Parks application to the U.S. Department of Transportation (USDOT) under the first round of the Transportation Investment Generating Economic Recovery (TIGER) program.

Details of how a stand-alone NEPA study of the Main Street-to-Findlay Drive Project meets the criteria of 23 CFR 777.111(f) are provided below.

## **1. Connect Logical Termini and be of Sufficient Length to Address Environmental Matters**

The below discussion specifically addresses the first criterion of 23 CFR 777.111(f), which requires that the action evaluated in each EIS or finding of no significant impact (FONSI) must connect logical termini and be of sufficient length to address environmental matters on a broad scope. The discussion is presented to first address the “logical termini” criterion, followed by the “sufficient length to address environmental matters on a broad scope” criterion.

### **a. Logical Termini**

The southern terminus of the first-phase project has been established as the point where Main Street crosses the current start of the Northern Segment of the RMP. This point is located in the Entertainment District of Niagara Falls, which is the heart of the city’s tourism industry. Given that this is already the southern terminus of this segment of the RMP, it is an obvious terminus for the proposed project.

The proposed northern terminus of the first-phase project has been established using different, but equally appropriate criteria, given the nature of the corridor. As stated in Section 1.2.1 of the *Niagara Gorge Corridor Project Final Scoping Report* (heretofore referenced simply as the “Final Scoping Report”), “Within the corridor, there are five naturally occurring geographic sub-segments, many of which coincide with the edges of the area’s distinct neighborhoods and long established parkway intersections. The most striking example of these dividers is Findlay Drive.” This statement about Findlay Drive is based on the fact that it essentially creates a visible boundary line between the existing residential and commercial development located between Whirlpool Street and Main Street to the south and the less developed area of DeVeaux Woods and Whirlpool state parks immediately to the north. It is also at the intersection with Findlay Drive that the existing RMP changes from a narrow tree-lined corridor to the south to bisect the substantially wider grassed and wooded state park lands to the north.

Findlay Drive is also the first intersection to the north of the NGC’s southern terminus at Main Street that provides access from the existing RMP to the local street system, providing a direct connection with both Whirlpool Street and Main Street/Lewiston Road (NYS Route 104). Until 2000, when the Niagara Falls-to-Lewiston segment of the RMP was converted from an expressway into a two-lane roadway, there had actually been a grade-separated interchange connecting the RMP and Findlay Drive. The existing configuration of Findlay Drive and its connections with the RMP, Whirlpool Street and Main Street/Lewiston Road enables the potential to develop a suitable design that would efficiently and practicably transition the first-phase project to existing roadways to the north.

In turn, public classification of the Main Street-to-Findlay Drive segment on the RMP suggests it is indeed unique from the balance of the NGC. This segment is part of the USDOT’s designated National Highway System (NHS) network, which terminates at Findlay Drive and then proceeds east on this road to connect to NYS Route 104.

Given the different characteristics of land use between the areas to the south and north of Findlay Drive, the current point of access between the RMP and the local street system at Findlay Drive, the ease of transition between the first-phase project and existing roadways to the north, and the terminus of the NHS classification, this location meets the requirement of a “logical terminus” pursuant to the first criterion for a NEPA project study under 23 CFR 777.111(f). Therefore, the logical termini for the first-phase project would be the intersections at Main Street and Findlay Drive, a distance of almost 2.0 miles in the City of Niagara Falls.

#### **b. Sufficient Length to Address Environmental Matters**

The approximate two-mile corridor between Main Street and Findlay Drive represents a reasonable and appropriate length for evaluating environmental conditions and impacts associated with the proposed first-phase project. A preliminary discussion of environmental conditions and potential impacts for the full NGC from Main Street in Niagara Falls to Center Street in Lewiston was provided in the Final Scoping Report. Based on the information presented in the Final Scoping Report, the anticipated potential impacts to be studied in some detail in the NEPA document are presented below, with specific focus on the first-phase project:

##### ***Social and Economic Impacts:***

- Existing commercial areas adjacent to the project corridor between Main Street and Findlay Drive include the Main Street, Niagara Street and Third Street business districts. These business districts could potentially experience changes in terms of public access, relationship to waterfront recreational resources, and visibility for vehicular traffic, bicyclists and pedestrians, and as a result, potential opportunities for economic development and local spending may be afforded. Any such impacts are not anticipated to have any resulting effect on areas north of Findlay Drive, although such potential will be assessed as cumulative effects, as appropriate.
- Neighborhood and community cohesion could be affected by removing the expressway barriers and opening direct access between the City of Niagara Falls neighborhoods and the Niagara Gorge. Recreational opportunities and visual alterations of the lands along the Gorge rim are also anticipated. Any such impacts are not anticipated to have any resulting effect on areas north of Findlay Drive, although such potential will be assessed as cumulative effects, as appropriate.
- The only school located south of Findlay Drive that is close to a local roadway and that could potentially experience redistributed traffic from the RMP is the Harry F. Abate School. Any related impacts are not anticipated to have any resulting effect on areas north of Findlay Drive, especially since redistributed traffic north of Findlay Drive is expected to be minor; such potential will be assessed as cumulative effects, as appropriate.

##### ***Environmental Impacts:***

- Potential impacts on water quality may result from construction activities associated with the existing closed drainage system discharging into the Niagara River. Also, disturbance to more than one acre of land is anticipated, thereby requiring a State Pollutant Discharge

Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activities (GP-0-15-001) and the preparation of a Stormwater Pollution Prevention Plan. Any related impacts are not anticipated to have any resulting effect on areas north of Findlay Drive, and a separate SPDES permit would likely be required for any improvements north of Findlay Drive; such potential will be assessed as cumulative effects, as appropriate.

- There is a possibility that a federally- or state-protected, threatened or endangered species could exist along or below the cliff face of the Niagara Gorge. Impacts to known occurrences or suitable habitat of such listed species (including the threatened Northern Long Eared Bat and possible state-listed species within the Calcareous Talus Slope Woodland and Calcareous Cliff Community) will be evaluated during preliminary design, as appropriate. Updated confirmations with the U.S. Fish and Wildlife Service and NYS Department of Environmental Conservation will also be conducted. At the time of the preparation of the Final Scoping Report (see Section 4.4.9, page 182), no federally-protected, threatened or endangered species had been identified within or near the corridor. As appropriate, measures to avoid or minimize impacts during construction will also be identified during preliminary design. The potential for any resulting effect on areas north of Findlay Drive will be assessed as cumulative effects, as appropriate, although it is anticipated that the potential for such impacts would be similar north or south of Findlay Drive.
- Two individual historic properties and two historic districts listed on the National Register of Historic Places (NRHP) have been identified within the project's study area. In addition, a total of 39 individual historic resources in the study area have been determined eligible for inclusion on the NRHP and 23 individual properties are recommended as being eligible for the NRHP as part of this study, with one such property (i.e., Aquarium of Niagara) adjacent to the proposed project. An additional historic district (i.e., Upper Main Street Historic District) is also recommended as potentially eligible as part of this study. With one exception (i.e., the railroad bridge over Whirlpool Street), it is not anticipated that any of these properties would need to be directly affected as part of the project. It should be noted that the railroad bridge over Whirlpool Street is not individually eligible, but it may contribute to the eligibility of the unused railroad bridge over the gorge as an approach bridge). The potential for any resulting effect on historic properties located to the north of Findlay Drive will be assessed as cumulative effects, as appropriate; however, the number of such resources is anticipated to be significantly less than that south of Findlay Drive.
- There are a number of known archaeological sites within or adjacent to the project's Area of Potential Effect (APE), as well as several areas that are sensitive for the presence of historic period archaeological deposits. If the depth of disturbance resulting from reconstruction of Whirlpool Street does not exceed the original construction depth, there should be no concerns regarding that part of the project, but if the construction depth exceeds the present disturbance, measures may need to be taken following consultation with the State Historic Preservation Office (SHPO). The potential for any resulting effect on areas north of Findlay Drive will be assessed as cumulative effects, as appropriate, but such effects are not considered to be likely.



- Whereas the Main Street-to-Findlay Drive Project Area contains parkland and open space resources (e.g., Niagara Falls, DeVeaux Woods, and Whirlpool state parks; NYPA-owned open space lands on the Niagara Gorge; Great Gorge Railroad Trail, etc.) that are afforded special consideration under Section 4(f) of the Department of Transportation Act, no design concept is anticipated to require any direct or constructive use of such resources. In fact, the proposed project involves elimination of the existing RMP expressway, and features designed to open waterfront access, restore natural features on reclaimed land, and link these parkland and open space resources to adjoining communities/neighborhoods are included in the project and will be considered as part of this assessment. The potential for any resulting effect on areas north of Findlay Drive will be assessed as cumulative effects, as appropriate.
- Visual impacts to be addressed within the Main Street-to-Findlay Drive corridor are anticipated to include the removal of the existing RMP, reconstruction of streetscape elements, introduction of a multi-use trail and the addition of native plantings. The potential for any resulting effect on areas north of Findlay Drive will be assessed as cumulative effects, as appropriate.
- While this project may result in minor changes to existing traffic patterns, it is not anticipated to result in a significant difference in vehicle miles traveled (VMT) in the region. The project is also not expected to increase overall traffic volumes, reduce source-receptor distances or change other existing conditions to such a degree that would jeopardize attainment of the National Ambient Air Quality Standards (NAAQS). Therefore, a detailed air quality study is neither required nor proposed to be conducted, and a qualitative assessment would be prepared.
- It is anticipated that only a qualitative energy analysis will be performed since the project does not involve new construction on new alignment for a principal arterial or above, and because the nature of this project would not be considered energy intensive due to the low volumes along the corridor. The qualitative analysis would consider relative direct and indirect energy comparisons related to roadway construction, operation and maintenance. The potential for any resulting effect on areas north of Findlay Drive will also be assessed qualitatively as cumulative effects, as appropriate.
- This project meets the criteria for a Type I project as defined by 23 CFR 772 due to an anticipated shift of traffic volumes from Robert Moses Parkway to Whirlpool Street between Main Street and Findlay Drive. As a result, a detailed noise study of the peak hour condition is required and is proposed to be conducted. The potential for any cumulative effects north of Findlay Drive will be qualitatively addressed, as appropriate.
- No acquisition or demolition of existing buildings will be necessary, although the proposed removal of two RMP bridges (one over the Sewage Treatment Plant Access Road and one over the approach to Whirlpool Bridge) would trigger the need for a pre-demolition asbestos survey based upon the findings of the record plan review and preliminary asbestos field screening assessment. It is not anticipated that these activities would have any impact on areas north of Findlay Drive.
- A total of 24 properties / parcels have been identified within the project study area that may pose an environmental risk in terms of encountering hazardous waste and/or

contaminated materials during construction. Fifteen of these properties contain or have contained petroleum storage tanks. Due to the past history of portions of the project study area, especially the area adjacent to a former hydraulic canal, urban/industrial fill may be present as well. The construction impact on the project will be refined and may warrant detailed site investigations of the selected alignment once it's selected. The potential for any resulting effect on areas north of Findlay Drive will be assessed as cumulative effects, as appropriate; however, none are anticipated at this time.

In general, it is anticipated that any social, economic and environmental impacts that could potentially result from construction and operation of the proposed Main Street-to-Findlay Road project would essentially be fully contained within the limits of that project. In addition, no indirect or cumulative impacts, particularly those related to traffic, are anticipated to occur in areas north of Findlay Drive as a result of construction of the proposed first-phase project south of Findlay Drive. Given the nature of the project and the logical termini of the proposed first-phase project, only minor rerouting of traffic in the areas to the north of the Main Street-to-Findlay Drive corridor are anticipated to result if only the first-phase project were to be constructed (see further details on this conclusion in Section 3.b below).

For the above-stated reasons, it is determined that the proposed first-phase project between Main Street and Findlay Drive meets the 23 CFR 777.111(f) requirement of being of sufficient length to address environmental matters on a broad scope.

## **2. Independent Utility or Significance**

The discussion below specifically addresses the second criterion of 23 CFR 777.111(f), which requires that the action evaluated in each EIS or finding of no significant impact (FONSI) must have independent utility or independent significance (i.e., be usable and be a reasonable expenditure even if no additional transportation improvements in the area are made). The discussion is presented to address two separate elements that can demonstrate the independent utility or independent significance of a portion of a larger proposed project: 1) that the proposed first-phase project (i.e., Main Street-to-Findlay Drive) achieves the overall project purpose and need; and 2) that the proposed first-phase project functions independently without constructing the remaining portion of the NGC project north of Findlay Drive.

### **a. Meets Project Purpose and Need**

One major method of assessing the independent utility or independent significance of a project, or a portion of a proposed larger project, is to identify the ability of that project to demonstrate usability, and to achieve, or at least contribute toward achieving the overall project purpose and need. In this particular case, the construction of the first-phase project between Main Street and Findlay Drive needs to be assessed in this regard, in the event that the remainder of the full NGC project never gets approved and/or constructed. Therefore, the following paragraphs address the ability of the first-phase project to demonstrate usability and to meet or contribute to the overall project purpose and need as a stand-alone project.

The overall NGC, and the RMP in particular, exhibits several deficiencies / needs as listed and described below. These deficiencies / needs also specifically relate to the Main Street-to-Findlay Drive Project, and are presented below in this regard:

- *The total number of travel lanes that parallel the Niagara Gorge far exceeds the traffic demand in the existing condition as well as in the future.* Most transportation projects are undertaken due to a deficiency of adequate capacity to handle the existing and projected traffic volumes. The configuration of the RMP and adjacent roadways within the corridor, however, currently provides an over-abundance of travel lanes for vehicles that traverse the area. In some locations, there are eight travel lanes available (including the former southbound RMP lanes currently used as the Robert Moses Parkway Trail), which is more than what is needed. For instance, in either peak hour (i.e., AM or PM), it is projected that no more than 1,200 vehicles in both directions would use the three major north-south roadways combined within the Main Street-to-Findlay Drive Project Study Area (i.e., RMP, Third Street / Whirlpool Street and Main Street) in the 2040 No-Build condition. As a result, there is more roadway pavement in place than is necessary, thereby resulting in unnecessary additional cost to maintain, and land currently occupied by roadway that could be put to other, more efficient and beneficial uses. In turn, the impervious coverage created by this pavement serves to continue to impair the ecology of the Niagara Gorge and the Niagara River through contaminated stormwater runoff, fragmentation of habitat areas, and absorption of heat. Therefore, the purpose of the proposed Project in this regard would be to reduce the number of vehicular lanes in the Project limits to only that needed to support projected traffic by removing the RMP and shifting traffic to local roadways, thereby reducing overall maintenance costs, providing the ability to create additional land for more productive recreational use, and lessening adverse environmental effects to the Gorge and River ecology.
- *There are limited points of access between the adjacent neighborhoods and the Niagara Gorge rim, thereby restricting the amount of local usage of this great natural resource.* In the Main Street-to-Findlay Drive Project Area, there are only three locations where local, regional and nationwide populations can directly access the Gorge rim and areas to the west of the RMP (i.e., via the Robert Moses Parkway Trail at Main Street and Rainbow Boulevard, via a pedestrian bridge at the Aquarium of Niagara and via the converted RMP off-ramp below the RMP viaduct near the Whirlpool Bridge). An additional point of access, however, is located north of the Project Study Area at the at-grade pedestrian crosswalk between Whirlpool and DeVeaux Woods State Parks. As a result, despite the proximity of the Gorge rim, people's ability to actually enjoy the recreational and scenic opportunities of the Gorge and the Lower Niagara River is limited. The need to reconnect the City and the Region to its waterfront, via the removal of the RMP is an important element of the *Niagara Falls Comprehensive Plan* and the City of Niagara Falls Greenway Vision. Therefore, the purpose of the Project in this regard would be to provide continuous access between the adjacent residential and commercial area and the Niagara Gorge rim by removing all physical barriers along the entire length of the Project Area.

- *The Main Street-to-Findlay Drive Project Area lacks a continuous trail network that links together existing and proposed attractions, parks, trails, cultural/historic sites and adjacent neighborhoods in a more natural park-like setting.* Although the Robert Moses Parkway Trail provides for the exclusive use of bicyclists and pedestrians, and is separated from the vehicular portion of the RMP by a grassed median, it still has the appearance of half of an expressway. In addition, as noted above, there are only limited points of access between adjoining City neighborhoods and the Robert Moses Parkway Trail and Niagara Gorge rim.. The need for a continuous bicycle and pedestrian trail system along the Niagara Falls waterfront, including the Project Study Area, was also identified in the City of Niagara Falls Greenway Vision, the *Niagara River Greenway Plan* and the *Niagara Falls National Heritage Area Management Plan*. Therefore, the purpose of the Project in this regard would be to provide an attractive trail network for bicyclists and pedestrians along the entire length of the Niagara Gorge from Main Street to Findlay Drive, which would also connect to other existing trail networks into the Gorge and with all streets in adjoining City of Niagara Falls neighborhoods.
- *Although not technically a transportation deficiency, there is a need to promote economic development and tourism within the corridor.* The *Niagara Falls Comprehensive Plan*, the Erie-Niagara Framework for Regional Growth, the *One Region Forward* Regional Plan for Sustainable Development, and other policy documents promulgated by the State’s Niagara Falls-based economic development agency (USA Niagara Development Corporation) all identify this as an important need, especially in light of the City’s ongoing economic struggles. The existing configuration of the RMP in the Main Street-to-Findlay Drive Project Area actually impedes addressing this need. This is because it minimizes opportunities to realize appropriately-scaled, sustainable development in the City that capitalizes on proximity to the Gorge and the Niagara River in a manner that could extend visitor stays and create associated economic benefits. Therefore, the purpose of the Project in this regard would restore the Niagara Gorge rim within the Project limits by removing the RMP to allow for further active/passive recreational enjoyment, and to help transform business districts in the Project Study Area to best complement and capitalize on the proximity to these natural/recreational assets.

The deficiencies and needs presented above are oriented toward improvement of the overall transportation system located within and in proximity to the corridor, as well as enhancement of the recreational, visual and economic opportunities of the corridor. The needs would be met with the construction of the proposed Project between Main Street and Findlay Drive. The Project Area extends north of Niagara Falls State Park (which attracts 9 million annual visitors) and downtown Niagara Falls (i.e., the primary location for lodging and dining facilities). In turn, the Project Area immediately runs along some of the City of Niagara Falls’ most densely developed neighborhoods, and would open direct Gorge/waterfront recreational access to its entire ~50,000 residents.

Removal of pavement associated with the existing RMP would add 6.7 acres to the contiguous parkland / green space that currently exists along the Gorge rim within the Project Study Area. This action would also allow 13.2 acres of isolated parcels east of the RMP to be annexed as part of the total contiguous parkland / green space within the Project Study Area. In combination,

these enhancements would add a total of 19.9 acres to the contiguous parkland / green space that currently exists west of the RMP. As a result, the current total of 117.0 acres of contiguous parkland / green space within the Project Study Area would increase to 136.9 acres, comprising a wide, fully-accessible green ribbon connecting Niagara Falls State Park and Whirlpool State Park.

Based on the needs described above, a final list of five basic Project Objectives was prepared and listed in the Final Scoping Report, each with its own set of sub-objectives. The ability of the Main Street-to-Findlay Drive Project to specifically achieve the five basic objectives and to fulfill the Purpose and Need is addressed below.

- ***Improve access and transportation*** – Direct multi-modal access from City neighborhoods along the Niagara Gorge rim in the Main Street-to-Findlay Drive Project Study Area and associated open space lands would be improved by the removal of RMP pavement, safety appurtenances and other physical barriers between Main Street and Findlay Drive. As a result, continuous visual and physical access would be provided along this entire segment. Access within the open space lands would also be improved with construction of an attractive system of trails designed to accommodate pedestrians and bicycles, and connect to existing trails along the Gorge rim and within the Gorge itself. Localized multi-modal transportation conditions within the area would also be improved through new streetscape and landscape amenities included as part of the reconstruction of Whirlpool Street and Third Street in the Project Study Area. Enhancements, including road features to facilitate traffic calming and potential future public transit access, wider grass verge/snow storage areas, pedestrian amenities (e.g., wider sidewalks, designated crosswalks, and curb bulb-outs at major intersections), lighting, street trees, and signage would be incorporated into the Project design to make it more desirable for both drivers and local residents. Therefore, this overall objective would be met.
- ***Promote and conserve the ecology and environment of the Project Area*** – Environmental conditions along the state parks and NYPA open space lands would be improved by elimination of pavement, bridges, and other impervious areas/structures of the RMP between Main Street and Findlay Drive. In this regard, all areas where pavement from the existing RMP and access roadways are proposed to be removed would be appropriately restored with native vegetation that would further enhance water quality (by naturally filtering storm water runoff), habitat connectivity, and the aesthetics of the entire setting of the Gorge rim in this segment. The removal of pavement and restoration of such lands with a new multi-use trail network (likely constructed from porous pavement) and native vegetation would expand the areas that can be used for enjoying the region's natural and scenic beauty. In addition, the improved pedestrian and bicycle access to, from, and along the Gorge rim, connecting to scenic overlooks and trailheads leading down into the Gorge, would further promote the opportunities to enjoy these natural features. Such improvements and integration of the RMP lands between Main Street and Findlay Drive into a well-configured chain of parks, open spaces and cultural/historic sites along the Niagara Gorge would also help to promote eco-tourism and heritage tourism in the area. Therefore, this overall objective would be met.

- ***Support economic vitality*** – The Main Street-to-Findlay Drive Project would fully redefine business districts near the Niagara Gorge, yet would still maintain existing access to communities north of the Project Area. This would ultimately promote a transformation of the area that would contribute to neighborhood economic stability through increased visitation by recreational users of the Gorge and Gorge rim. The improved accessibility, sustainability, and visual conditions resulting from the Project, a corridor which is very close to the center of the tourist activity in the immediate region, could potentially contribute to the overall attractiveness of the City of Niagara Falls and Western New York as a tourist destination. The removal of the RMP (and its associated grade separation, barriers, and fences) would facilitate intuitive way-finding along the Gorge from Main Street to Findlay Drive, with Whirlpool Street essentially operating as a “Gorge-front” boulevard and promenade. Therefore, this overall objective would be met.
- ***Minimize impacts to adjacent neighborhoods*** -- Whirlpool Street would largely serve as the boundary between the State Parks / NYPA open space lands along the Gorge and adjacent residential neighborhoods, and would accommodate most north-south vehicular access between Main Street and Findlay Drive. This at-grade road would be designed as a “Complete Street” to proactively accommodate pedestrian, bicycle, and transit access in proper balance with vehicular access, and done so in a manner that would be visually pleasing to properly complement the world-class natural setting along the Gorge. Whirlpool Street would be completely reconstructed to provide traffic calming features (e.g., avoiding excessively wide travel lanes, providing curb bulb-outs at certain intersections, etc.), on-street parking where appropriate, a wide verge area where possible, and a complete new streetscape, including new sidewalks, street lighting, and landscaping. These improvements would enhance the visual appearance, perception of safety, and functionality of the overall neighborhood setting along Whirlpool Street. Therefore, this overall objective would be met.
- ***Support Niagara River Greenway Plan and Other Local/Regional Policy Documents*** – The proposed improvements between Main Street and Findlay Drive would help to facilitate access along and to the Niagara River region’s many resources. Facilitating the establishment of a single, well-designed, and properly-scaled at-grade road and associated trail/open space connections among parks, destinations, and sites on the Gorge rim between Main Street and Findlay Drive would represent the largest individual step in the region to date toward the realization of a planned Niagara River Greenway. The proposed improvements would also contribute toward the celebration and interpretation of the Niagara Gorge’s unique natural, cultural, recreational, scenic and heritage resources, all of which are addressed in the Niagara River Greenway Plan, as well as other local and regional policy documents including but not limited to the *Niagara Falls National Heritage Area Management Plan*, NYPA’s Land Management Plan and Recreation Plan for the Niagara Power Project and the *Niagara Falls Comprehensive Plan*. Therefore, this overall objective would be met.

Given that construction of the Main Street-to-Findlay Drive Project would meet all of the objectives and the purpose and need for the full NGC Project, although at a reduced geographic level, it satisfies the first test for demonstrating independent utility or independent significance if only that portion is ever constructed. In this regard, the Main Street-to-Findlay Drive Project

would be usable and would be a reasonable expenditure even if no additional transportation improvements in the area are made.

**b. Functions Independently Without Improving the Remaining Portion of the Overall Proposed Project**

Another method that can be used to assess if a project or a portion of a larger project has independent utility and/or independent significance is to demonstrate that it will function independently and without resulting in traffic impacts in the corridor roadway beyond the project limits, in this case, the corridor north of Findlay Drive.

The traffic analysis presented below is based on the traffic modeling performed specifically for the first-phase project, which amends the information presented in the Final Scoping Report for the NGC Project (see Section 3.3.1.5, pages 138 – 144 of that report). The analysis performed during scoping took into consideration the number of diverted trips caused by the proposed reconfiguration of the RMP for the entire NGC between Main Street in the City of Niagara Falls and Center Street in the Town of Lewiston. An effort has been made in this subsequent analysis to assess the traffic levels and diversions on the RMP and other local roadways as presented for a first-phase Build scenario only, including along parallel routes north of Findlay Drive. The reason for focusing this analysis on the first-phase project is to ascertain what traffic impact, if any, there would be beyond the limits of that project, if only the first-phase project were to be constructed.

Diverted traffic for this analysis mainly relates to vehicles that normally use the RMP and would be rerouted to other roadways as a result of the closure of the RMP between Main Street and Findlay Drive. For this analysis, the primary routes of interest are the RMP (both north and south of Findlay Drive), Main Street (between Rainbow Boulevard and Findlay Drive), Whirlpool Street (between Third Street and Findlay Drive), Lewiston Road (immediately north of Findlay Drive to College Avenue), Portage Road (between Buffalo Avenue and Main Street), 11<sup>th</sup> Street (between Portage Road and Ontario Avenue) and Highland Avenue (between Ontario Avenue and College Avenue). Of these routes, the segments that are considered to be beyond the limits of the first-phase project because they are partially or entirely north of Findlay Drive are the RMP between Findlay Drive and Lewiston Road, Lewiston Road between Findlay Drive and College Avenue, and Highland Avenue between Ontario Avenue and College Avenue.

It should be noted that because of the nature of the overall project, no induced traffic to the subject corridor as a result of future development or enhanced tourism, either north or south of Findlay Drive, is anticipated. Therefore, differences in induced traffic is not an issue to be considered whether only the first-phase project between Main Street and Findlay Drive is constructed or the entire project is constructed between Main Street and Center Street.

**Table 1** below and **Figures 4 - 9** (see Appendix) present Existing and Future Peak Hour Traffic Volumes along the roadway links within the first-phase project study area, including the several links mentioned above that are north of Findlay Drive. For the Future Peak Hour Traffic Volumes, both a No-Build scenario and a first-phase project Build scenario are presented. The 2040 first-phase project Build volumes presented in the table are based on the 2040 volumes for Alternative 3 as depicted in the Final Scoping Report for the overall NGC Project. This is

because the Alternative 3 configuration studied during the scoping process included the removal of the RMP between Main Street and Findlay Drive, and provided a connection near Findlay Drive to a two-lane park road having a similar alignment and capacity as the existing two-lane RMP which would continue to be operational north of Findlay Drive with the first-phase project.

As indicated in **Table 1** and **Figures 4 – 9**, the 2040 first-phase project Build peak hour traffic volumes in each direction are not significantly different from the 2040 No-Build Alternative's peak hour traffic volumes, especially for those links north of Findlay Drive. Between Main Street and Findlay Drive, no traffic volumes are indicated on the RMP since that segment would be removed as part of the proposed project. The greatest difference in peak hour traffic volumes between the 2040 first-phase project Build scenario and the No-Build scenario would exist along Whirlpool Street, which would absorb most of the traffic formerly using that segment of the RMP. However, in either scenario, the total peak hour traffic volume on Whirlpool Street would continue to be generally low overall and would not have any effect on the volumes north of Findlay Drive.

The similarities between the two scenarios are even more evident when comparing 2040 Peak Hour Traffic Diversions. In this regard, **Table 2** below and **Figures 10 – 11** (see Appendix) indicate that the number of diversions north of Findlay Drive is expected to be minor, with a shift of 25 vehicles southbound and 19 vehicles northbound in the AM from the RMP to the local parallel street grid and a shift of 33 vehicles southbound and 47 vehicles northbound in the PM from the RMP to the local parallel street grid. The local parallel streets that would share in receipt of this low number of diversions include Lewiston Road, Highland Avenue and Hyde Park Boulevard. The reason that the number of diversions north of Findlay Drive, both from the RMP and to other local parallel streets is minor is due to the fact that nearly all vehicular traffic utilizing the proposed new Whirlpool Street south of Findlay Drive would likely continue their trips along the existing RMP. This assumption is based on the shorter travel time to Center Street along the RMP instead of along Lewiston Road, which contains numerous intersections and traffic lights.

Based on the analysis of 2040 peak hour volumes and diversions presented above and in the tables and figures, the primary parallel routes along the RMP north of Findlay Drive (i.e., Lewiston Road and Highland Avenue), no significant traffic increase on those roadways are anticipated to occur at the completion of the first-phase project. Given these conclusions, the independent utility and/or independent significance of the Main Street-to-Findlay Drive Project is further supported.



**Table 1:  
Existing and Future Peak Hour Traffic Volumes on Local Roads within the First-Phase Project Study Area**

Roadway	From	To	2010 Existing Conditions						2040 No Build Alternative						2040 First-Phase Build					
			Northbound		Southbound		Northbound		Southbound		Northbound		Southbound		Northbound		Southbound			
			AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM		
Robert Moses Parkway (RMP)	Main Street	Findlay Drive	77	170	127	95	89	197	147	110	0	0	0	0	0	0	0			
	Findlay Drive*	Lewiston Road*	92	245	297	123	107	285	345	143	88	238	320	110						
Main Street	Rainbow Boulevard	3rd Street	108	352	145	196	125	409	168	228	137	453	182	246						
	3rd Street	Pine Avenue	55	83	268	335	64	96	311	389	76	140	325	407						
	Pine Avenue	Portage Road	217	233	133	137	252	271	154	159	264	315	168	177						
	Portage Road	Lockport Road	210	326	280	146	244	379	325	170	256	423	339	188						
	Lockport Road	Ontario Avenue	97	201	206	193	113	233	239	224	125	277	253	242						
	Ontario Avenue	Findlay Drive	102	285	238	145	118	331	276	168	130	375	290	186						
Whirlpool Street	3rd Street	Ontario Avenue	126	159	216	71	146	185	251	82	204	291	374	159						
	Ontario Avenue	Findlay Drive	115	56	195	71	134	65	226	82	192	171	349	159						
Lewiston Road	Findlay Drive*	College Avenue*	130	268	303	146	151	311	352	170	151	311	366	188						
	Buffalo Avenue	11th Street	238	325	345	272	276	377	401	316	288	396	407	323						
Portage Road	11 <sup>th</sup> Street	Main Street	196	136	133	52	228	158	154	60	228	158	154	60						
	Portage Road	Lockport Road	165	234	315	265	192	272	366	308	204	291	372	315						
11th Street	Lockport Road	Ontario Avenue	213	265	210	229	247	308	244	266	259	327	250	273						
	Ontario Avenue*	College Avenue*	39	268	117	130	45	311	136	151	57	330	142	158						

\*Indicates segments north of Findlay Drive.

**Table 2:**  
**Traffic Diversions During Per Hour on Local Roads within the First-Phase Project Study Area**

Roadway	From	To	2040 First-Phase Build					
			Northbound			Southbound		
			AM	PM	AM	PM	AM	PM
Robert Moses Parkway (RMP)	Main Street Findlay Drive*	Findlay Drive Lewiston Road*	-89 -19	-197 -47	-147 -25	-110 -33		
Main Street	Rainbow Boulevard 3rd Street Pine Avenue Portage Road Lockport Road Ontario Avenue	3rd Street Pine Avenue Portage Road Lockport Road Ontario Avenue Findlay Drive	12 12 12 12 12 12	44 44 44 44 44 44	14 14 14 14 14 14	18 18 18 18 18 18		
Whirlpool Street	3rd Street Ontario Avenue	Ontario Avenue Findlay Drive	58 58	106 106	123 123	77 77		
Lewiston Road	Findlay Drive*	College Avenue*	0	0	14	18		
Portage Road	Buffalo Avenue 11 <sup>th</sup> Street	11th Street Main Street	12 0	19 0	6 0	7 0		
11th Street	Portage Road Lockport Road	Lockport Road Ontario Avenue	12 12	19 19	6 6	7 7		
Highland Avenue	Ontario Avenue*	College Avenue*	12	19	6	7		

\*Indicates segments north of Findlay Drive.

### **3. Does Not Restrict Consideration of Alternatives for Other Reasonably Foreseeable Transportation Improvements**

The following discussion specifically addresses the third and final criterion of 23 CFR 777.111(f), which requires that the action evaluated in each EIS or finding of no significant impact (FONSI) shall not restrict consideration of alternatives for other reasonably foreseeable transportation improvements. This criterion requires that in the case of the NGC Project, regardless of which concept is selected for the first-phase project between Main Street and Findlay Drive, each must not restrict the selection of any of the alternatives being considered for the remaining project corridor north of Findlay Drive.

Three alternatives, denoted as Alternatives 3, 4 and 6, were identified in the Final Scoping Report for advancement to preliminary design. Construction of either Alternative 3, 4 or 6 in the Main Street-to-Findlay Drive corridor would enable any of the alternatives in the Findlay Drive-to-Center Street corridor to be constructed as discussed below:

- *Alternative 3 (Main Street to Findlay Drive)* – At the point where the new at-grade road along Whirlpool Street intersects with Findlay Drive, the road could then transition from the Whirlpool Street alignment to a reconstructed RMP alignment (as proposed in Alternatives 3 and 4 north of Findlay Drive) or all northbound vehicular traffic destined for Lewiston could be diverted via Findlay Drive to existing Lewiston Road (as proposed in Alternative 6). Therefore, any of the build alternatives north of Findlay Drive would be compatible with Alternative 3 if selected for the Main Street-to-Findlay Drive corridor.
- *Alternative 4 (Main Street to Findlay Drive)* – At the point where the new at-grade road along the reconstructed RMP alignment intersects with Findlay Drive, the road could continue along a reconstructed RMP alignment (as proposed in Alternatives 3 and 4 north of Findlay Drive) or all northbound vehicular traffic destined for Lewiston could be diverted via Findlay Drive to existing Lewiston Road (as proposed in Alternative 6). Therefore, any of the build alternatives north of Findlay Drive would be compatible with Alternative 4 if selected for the Main Street-to-Findlay Drive corridor.
- *Alternative 6 (Main Street to Findlay Drive)* - At the point where the new at-grade road along Whirlpool Street intersects with Findlay Drive, the road could then transition from the Whirlpool Street alignment to a reconstructed RMP alignment (as proposed in Alternatives 3 and 4 north of Findlay Drive) or all northbound vehicular traffic destined for Lewiston could be diverted via Findlay Drive to existing Lewiston Road (as proposed in Alternative 6). Therefore, any of the build alternatives north of Findlay Drive would be compatible with Alternative 6 if selected for the Main Street-to-Findlay Drive corridor.

Based on the descriptions above, consideration of the first-phase project as a stand-alone project would not restrict consideration of alternatives for other reasonably foreseeable transportation improvements, thereby meeting the third criterion of 23 CFR 777.111(f).

#### **4. Summary and Conclusions**

This white paper demonstrates that pursuing a first-phase project of the overall NGC (i.e., Main Street to Findlay Drive) as a stand-alone action with a separate environmental analysis pursuant to NEPA is reasonable and appropriate, as the project meets the three criteria of 23 CFR 777.111(f). Specifically, the Main Street-to-Findlay Drive Project:

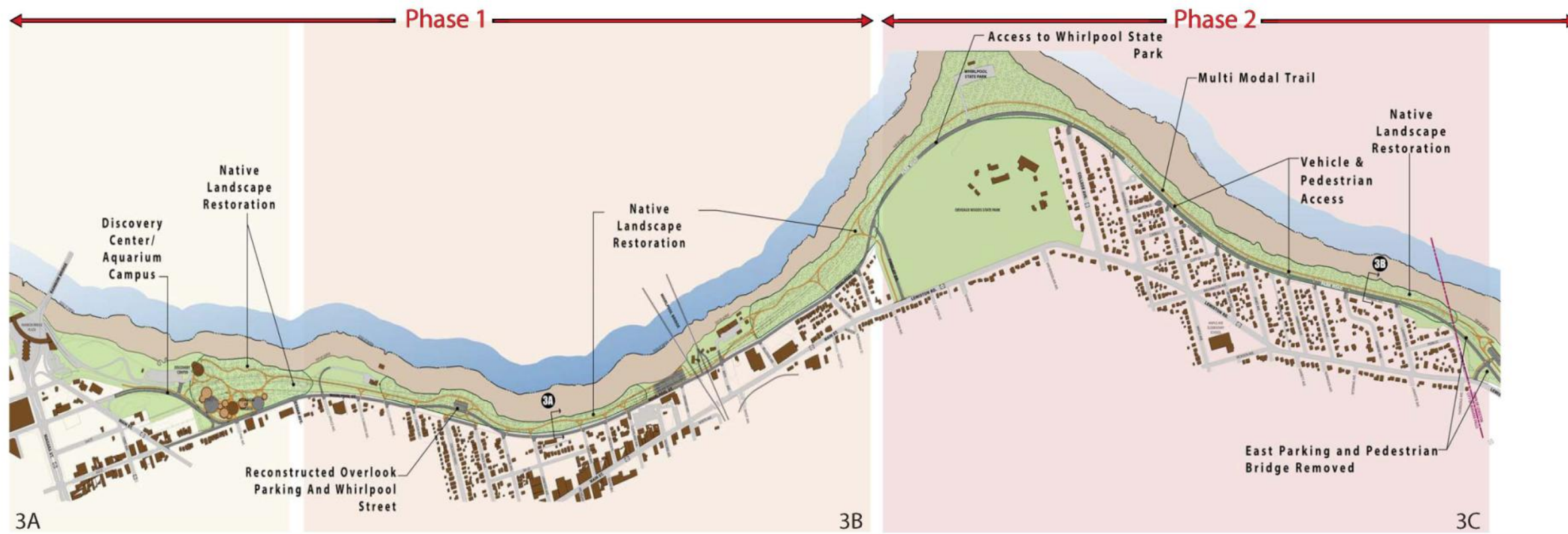
- Connects logical termini and is of sufficient length to address environmental matters on a broad scope;
- Has independent utility and independent significance because it would be usable and would be a reasonable expenditure even if no additional transportation improvements in the area are made, such as continuation of the NGC Project to the north of Findlay Drive; and
- Does not restrict consideration of any alternatives for other reasonably foreseeable transportation improvements, such as those feasible alternatives previously proposed and agreed to by the public for continuing the NGC Project to its northern terminus at Center Street.

## **APPENDIX**

### **FIGURES**



Figure 1 – Alternate 3



**Alternate 3**  
 Continuous vehicle access to all gorge parks and overlooks via Whirlpool Street and via partial reuse of the former RMP. Integration with existing street grid. Continuous access to all gorge parks and overlooks via the multi-modal trail. Native landscape restoration in all reclaimed areas.

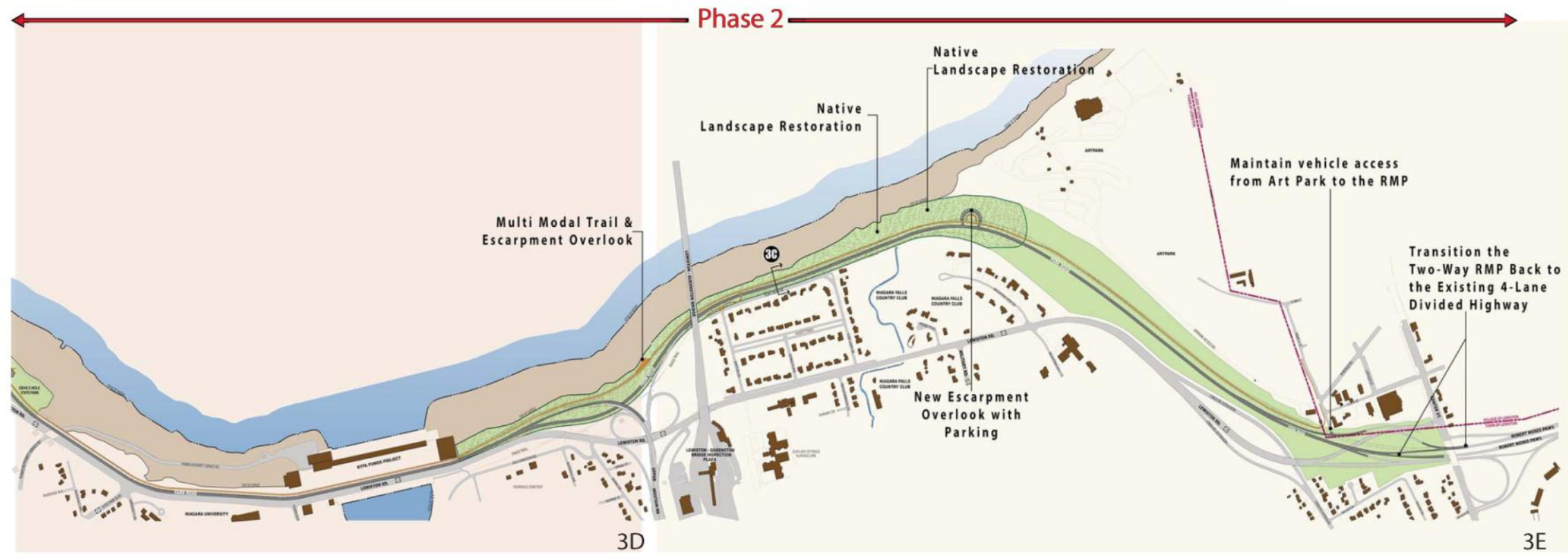


Figure 2 – Alternate 4

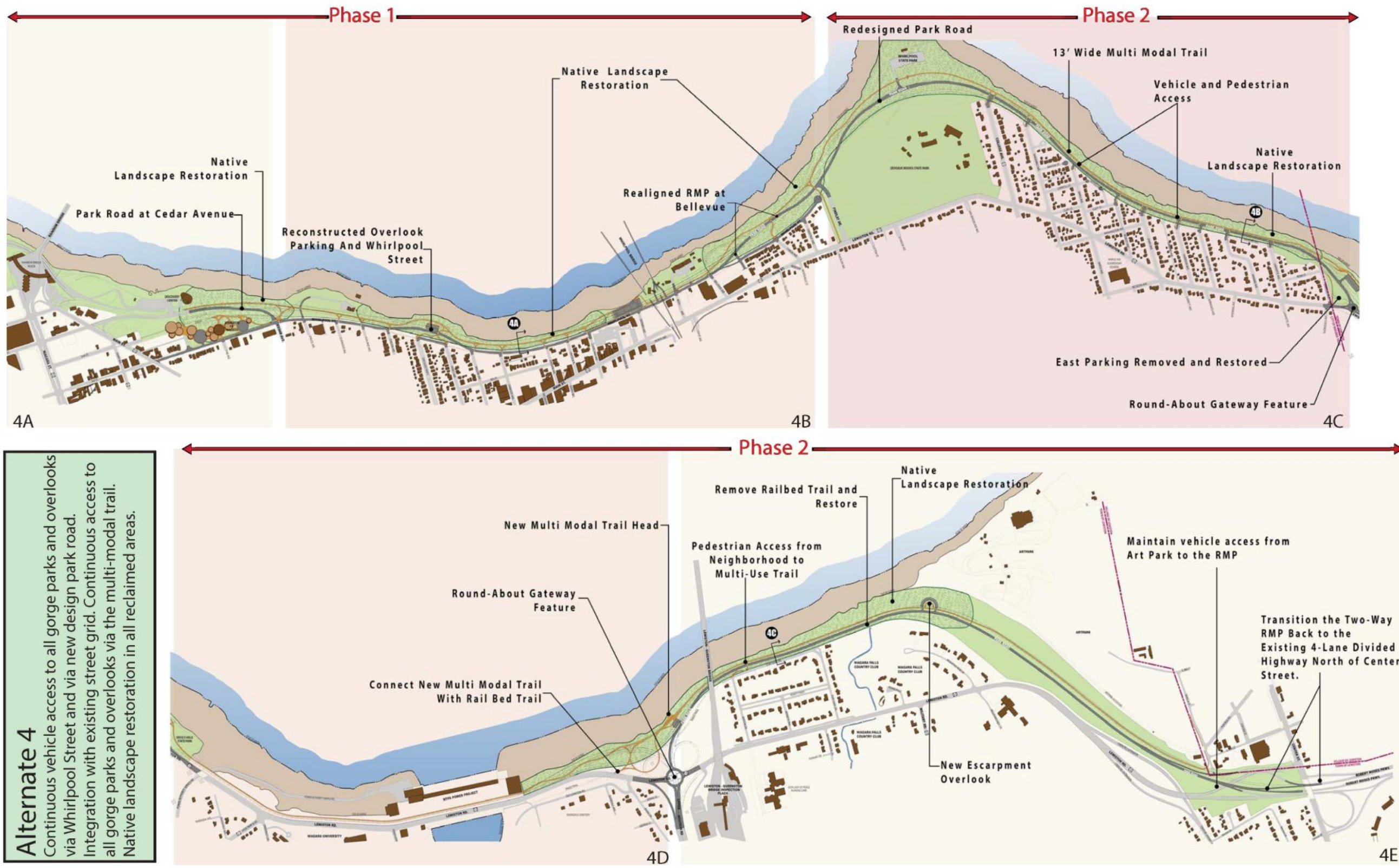
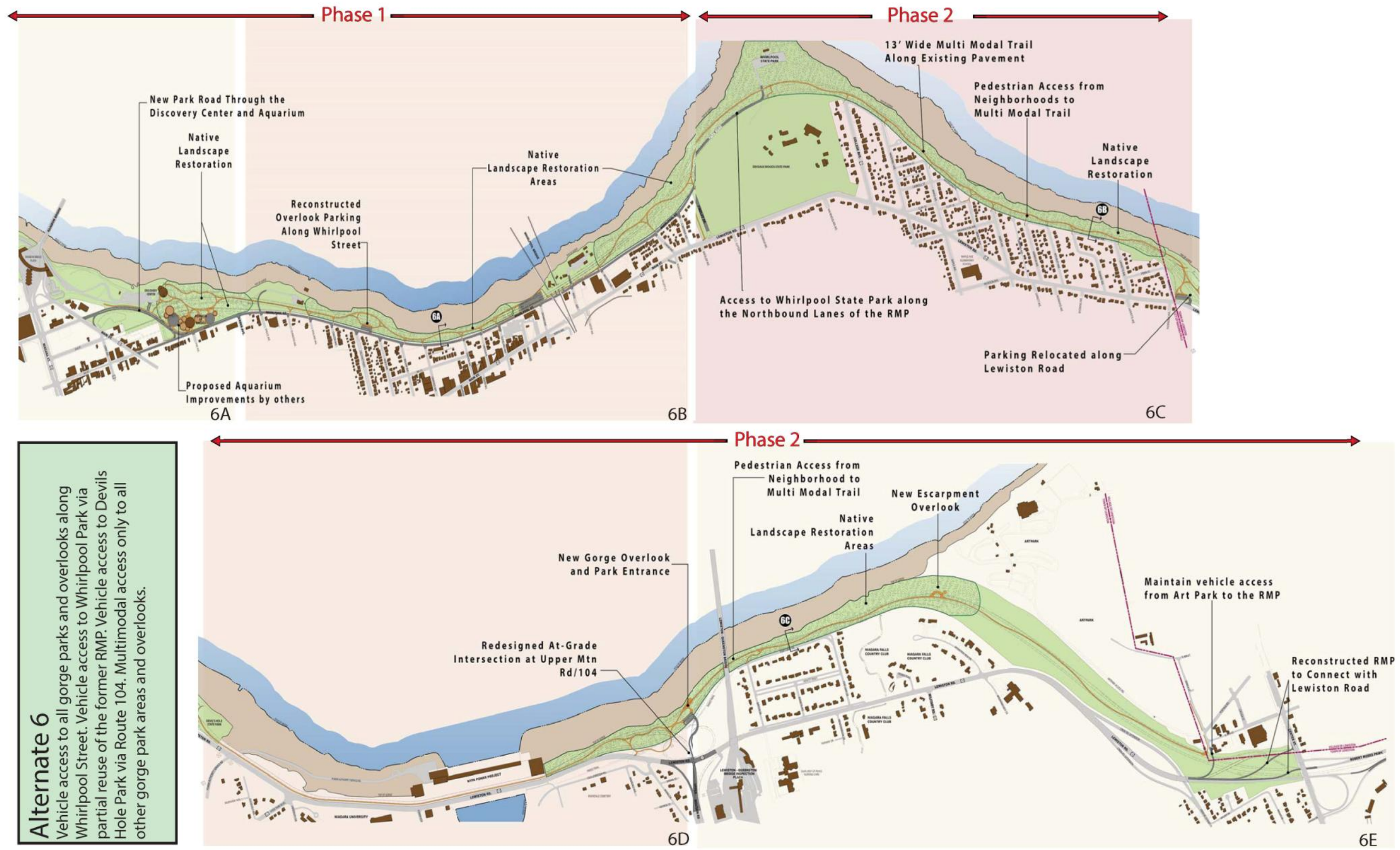




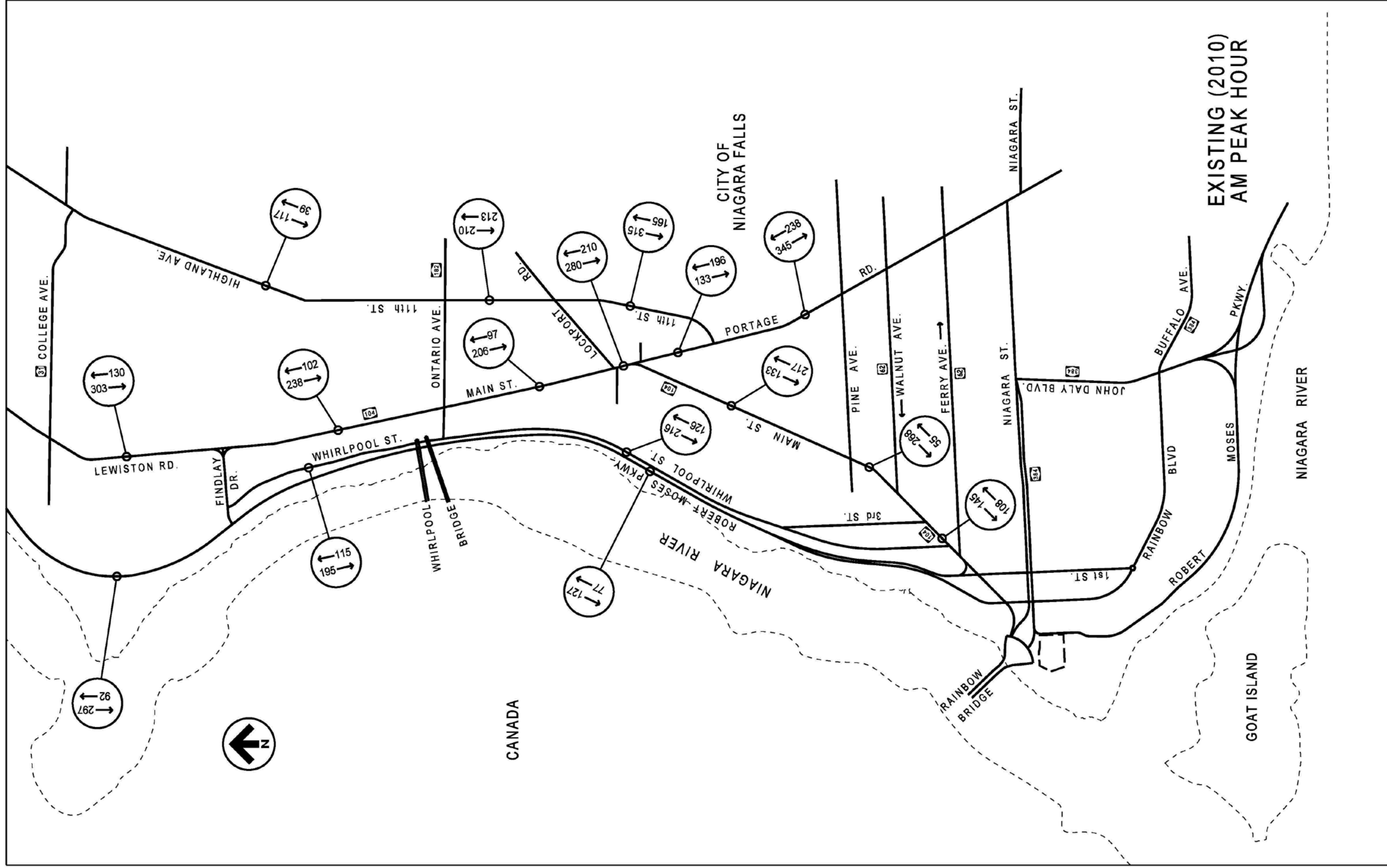
Figure 3 – Alternate 6



**Alternate 6**  
 Vehicle access to all gorge parks and overlooks along Whirlpool Street. Vehicle access to Whirlpool Park via partial reuse of the former RMP. Vehicle access to Devils Hole Park via Route 104. Multimodal access only to all other gorge park areas and overlooks.

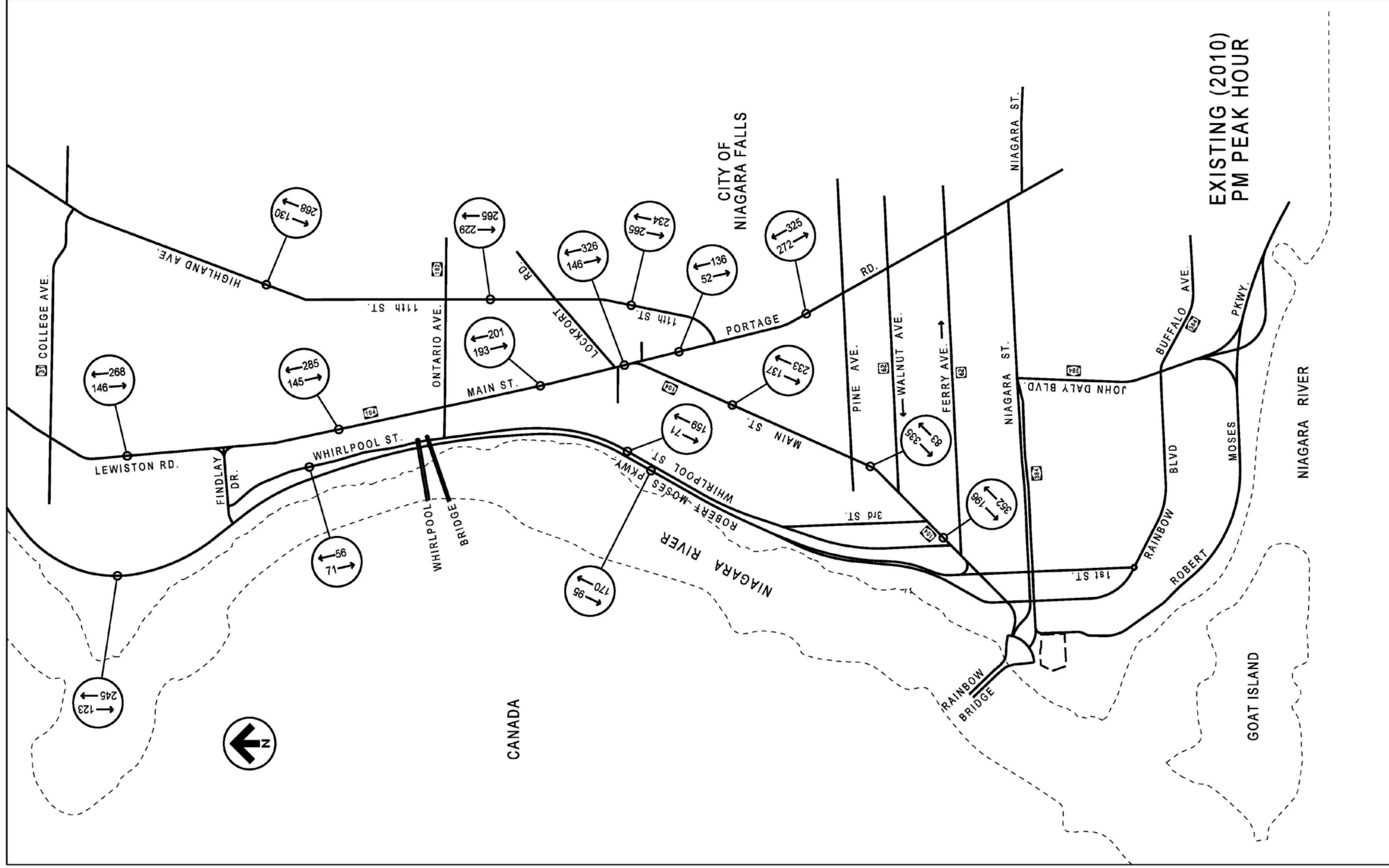


Figure 4 – Existing (2010) AM Peak Hour



EXISTING (2010)  
AM PEAK HOUR

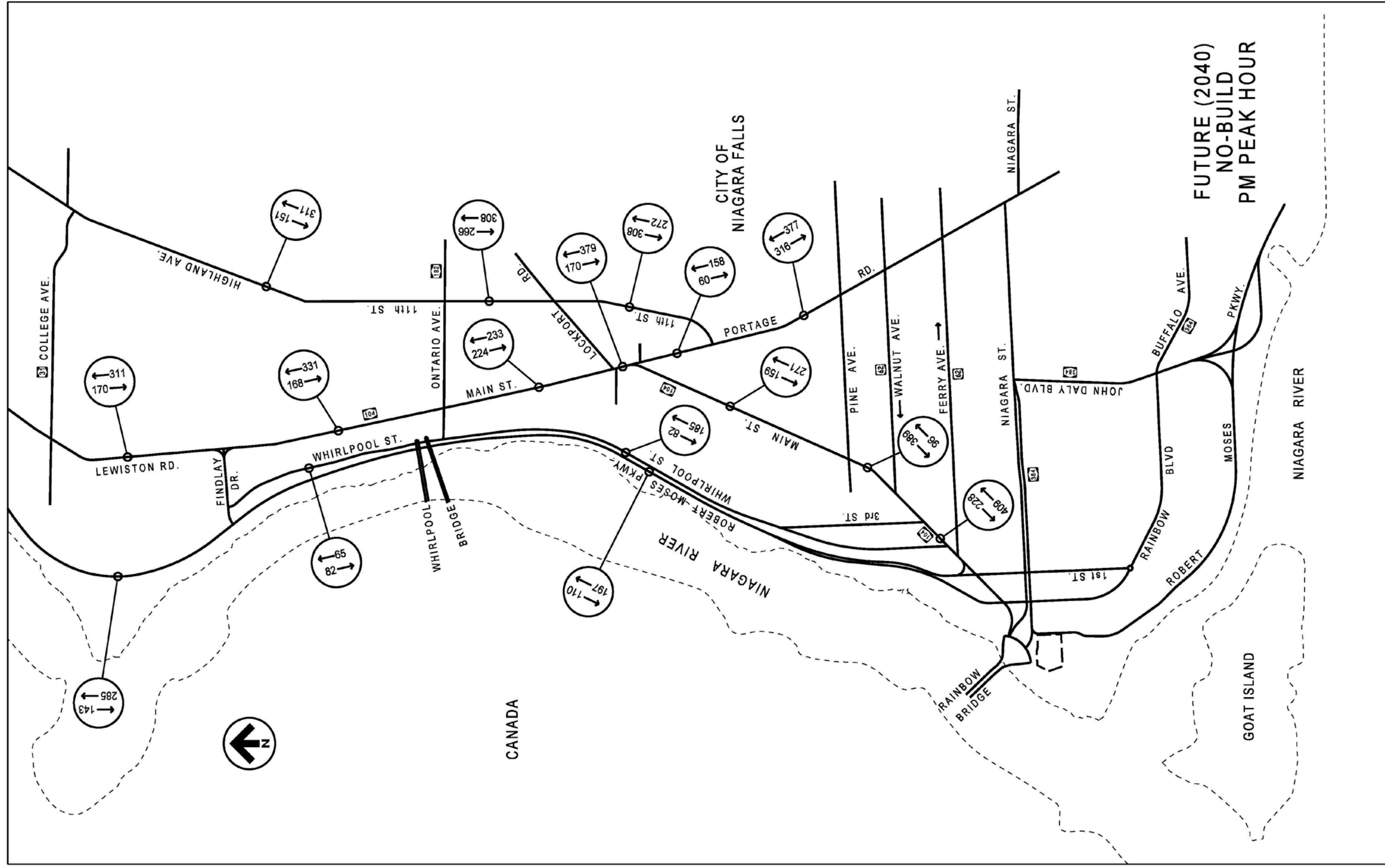
Figure 5 – Existing (2010) PM Peak Hour



EXISTING (2010)  
PM PEAK HOUR



Figure 7 – Future (2040) No Build PM Peak Hour



FUTURE (2040)  
NO-BUILD  
PM PEAK HOUR

Figure 8 –Future (2040) Build AM Peak Hour

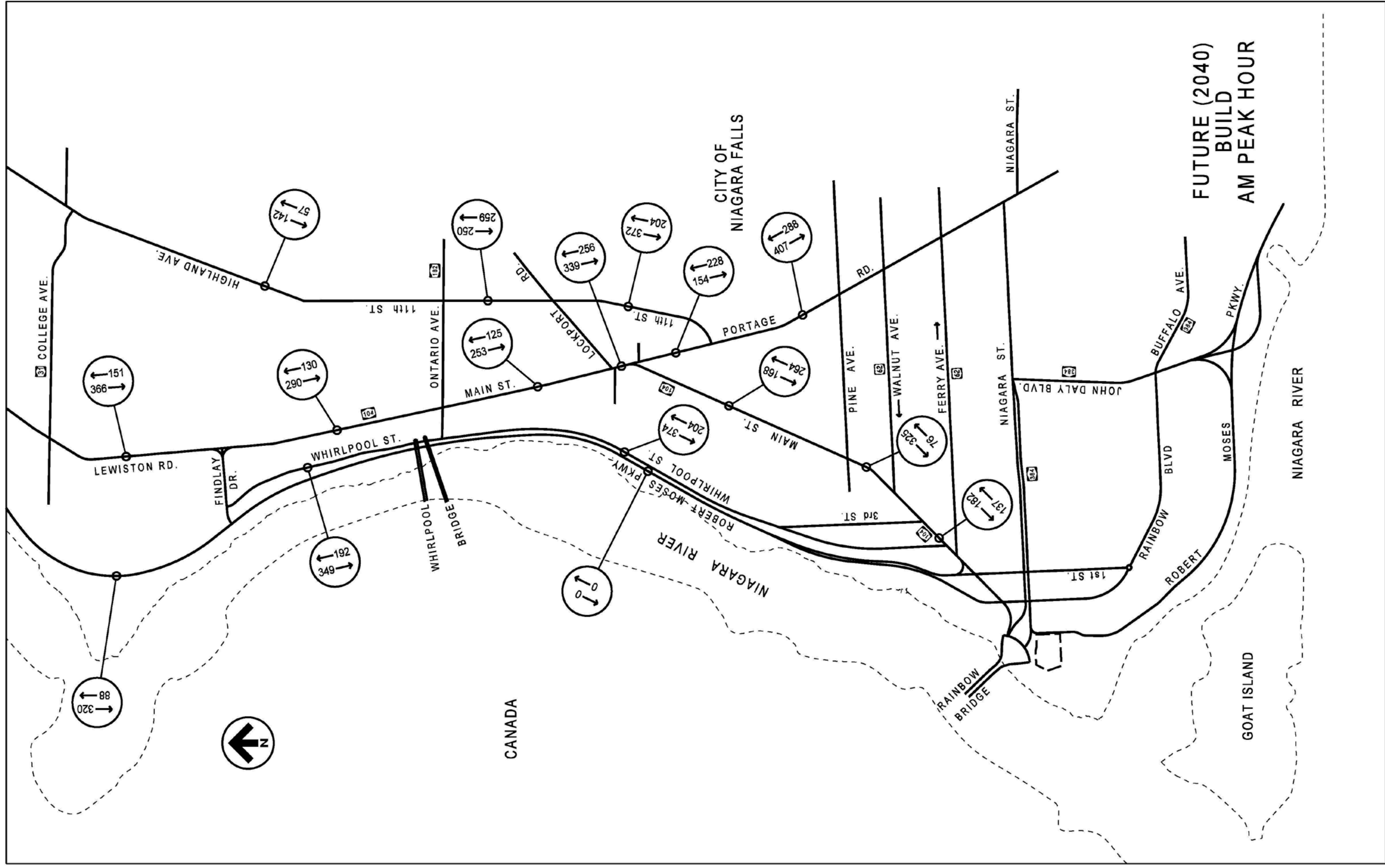
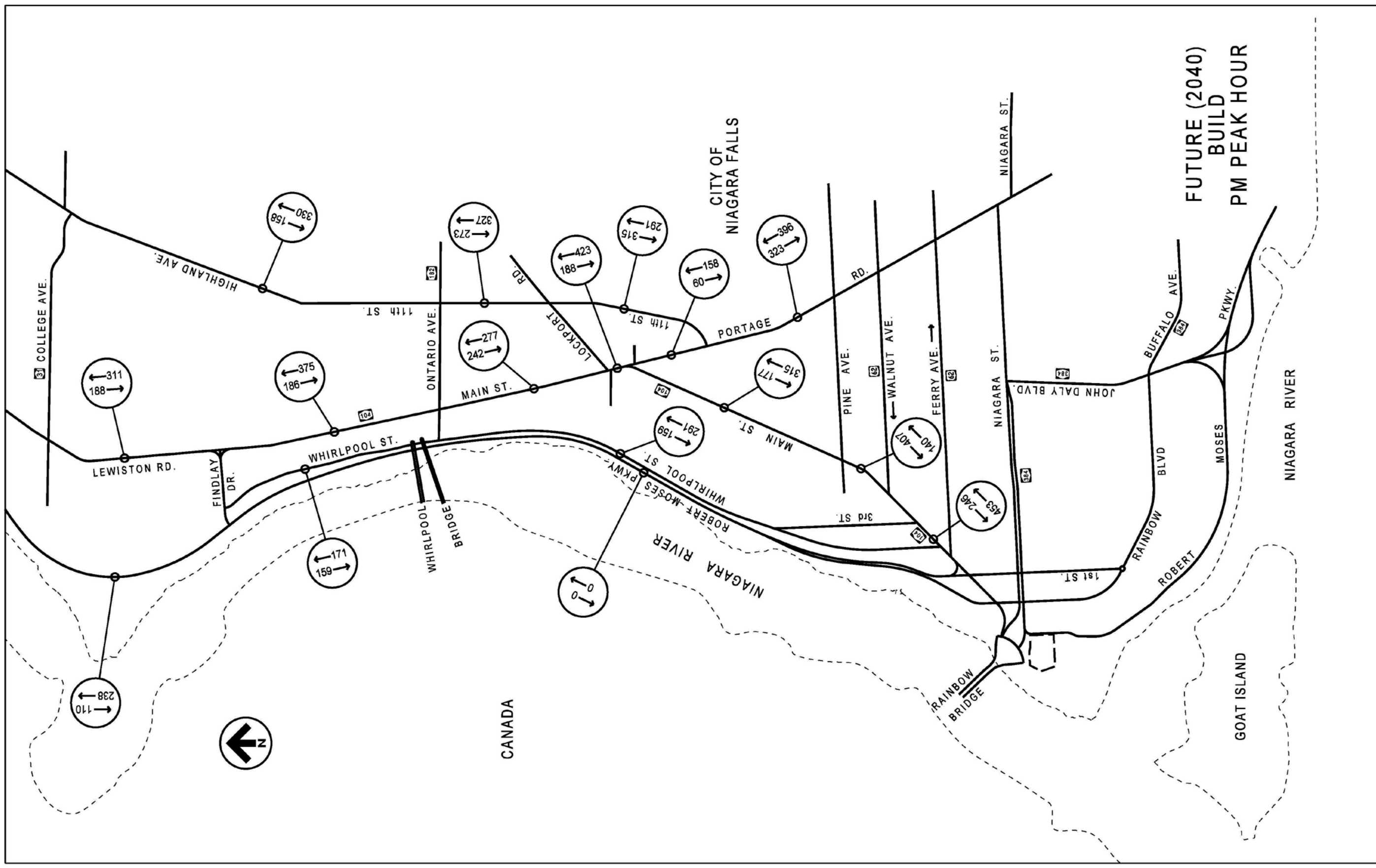


Figure 9 –Future (2040) Build PM Peak Hour



FUTURE (2040)  
BUILD  
PM PEAK HOUR



Figure 10 –Future (2040) Traffic Diversions Per Hour AM

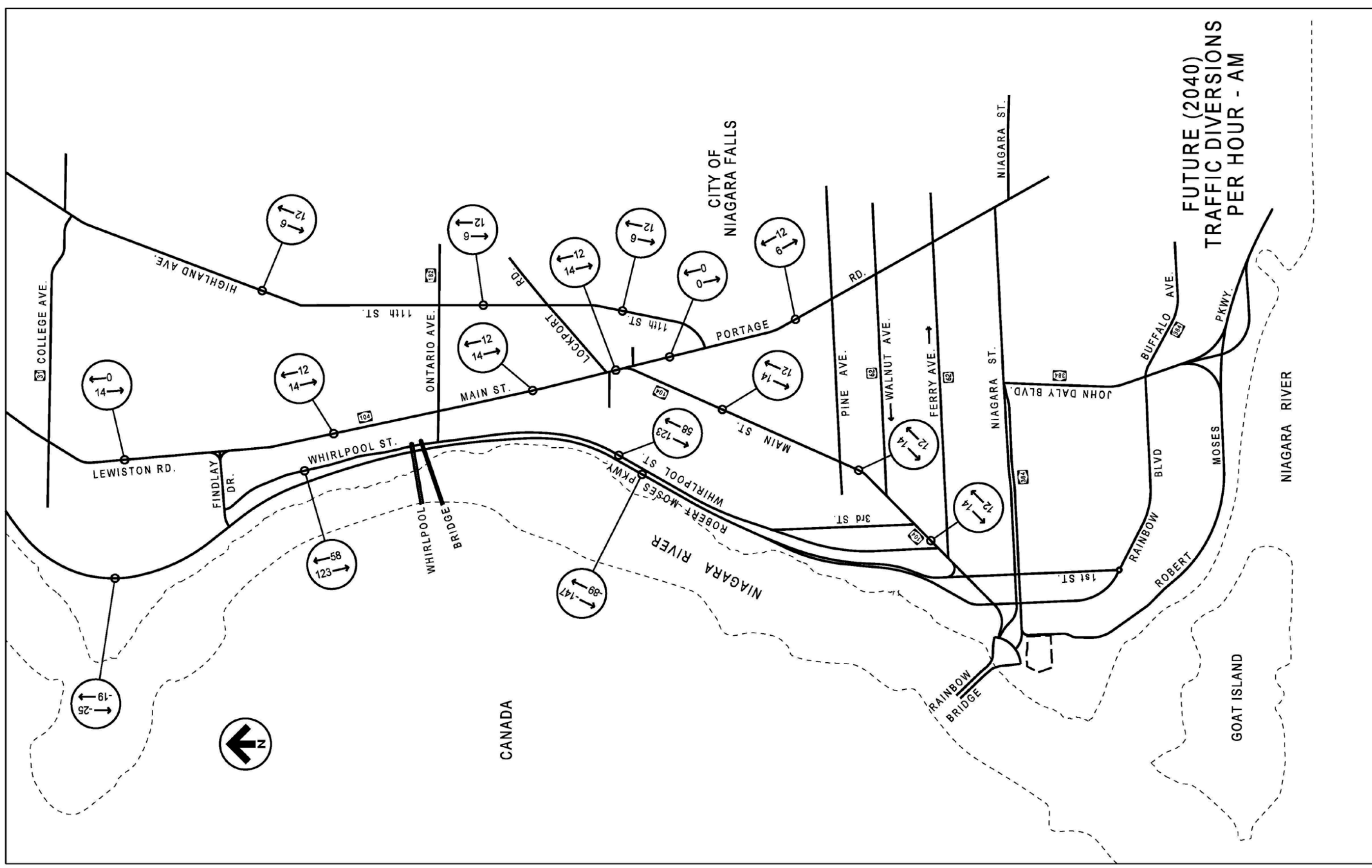


Figure 11 –Future (2040) Traffic Diversions Per Hour PM

