

**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL TRANSIT ADMINISTRATION**

**FINDING OF NO SIGNIFICANT IMPACT (FONSI)
Documentation**

Project: Binghamton Intermodal Transit Terminal
Applicant: Broome County
Project Location: Binghamton, New York

INTRODUCTION

Based on the Environmental Assessment for the Binghamton Intermodal Transit Terminal, dated February 2007 (herein after referred to as the EA), Comments and Responses on the EA (Attachment A), and the Programmatic Agreement between FTA, SHPO, and Broome County, dated May 25, 2007 (Attachment B) prepared in compliance with the National Environmental Policy Act (NEPA) of 1969, as amended (42 USC 4321 et seq.) and the Federal Transit Administration implementing regulations (23 CFR 771), the Federal Transportation Administration (FTA) finds, in accordance with 23 CFR 771.121, that the construction and operation of the proposed Binghamton Intermodal Transit Terminal (herein after referred to as either the Project or BITT), as described in the EA, will result in no significant impact on the environment. The Project evaluated in the EA is the subject of this FONSI documentation.

PROPOSED PROJECT

Purpose and Need

The purpose and need of the proposed Binghamton Intermodal Transit Terminal is to enhance and expand existing transit services within the City of Binghamton and Broome County by co-locating intra-city and inter-city bus services and by providing an efficient and centralized intermodal transit terminal. The proposed BITT will provide a single location where passengers of both local and intercity bus services can safely board and disembark buses, and conveniently transfer among buses and other available transportation modes all within a pedestrian friendly environment. Transit passenger safety and convenience will both be enhanced with the proposed BITT.

The proposed BITT site is bounded by Henry Street, Chenango Street, and Prospect Avenue located in downtown Binghamton, New York. Currently, intercity bus service provided by Greyhound Bus Lines and Coach USA/Shortline each operate from their own terminal located on this same block. Intra-city bus service, provided by Broome County Transit (BC Transit), operates on a pulse system where all routes converge at a single location known as BC Junction, located ¼ mile away from the proposed BITT site. The distance between the intercity bus terminals and BC Junction makes it very inconvenient for people who transfer between BC Transit and the intercity buses. This Project will bring these services to one convenient site.

Project Description

The total site area needed for the BITT is approximately 150,000 square feet. The proposed BITT facility includes the following main elements:

- an 18,000 square foot building to provide a weather-protected passenger waiting area, ticketing, restrooms, telephones, and other amenities;
- short-term parking for up to 50 vehicles;
- twelve (12) slips for BC Transit buses and fourteen (14) slips for intercity buses;
- approximately 1,800 square feet of green space; and
- bicycle storage and taxi loading areas.

The BITT will serve as a central transportation hub and gateway to the City of Binghamton. It will accommodate local and intercity bus services, pedestrians, bicyclists, taxicabs, kiss-and-ride users, as well as shuttle and paratransit services. Specifically, services at the proposed BITT facility will include BC Transit and its on-demand rural service and on-demand ADA service (Broome County Country and Broome County Lift, respectively), Greyhound Bus Lines and Coach USA/Shortline Bus. Landscaping will be provided near the parking lot and site boundaries.

The BITT Project involves the acquisition of twelve (12) parcels, the complete demolition of three (3) existing buildings and the partial demolition of a fourth historic building, the Greyhound Terminal building, to make room for the construction of the BITT facility. The exterior wall and historic façade on the Chenango Street (east) side of the existing Greyhound Terminal will be retained, rehabilitated and incorporated into the design of the BITT facility. In order to retain this historic façade and to make it seismically stable and code compliant, the remainder of the existing Greyhound Terminal will be demolished.

Agency Coordination and Public Opportunity to Comment

Public outreach activities have included at least eight (8) public information meetings to provide information about the proposed Project and to solicit comments and suggestions. Broome County advised the public of the availability of the EA and where information concerning the Project may be obtained. A public hearing was not held nor was one requested.

Agency coordination included written correspondence with the New York State Department of Environmental Conservation, the New York State Historic Preservation Office (SHPO), the U.S. Fish and Wildlife Service and the Binghamton Metropolitan Transportation Study (BMTS). In addition, the Oneida and Onondaga Indian Nations were given the opportunity, via written correspondence, to comment on the proposed Project. The Onondaga Indian Nation did not respond. In a letter dated January 25, 2007, the Oneida Indian Nation requested the courtesy of reviewing archaeological reports and requested that Broome County contact them in the event that any native archaeological materials are encountered. Broome County will comply with this request.

Comments on the EA

FTA issued the EA, which included the Section 106 analysis, on February 21, 2007. The public comment period was from February 21, 2007 through March 22, 2007. Two agencies and one resident submitted written comments:

- The New York State Department of Transportation stated that they had “no comments.”
- The local Susquehanna Group of the Sierra Club supported the Project.
- A local resident and property owner provided comments on analyses contained in the EA. The resident raised concerns on the analysis for air quality, noise, and traffic impacts. Prior to providing a written response, Broome County spoke with the resident to discuss his concerns and to provide clarification. Broome County responded to his comments in a letter dated May 3, 2007, and the resident’s concerns were satisfactorily addressed.

See Attachment A for copies of these written comments and responses.

Measures to Minimize Harm

Broome County will implement all measures described in the EA and this FONSI documentation to minimize and/or avoid the potential for adverse impacts to occur as a result of the proposed Project. The EA is incorporated, by reference, into this FONSI documentation.

DETERMINATIONS AND FINDINGS

Land Acquisitions and Displacements

In order to accommodate the Project, Broome County will need to acquire a total of twelve (12) parcels owned by four separate owners. The parcels are currently occupied by four buildings; these buildings will be completely or partially demolished as follows:

- Complete demolition of the Southern Tier Independence Center, Inc. (STIC) currently a six story office building at 85-87 Chenango Street;
- Complete demolition of the one story, 7,541 square foot, Coach USA/Shortline bus terminal located at 105 Chenango Street;
- Complete demolition of the one story, 810 square foot, abandoned garage structure located on 89 Henry Street; and
- Partial demolition of the Greyhound Terminal, located at 81 Chenango Street, or approximately 5,320 square feet, while the exterior wall and façade will be retained and incorporated into the BITT design.

The acquisition of these properties will mean temporary displacement of both Greyhound Bus Lines Inc. and Shortline/Coach USA. The configuration of the Project site will allow both carriers to operate from or in close proximity to their current terminals. Only minimal service interruption will occur. Owners of properties will be compensated at fair market value, and relocation assistance would be provided to displaced occupants in accordance with applicable state regulations and pursuant to the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and the applicable implementing regulations set forth in Title 49, Part 24 of the Code of Federal Regulations. The Project will not result in any adverse impacts with respect to land acquisition and displacements.

Land Use and Zoning

The proposed Project is located in the City of Binghamton Downtown Redevelopment District, a mixed use area containing commercial, office, retail, manufacturing and commercial transportation uses. The Project Site is zoned C-2 Downtown Business District; parking facilities and bus passenger terminals are allowed as Special Permit Uses.

The Proposed Project is compatible with existing and allowed uses; therefore, the Project will not result in adverse impacts on Land Use and Zoning.

Consistency with Local, Regional and State Plans

The BITT site falls within three successively larger planning regions, the City of Binghamton, Binghamton Metropolitan Transportation Study (BMTS) and Broome County. The plans formulated for each of these areas include the City of Binghamton Comprehensive Plan, BMTS' Long Range Plan and the County's B.C. Plan. These plans all articulate vision, goals and objectives for future land use transportation initiatives and economic development.

The Project is consistent with these aforementioned plans and will not result in any adverse impacts on Local, Regional or State plans.

Environmental Justice and Title VI

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations sets forth specific requirements for achieving environmental justice.

U.S. Census Bureau data for year 2000 were used to determine that the study area has a concentration of low-income populations. Further, based on site observations and City of Binghamton staff interviews, there is a very limited resident population in the immediate vicinity of the Project site (within two city blocks). Those living close to the Project site reside primarily in two senior high rises located at 100 and 110 Chenango Place. Nearby State Street is the location of student housing; these residents also are likely to have lower than average annual incomes. Four (4) public meetings were held to conduct outreach to these residents. Residents were notified of public meetings in writing, and meetings were advertised in media announcements.

By making public transit service safer and more convenient for passengers, transit users will receive a positive benefit. Since low-income groups tend to have a high proportion of people who do not own cars, the improved transportation services provided by the proposed Project would likely represent a benefit to these groups.

The proposed Project will not result in disproportionately high and adverse effects on minority populations or low-income populations.

Socio-Economic Conditions

The City of Binghamton, with a population of 47,380, is a small city. Broome County as a whole, has a population of 196,269 persons. Both the City and County have been experiencing a steady population decline since the 1970's, with an out migration of young adults resulting in a large senior population (those 50 and older).

The Project is expected to have a beneficial effect on the resident population by providing a safer and better transportation system. It is further anticipated that the BITT

will support the economic revitalization of downtown Binghamton by facilitating in-fill development and creating a user-friendly facility.

The proposed Project will not result in any adverse socio-economic impacts.

Air Quality

The City of Binghamton is located in New York State's Region 7, the Central Air Quality Control Region. The entire region is in attainment for National Ambient Air Quality Standards (NAAQS). The proposed Project has been evaluated to determine whether it will cause the NAAQS to be exceeded. Even though two intercity bus carriers already operate from the Project site, the CO levels in the area are well below the CO NAAQS. The relocation of BC Junction will result in a maximum of 48 new bus trips during the peak hour (24 entering/24 exiting); this will not substantially change emission sources and quantities. The proposed Project will not substantially change emission sources/quantities.

The Project does not trigger the need for a detailed air quality analysis and will not result in any adverse air quality impacts.

Traffic, Pedestrian, and Parking

Existing traffic conditions were determined through field observations and data analysis provided by the Binghamton Metropolitan Transportation Study (BMTS). BMTS field observations included peak hour turning movement traffic counts and ancillary data collection. The Project site already houses the two intercity bus providers; these providers do not anticipate any additional trips. The relocation of BC Junction to the Project site will result in a maximum of 48 new bus trips during the peak hour. There is an existing surface parking lot associated with the STIC building that will be redeveloped as part of the Project so that fifty parking spaces will be provided for parking adjacent to the proposed BITT facility. The total number of parking spaces will not substantially increase as a result of this Project. Overall, the total trip generation associated with the Project is far less than the default standard of 100 peak hour trips in one direction used by the Institute of Transportation Engineers for traffic impact analysis. There will be no adverse impact to traffic as a result of this Project.

Pedestrian flow would be improved by providing direct transfer between modes of transportation. Bicycle storage will be provided and taxi service will be accommodated either in the parking area or via curbside cut-outs located directly in front of the terminal.

No adverse impacts to traffic, parking, or pedestrian will result as a result of the Project.

Noise and Vibration

Noise-sensitive receptors identified within 300 feet of the Project include one house and four residential buildings. At each receptor site, an analysis of existing noise levels were compared to future Project noise levels. For each noise sensitive receptor analyzed, the future Project noise level is well below the existing noise levels. The Project will not result in an adverse noise impact at any of the identified noise sensitive land uses. No adverse noise impact will occur as a result of this Project.

Section 106 Resources

Above-Ground Resources

The Area of Potential Effect (APE) was approved by FTA and the New York State Department of Parks, Recreation and Historic Preservation (NYSHPO). There are three (3) historic districts, and four (4) eligible structures within the APE. In accordance with Section 106 of the National Historic Preservation Act, any effects of the Project on historic properties listed or deemed eligible for listing on the National Register must be analyzed by the applicable criteria of adverse effect (36 CFR 800.5a).

The Project will involve alterations to one (1) eligible structure - the Greyhound Bus Terminal located at 81 Chenango Street. Conceptual plans and a rendering submitted to SHPO for review show that the historic façade of the Greyhound Terminal will be kept intact, refurbished and incorporated into the BITT design. The other three (3) eligible structures and three (3) historic districts within the APE will not be affected.

FTA determined that the Project will have no adverse effect on any above-ground historic resources. In a letter dated February 15, 2007, the NYSHPO concurred and indicated that the Project will have no adverse effect upon any of the properties in or eligible for inclusion in the State and National Registers of Historic Places. This 'No Adverse Effect' is based upon the provision that the complete final architectural plans shall be submitted for final concurrence by NYSHPO.

Archaeological Resources

A Phase 1B archaeological survey will be performed after property acquisition and prior to construction. Findings of the Phase 1B survey will be fully coordinated with FTA and NYSHPO.

Further, a Programmatic Agreement (PA), dated May 25, 2007 has been executed between FTA, NYSHPO and Broome County. The PA outlines specific procedures to follow regarding archaeological resources. Attachment B includes the Programmatic Agreement for this Project.

Broome County will ensure compliance with procedures contained in the EA and the stipulations in the PA so that the Project will not result in any adverse effects to Section 106 resources.

No adverse effects to Section 106 resources will occur as a result of this Project.

Section 4(f) Resources

The Project will not result in any adverse impacts to known resources protected by Section 4(f) of the DOT Act of 1966. Therefore, a Section 4 (f) evaluation is not required at this time. Should the Archaeological Phase 1B survey, to be conducted after property acquisition and before construction, discover resources that qualify for protection under Section 4(f), then a Section 4(f) evaluation will be performed.

Visual/Aesthetic Effects

The new BITT facility would expand the existing Greyhound Terminal building and create a more substantial building front along Chenango Street. A 1,800 square foot landscaped green space would be located on the corner of Henry Street and Chenango Street. Pedestrian walkways, light posts, benches, and other landscaping will be incorporated into the design of the Project. The buildings to be demolished are not of notable architectural or aesthetic quality. The loss of these buildings would not represent

adverse visual impacts. Views from adjacent residential buildings would primarily be of the new BITT facility and defined passenger drop off area. This would be an improvement over the current view of unkempt parking lots and an abandoned building.

The Project will not result in any adverse impacts to visual character of the area.

Section 6 (f) Resources

There are no Section 6 (f) parks or properties in the Project area, therefore the proposed Project will not result in any adverse impacts to Section 6 (f) resources.

Safety and Security

The proposed Project incorporates safety and security features by design. The Project will not result in any adverse impacts to safety and security.

Critical Environmental Areas and Endangered Species

Coordination with the U.S. Fish and Wildlife Service revealed that no federally listed or proposed endangered or threatened species exists within the Project site. The proposed Project will not result in any adverse impacts to any critical environment and/or endangered species.

Water Resources and Water Quality

There are no water resources within the Project site. A stormwater management plan has been prepared and will be implemented during and after construction. The Project will not result in any adverse impacts to water resources or water quality.

Wetlands

There are no wetlands within or directly adjacent to the Project site. The absence of wetlands was also confirmed during a site visit by Broome County. Thus, the Project will not result in any adverse impacts to wetlands.

Floodplains

The BITT project site is not located within the 100-year floodplain. No adverse impacts on floodplains will result from the Project.

Farmlands

There are no Farmlands in or adjacent to the Project Site. No adverse impacts to farmland will result from the Project.

Wild and Scenic Rivers/Navigable Waterways/Coastal Zone

There are no water courses in or near the Project site that are included in the National Wild and Scenic Rivers System or under consideration to be included therein. There will be no adverse impacts on wild and scenic rivers/navigable waterways/coastal zone as a result of the Project.

Public Utilities and Services

Public utility providers already supply both natural gas and electricity to the Project site and the City of Binghamton provides public water and sewer. The capacity of

existing utilities and services is adequate to service the new BITT facility. The Project will not result in any adverse impacts on public utilities and services.

Energy Requirements

Existing energy consumption in the Project area includes use of electricity and natural gas associated with commercial, retail, industrial and civil activities as well as fossil fuel consumption by vehicles.

Broome County is pursuing LEED Certification for the Project in order to make the BITT facility more energy efficient. LEED certification is a recognized standard for measuring building sustainability. The LEED green building rating system is developed and administered by the U.S. Green Building Council. It is designed to promote design and construction practices that increase profitability while reducing the negative environmental impacts of buildings and improving occupant health and well-being.

Overall, the proposed Project will not result in any adverse impacts with respect to energy use.

Environmental Risk Sites/Hazardous Materials

A Phase I Environmental Site Assessment (ESA) and, if necessary, a Phase 2 ESA will be conducted prior to construction. The purpose of a Phase I ESA is to identify the potential for the presence or likely presence of any hazardous substances. Phase 2 ESA involves further site investigations and remediation, if necessary.

Demolition will be in accordance with the U.S. EPA National Emission Standards for Hazardous Air Pollutants. If contamination does exist on-site, a site-specific Health and Safety Plan for construction workers will be developed in accordance with OSHA guidelines.

Demolition activities associated with lead-based paint, if any is discovered, will be performed with safe practices according to the OSHA lead standard (29CFR 1910.1025 and 1926.62).

The proposed Project may result in potential temporary exposure of construction workers to hazardous materials and/or contaminants that may be on the Project site. Broome County will prepare a site specific Hazardous Materials Management and Health Safety Plan should possible contaminants be identified as a result of the Phase I ESA. Further, the overall potential for long-term adverse impacts related to hazardous materials exposure will be minimal as regulations are in place to ensure that the site is remediated prior to construction. Additionally, the BITT itself is not a generator of hazardous waste and therefore will be no risk once the site is operational.

No adverse environmental/hazardous materials impacts will result from the Project.

Construction Impacts

The construction of the Project will occur over a period of 14-18 months. Construction activities for the Project will generate the disturbances typically associated with demolition and construction activities.

The following provides a summary of the construction impacts and mitigation:

- Traffic impact: Disruption to traffic flow due to movement of construction vehicles. A traffic flow plan will be developed to ensure that temporary traffic

impacts in the vicinity of the Project site are minimized. Techniques that may be employed include signage, detours, and the use of officers to direct traffic. BMTS participates in the City of Binghamton Traffic Board; they will review and approve all traffic flow and detour plans to ensure that traffic impacts are minimized.

- Water quality impact: Increased potential for soil and other materials to be washed into the existing storm sewer. A comprehensive Erosion and Sedimentation Control Plan and Stormwater Pollution Prevention Plan will be developed specifically for the Project. These plans will be implemented in conformance with all applicable Federal, State and local policies. Silt fences, hay bales, and other controls will be properly installed adjacent to the Project and around catch basins.
- Noise impact: Increased noise from construction equipment, traffic detours, materials movement, and construction and demolition activities. Noise abatement measures will be included in construction specifications. The City of Binghamton Noise Control Ordinance is in place to protect the general public from adverse and unnecessary noise. Broome County will comply with this Ordinance, taking all reasonable precautions to minimize construction noise. Construction activities will occur during normal work hours of 8AM to 6PM during the weekdays and Saturdays. No construction will take place on Sundays.
- Air Quality impact: Increased dust emissions associated with demolition and earth moving activities. Mitigation measures to control impacts to air quality during construction will include wetting and stabilization to exposed earth surfaces to decrease dust, cleaning paved areas, placing tarps over truck beds when hauling dirt and scheduling construction to minimize the amount and duration of exposed earth.
- Utility impacts: Potential utility relocations and/or service disruptions. Efforts will be made to avoid and minimize impacts to utilities in the area to the greatest extent practicable. Extensive coordination with the City of Binghamton and all affected utility companies will be maintained throughout the duration of construction. Utility service disruptions during Project construction will be minimized through close coordination between contractors and utility providers. Nearby residents will be notified well in advance of any temporary outages and the approximate duration of the outage due to construction.

With these mitigation measures in place, no adverse impacts will occur as a result of construction activities.

Attachment A
Comments and Responses



State of New York
Department of Transportation
44 Hawley Street
Binghamton, N.Y. 13901-3200
<http://www.dot.state.ny.us>

John R. Williams
Regional Director

Astrid C. Glynn
Acting Commissioner

March 2, 2007

Ms. Rita Petkash, Commissioner
Broome County Department of Planning & Economic Development
PO Box 1766
Binghamton, New York 13902

Dear Commissioner Petkash:

**RE: BINGHAMTON INTERMODAL TRANSIT TERMINAL
DRAFT ENVIRONMENTAL ASSESSMENT**

We have reviewed the Draft Environmental Assessment for the above-mentioned and have no comments.

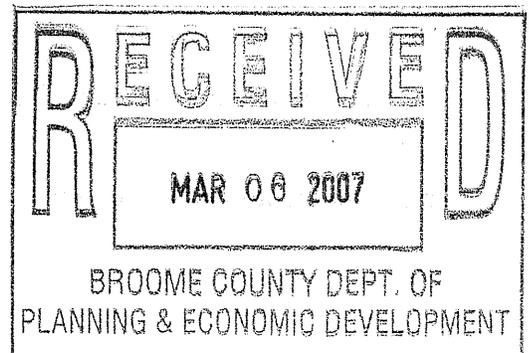
If necessary, please feel free to contact me at our Regional Planning and Program Management Office at (607) 721-8250.

Sincerely,

Pamela M. Eshbaugh, P.E.
Regional Planning & Program Manager

PME/jab

c: Steven Gayle, Director, BMTS
File
Blue



0
GEORGE STELMAK
206-208 STATE ST.
BINGHAMTON, N.Y. 13901
TEL. 607-734-4302

ATT. NINA CHUNG, COMMUNITY PLANNER.

FTA/TRO-2

2007 MAR 22 A 10:57

RE: 37 PROSPECT AVE, BINGHAMTON (EXISTING STUDENT HOUSING BLDG.)

AFTER MONDAY'S CONVERSATION WITH YOU THE LIST OF OUR CONCERNS AND COPIES FROM THE ENVIRONMENTAL ASSESSMENT OF THE NEW BITT FACILITY LOCATED AT HENRY, CHENANGO, AND PROSPECT AV., BINGHAMTON. RELOCATION REQUESTED BY BROOMING CO.

OUR CONCERNS: 1) AIR QUALITY IMPACT. NOTED IN CHAPTER 11 (PAGE 34) OF THE ENVIRONMENTAL STUDY STATES THAT THE PROPOSED ACTION WILL NOT SUBSTANTIALLY CHANGE EMISSION SOURCES/QUANTITIES AND ARE PROJECTED TO REMAIN BELOW CRITERIA THAT WOULD TRIGGER THE NEED FOR ADDITIONAL AIR QUALITY ANALYSES. FOR THIS REASON A DETAILED AIR QUALITY ANALYSIS AND MODELING EFFORT IS NOT REQUIRED FOR THE PROPOSED ACTION, ALSO SEE CHAPTER 12 (PG 43) ON NOISE AND CHAP. 13 ON TRAFFIC!

OUR IMPRESSION IS THAT THE ON-SITE TESTS OF AUG. 12-13, 2004, THE ON-SITE VISIT (P. 36) IS NOT AN ACCURATE ASSESSMENT!

- 1) BINGHAMTON SUNY STUDENTS RETURNED APPROX. AUG. 22 28, 2004, EXISTING INTER-CITY BUS TRAFFIC LEVELS ESCALATE DRAMATICALLY, ESPECIALLY THE WEEK-END TRAFFIC, CAUSING EXTREME CONGESTION ON PROSPECT AV., NOT ONLY THE ADDITIONAL BUSES BUT ALSO PASSENGER DROP-OFF AND PICK-UP!
- 2) INCORRECTLY SHOWN ON PAGES 4 IN THE STUDY AS EXISTING COMMERCIAL BLDG. AT 37 PROSPECT AV. IT IS THE MAIN ENTRANCE TO THE BUILDING REAR AND MAILING ADDRESS FOR THE STUDENTS. NO REFERENCE IS MADE THAT IT IS STUDENT HOUSING. IT WAS PROPERLY PRESENTED TO THE PLANNING BOARD, GRANTED BUILDING PERMITS MAY 20, 2003 AND APRIL 17, 2003 AND OCCUPANCY

PERMIT ISSUED AUG 29, 2003.

- THE LEGAL ADDRESS OF THE ENTIRE BUILDING IS 206-208 STATE ST, BINGHAMTON IS SHOWN ON MAP (PAGE ES-4) AS COMMERCIAL BUT IS DEFINATELY RESIDENTIAL, STUDENT HOUSING! THEIR ENTERANCE DIRECTLY ON TO THE SIDEWALK OF 4 FEET AND THEN DIRECTLY TO THE CURB-LINE OF PROSPECT AV, A 2 LANE, 24 FEET WIDE STREET. CURRENTLY TRAFFIC IN BOTH DIRECTIONS!

3) THE BITT ENVIRONMENTAL STUDY, RECENTLY MADE AVAILABLE AT THE BROWN CO. LIBRARY FOR EXAMINATION AND IN REFERENCE TO THE AERIAL PHOTO PUBLISHED IN CHAPTER II - AIR QUALITY (PAGE 39) FIGURE 7: NOISE SENSITIVE RECEPTORS, LOC R-2, IF TO CORRECT SCALE, WOULD HAVE BEEN PLACED (@ 1/4" = 50') IN BETWEEN OUR BUILDING, 37 PROSPECT AV AND 41 PROSPECT AVE, BACK INTO A 4 FOOT ALLEY! THIS COULD NOT BE AN ACCURATE READING FOR THE TEST RESULTS SHOWN. ALSO APPENDIX B, AFTER PAGE 11, 2 DRAWINGS SHOW DISTANCES EXISTING AND PROPOSED. WE FIND DISTANCES SHOWN TO NOT REFLECT THE CLOSE PROXIMITY OF THE PROPOSED BITT NORTHERN MOST "SLIP" FOR CITY BUSES IS NOT 360' BUT SIDEWALK OF 4 FEET + 24 FEET ROAD WIDTH + 10 FEET, APPROX, BUS WIDTH WOULD BE LESS THAN 50 FEET FROM OUR BUILDING!! (AND THE R-2 - NOISE SENSITIVE RECEPTORS.)

THERE ALSO, CURRENTLY, A DECIDED ECHO-EFFECT OFF OF THE BUILDINGS.

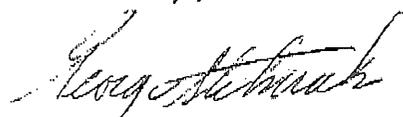
4) WE HAVE PREVIOUSLY COMPLAINED THAT THE EXISTING INTER-CITY TERMINAL BUSES, MANY IN BUSY DAYS, ARE PARKED AS CLOSE AS 50 FEET FROM THE BUILDING, ARE LEFT AT IDLE FOR EXTENDED PERIODS, AND WE WERE TOLD BECAUSE IT IS TO ALLOW FOR THE AIR-CONDITIONING, IT ALLOWS THEM TO START AND DIFFICULT TO RE-START, ALSO TO KEEP THEM HEATED. THE ADDITIONAL CITY BUSES, UNTIL REPLACED EVENTUALLY WITH NEW DIESEL-ELECTRIC ONES, WILL LESSON THE AIR-QUALITY AND NOISE, ONLY THEN! IN ADDITION WE HAVE BEEN UNABLE TO EVEN HAVE OPENED WINDOWS IN THE WARM WEATHER! ANOTHER POINT - THE ROAD DUST IS TERRIBLE!!

- 5) WITH THE ADDITION OF INCREASED TRAFFIC THE LAST FEW YEARS, HAVE ALREADY CRACKED THE EXISTING SEWER LINES UNDER THE STREET AND CAUSED WASTEWATER TO ENTER OUR BUILDING BASEMENT AND AT 41 PROSPECT AV. ALSO. REPAIRS WERE MADE BUT THE LINES ARE DETERIORATING AND THE ADDITIONAL LOAD OF CITY BUSES TO NOW USE PROSPECT AVE. COULD BE PROBLEMATIC! 12 BUSES, TWICE AN HOUR, FOR 12-15 HOURS CERTAINLY WILL IMPACT THE STREET?
- 6) THERE IS NO WAY THAT THE AIR-QUALITY, DECIBEL LEVEL OF NOISE IS EXCEPTABLE BY THE PUBLISHED STANDARD SHOWN IN THE ENVIRONMENTAL STUDY. THEY DO NOT CONSIDER THE HEAVY PERIODS OF TRAFFIC. IT WAS STATED ON PAGE 46 "THERE WAS NO DATA AVAILABLE FOR PROSPECT AVE. UNDER PARAGRAPH EXISTING TRAFFIC VOLUMES. PROSPECT AVENUE INTERSECTS TO THE SOUTH, STOP SIGN ONLY, WITH NO TRAFFIC LIGHT AND AT PEAK TIMES IT IS DIFFICULT FOR CAR, TAXI, ETC., TO EXIT! AT THE NORTH END AT LEWIS ST. ONLY A STOP SIGN BUT ALSO ON THE EAST SIDE OF THE CORNER A "BRICK" BUILDING WALL IS ON THE SIDEWALK LINE AND ALL TRAFFIC PULLS OUT INTO LEWIS STREET TO SEE ON-COMING TRAFFIC HEADING WEST! THE FACT ALSO IS PROSPECT AV., BEING 24 FEET WIDE IS HAZARDOUS, SHOULD TWO BUSES HAVE TO PASS OR EVEN CLOSE, WITH WINTER SNOW PILES, IF A BUS AND A CAR NEED TO PASS!
- 7) IN ADDITION - ALSO NOT SHOWN IS LARGE STUDENT HOUSING BUILDING AT CORNER OF HENRY AND STATE STREETS WILL BE IMPACTED!

IT IS EVIDENT THAT THIS ENVIRONMENTAL STUDY HAS SEVERAL ERRONOUS FACTS AND NEEDS TO HAVE OTHER PERTINENT POINTS CONSIDERED.

WE ARE CONFIDENT THAT BRINGING OUR POSITION TO YOUR ATTENTION MAY RAISE QUESTIONS AND THAT A CAREFUL EXAMINATION OF THIS STUDY SHOULD BE MADE! WE WILL BE LOOKING FOR YOUR RESPONSE.

Sincerely,



STUDENT HOUSING
30 Pleasant Av

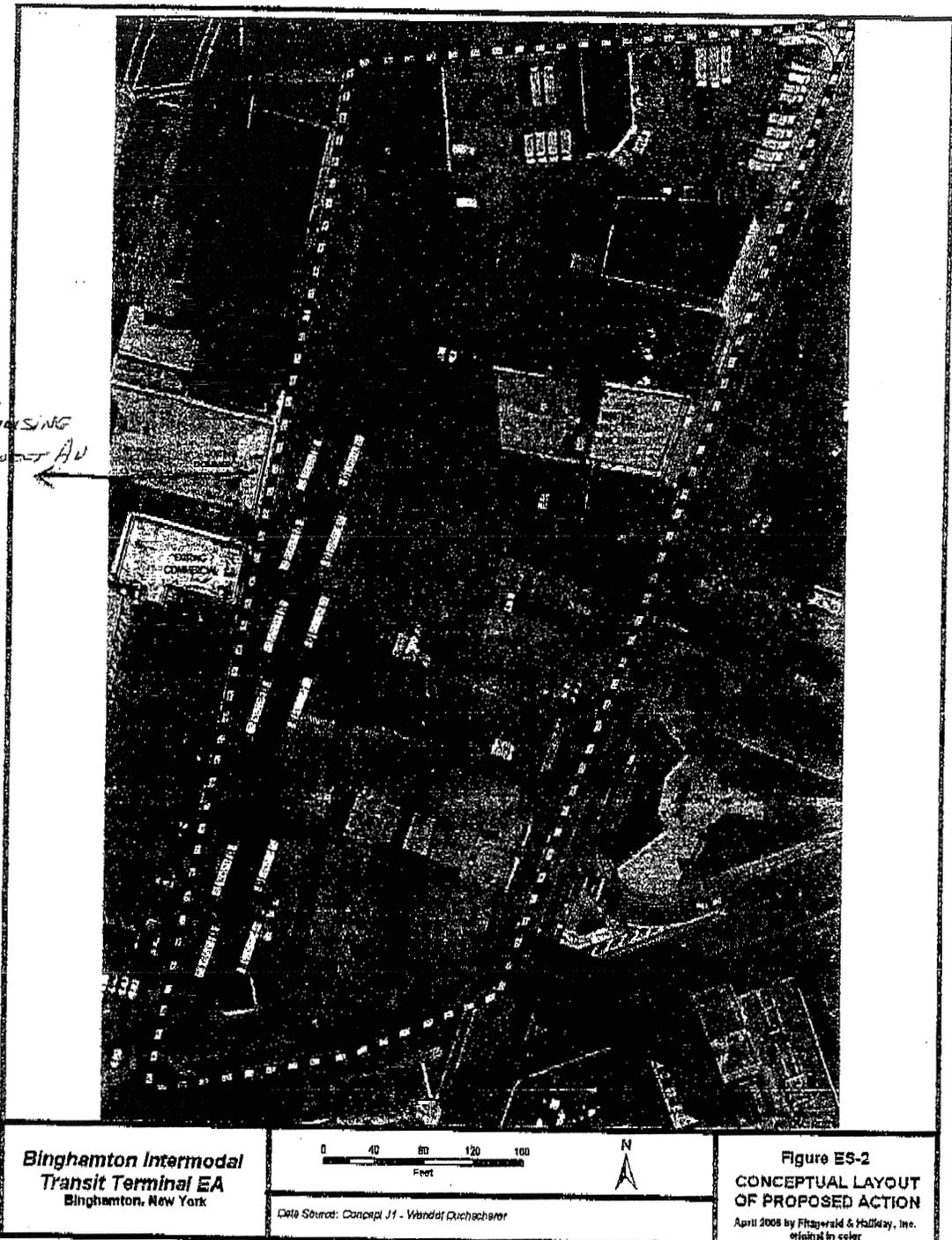


Figure ES-2: Conceptual Layout of the Proposed Action



Figure 7: Noise Sensitive Receptors

BITT Norse

EAST DISTANCES

Handwritten notes on the left side of the map, including "7.2.1" and "7.2.2".



Binghamton Intermodal
 Transit Terminal EA
 Binghamton, New York

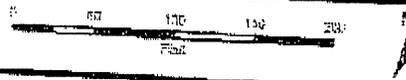
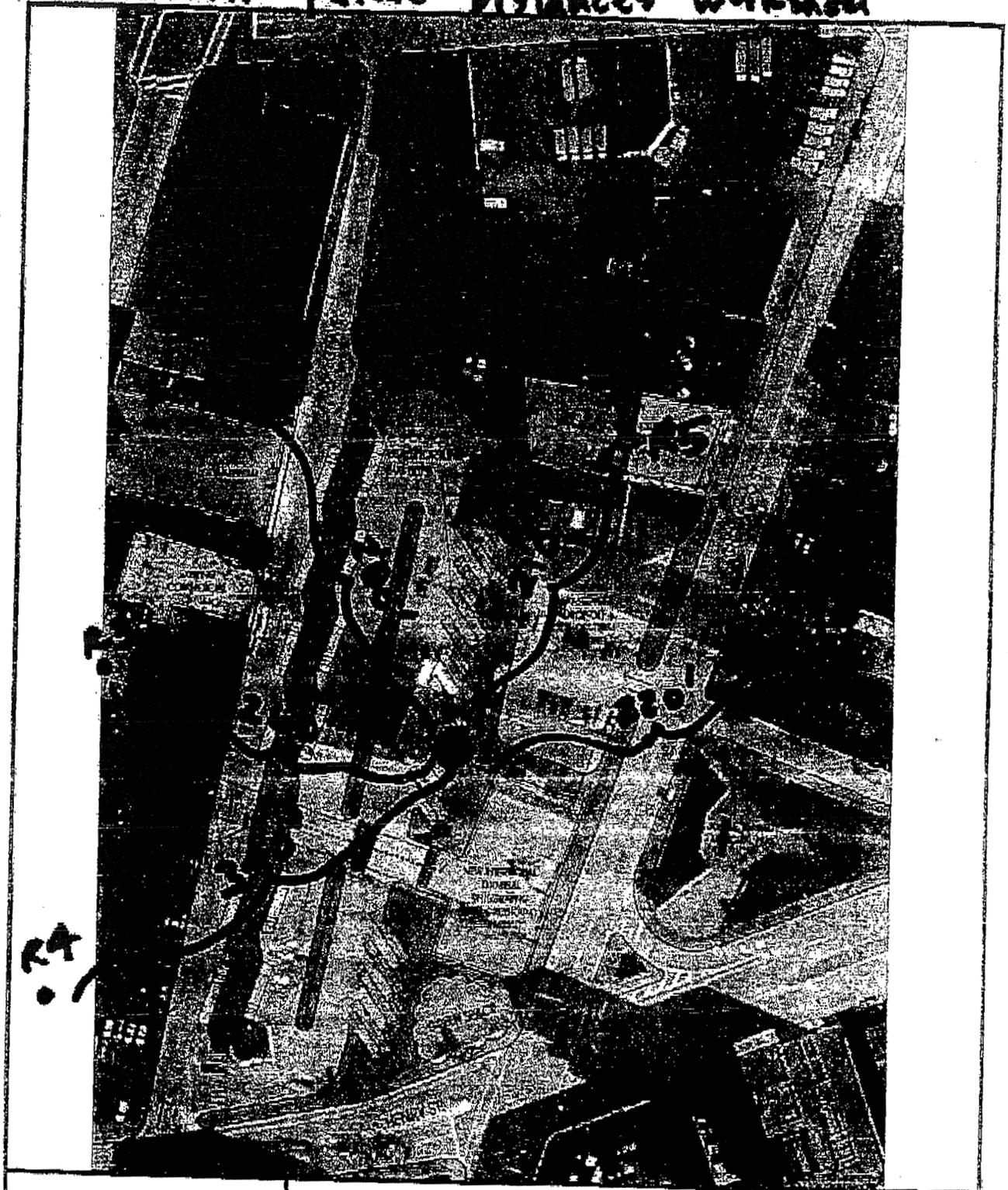


Figure 3
 CONCEPTUAL LAYOUT
 OF PROPOSED ACTION

November 2005 by F. [unreadable] & [unreadable] Inc.
 Original in color

- SEE MEMO FOR DISTANCES. -

Noise: BITT Future Distances Worksheet



Binghamton Intermodal
Transit Terminal EA
Binghamton, New York

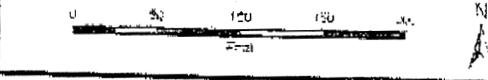


Figure 3
CONCEPTUAL LAYOUT
OF PROPOSED ACTION

November 2007 by Giguere & Associates, Inc.
Original to client

● center of noise generating activity

Petkash, Rita M.

From: Gayle, Steven B.
Sent: Friday, March 23, 2007 8:23 AM
To: Petkash, Rita M.
Subject: FW: Comments on Bing. Intermodal Transit Terminal

Rita,

I have added my thoughts in red for the response for FTA.

>

>Dear Rita Petkash,

>

>I am submitting some comments to you on the Bing. Intermodal Transit

>Terminal in the name of our local Susquehanna Group of the Sierra

>Club, of which I am Conservation Chair. We appreciate the

>opportunity to comment on the proposal, and in general

>enthusiastically endorse it. We have a few specific

>comments/suggestions.

>

>1. Scope. Plan for significant increased use of buses in view of (a)

>the near certainty of high fuel prices due to exhaustion of oil and

>(2) curbs on carbon dioxide emissions due to global warming.

>Response: As noted, the terminal is scoped to allow for future expansion. The possibility of more frequent service by BC Transit will not require a physical expansion of the platform.

>2. Air Quality. Recommend CO2 levels be monitored along with NAAQS 7 criteria pollutants in the light of global warming issue.

Response: Broome County agrees, and notes that while the Binghamton UZA is in attainment of NAAQS, BMTS is required to analyze its transportation plan and Transportation Improvement Program in the context of the New York State Energy Plan. This analysis addresses both fuel consumption and greenhouse gas (GHG) emissions.

>

>3. Visual/Aesthetic Effects. (a) Recommend consultation with City

>Shade Tree Commission (Chair:Richard Andrus) for the 1,800 SF

>landscaped green space. It would be a gem opportunity to involve

>neighborhood assembly youth project. (b) Consider increasing the

>total green space.

Response. (a) Thank you for the recommendation. Broome County will follow up with the Commission. (b) The site is rather constrained, but Broome County will consider your suggestion.

>4. Energy Requirements. Do go for LEED certification! It would put

>Binghamton on the map as a "Cool" City. Assembly Woman Donna Lupardo

>has a bill that addresses the certification level (02005) to add to the

>Energy Act.

Response: Broome County is committed to make the intermodal terminal a "green" building. We continue to evaluate the cost/benefit of LEED certification in terms of the substantial time cost of process and documentation.

>5. We welcome the provisions for bicycle access and storage.

Response: Thank you.

>Overall, a great plan.

>--

>Julian Shepherd

>Associate Professor

>Department of Biological Sciences

>Binghamton University (State University of New York)

>Binghamton, NY 13902-6000

3/26/2007

Broome County Department of Planning & Economic Development

Barbara J. Fiala, Broome County Executive • Rita M. Petkash, Commissioner



Broome County Office Building • 44 Hawley Street • P.O. Box 1766 • Binghamton, New York 13902
(607) 778-2114 • Fax (607) 778-6051 • www.gobroomecounty.com

May 3, 2007

Mr. George Stelmack
206-208 State Street
Binghamton, NY 13901

Dear Mr. Stelmack:

Thank you for your comments, dated March 2007, on the Environmental Assessment (EA) prepared for the Broome County Intermodal Transit Terminal project ("Project"). Broome County has reviewed your letter, and after our telephone conversation of April 10, 2007, has a better understanding of your concerns.

We offer the following responses and hope they will give you a better understanding of project elements. These responses are ordered by subject matter: Air Quality, Land Use/Zoning, and Noise.

Air Quality

You indicate in your letter that you feel that it is not an accurate statement that air quality will not be impacted. In our April 10, 2007, telephone conversation, you indicated that you thought County employees had rated the air quality and maneuvered the results to show no impact. Please note that no County employees were involved in any air quality testing at the site and County employees did not prepare the Environmental Assessment.

Regarding emissions, although there will be an increase of approximately twelve (12) local buses at the site, there will be a decrease of about 150 vehicles that now use the parking lots in the Project area. When these lots are eliminated, vehicle emissions will actually be reduced. In addition, Broome County is migrating from gas buses to diesel electric hybrid buses. These buses have fewer emissions and are quieter.

The United States Environmental Protection Agency has established National Ambient Air Quality Standards (NAAQS). New York State Department of Environmental Conservation CO monitoring data show that existing levels in the Project area are well below the NAAQS.

You also commented that the air quality analysis may not be accurate because site tests were taken when SUNY students were still on vacation. Please note that analysis of air quality reflects typical usage, not vehicle traffic that may only occur two or three times per year. Additionally, passenger drop-off and pick up will not occur on Prospect Avenue. These activities will occur on Chenango Street.

Additionally, you state in your letter that the road dust is terrible. All bus slip islands and the project parking lot will be paved. No road dust will be generated by the project.

Land Use and Zoning

In your letter, you question why the building located at 37 Prospect Avenue is shown as commercial. The property on 37 Prospect Avenue is listed in the Unified Parcel Information System as commercial; class 481 may have residential units. We used System for our analysis and figures in the EA. We acknowledge that the building is partially being used for residential purposes. However, this does not change the air quality or noise analysis presented in the EA.

Noise

In your letter and our telephone conversation, you question the location of "noise sensitive receptors". Figure 7 in the EA depicts the location of noise receptors used to determine the project's impact on noise. Receptor R-2 is a house that fronts Prospect Avenue (refer to page 36 of EA).

The FTANOISE spreadsheet model that was used to assess noise impact associated with the BITT project was developed by the consulting firm of Harris Miller and Hanson (HMMH) and has been accepted by FTA as the model to use for assessing noise impact from transit projects. The model was developed based on in-depth noise measurements and analysis conducted at numerous transit facilities based on a wide number of variables (inputs) such as type and number of buses, type of ground cover between noise source and noise receiver, and types of intervening structures to name a few. The model essentially has been tried and tested – found to be reliable/realistic in terms of results – and thus the reason why FTA has approved it as the accepted method of analysis.

Your letter references Appendix B and indicates that you think the distance from the building at 37 Prospect Avenue and northern most bus slip is about 40 feet. According to our consultant, the distance from 37 Prospect Avenue and the northern most bus approximately 80 feet. The bus slip itself does extend further than the actual bus. This is shown in the drawing after page 11 in Appendix B of the EA.

Regarding point 4 in the letter on the location of inter-city buses: inter-city buses will be relocated a considerable distance further away from Prospect Avenue than they are now. Also, the buses will be under canopies, thus noise levels at the northern end as well as the entire site will be decreased.

You also raised concerns regarding sewer lines. The City of Binghamton, independent of the BITT Project, will be rebuilding Prospect Avenue and will be replacing the water and sewer lines in that area. This work is already scheduled for early 2008.

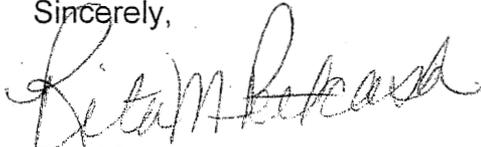
As previously stated, Broome County is migrating its bus fleet to hybrid clean air units. This will reduce the amount of and increase the quality of

emissions. Analysis of air quality reflects typical usage, not vehicle traffic that may occur only two or three times per year. The amount of traffic on Prospect Avenue will be reduced substantially, thereby reducing the amount of emissions and noise. The EA clearly explains why the Project will not have a significant impact on noise and/or air quality in Chapter 11, Chapter 12 and Appendix B.

We believe that construction of the BITT Project will have positive impacts. The Project will improve conditions in the Project area by reducing the number of vehicles circulating the area, by moving inter-city buses further away from residences, by moving the terminal parking lot further away from Prospect Avenue, by providing canopy cover for both local and inter-city buses, and landscaping.

I hope this letter answers the questions presented in your letter and our telephone conversation. Should you have further questions, you may contact me at 607-778-2114.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rita M. Petkash".

Rita M. Petkash
Commissioner



May 3, 2007

Dear Mr. Sheperd:

Thank you for your comments and suggestions regarding the Environmental Assessment (EA) for the proposed Binghamton Intermodal Transit Terminal ("BITT Project"). We are providing the following responses, ordered by the comments presented in your letter, dated March 22, 2007.

1. Scope. Plan for significant increased use of buses in view of (a) the near certainty of high fuel prices due to exhaustion of oil and (b) curbs on carbon dioxide emissions due to global warming.

Response: The Project has included provisions, such as amending bus schedules and shared use of bus slips, to accommodate a possible increase in bus usage.

2. Air Quality. Recommend CO2 levels be monitored along with NAAQS 7 criteria pollutants in the light of global warming issues.

Response: While carbon dioxide is not currently a federally regulated pollutant (although we are aware of the recent U.S. Supreme Court ruling on the issue), the New York State Energy Plan requires reduction in greenhouse gases from the transport sector. The Metropolitan Planning Organization for Broome County area is required to comply with Energy Plan requirements when it prepares updates of its regional transportation plan and transportation improvement program.

3. Visual/Aesthetic Effects. (a) Recommend consultation with the City Shade Tree Commission (Chair: Richard Andrus) for the 1,800 SF landscaped green space. It would be a gem opportunity to involve neighborhood assembly youth project. (b) Consider increasing the total green space.

Response: Broome County has met with representatives from the City of Binghamton as well as the landscape architect who is on the design team to provide as much greenery to the BITT project area as possible. Shade trees as well as low-growing shrubs will be included adjacent to Chenango Street and the parking lot.

4. Energy Requirements. Do go to LEED Certification! It would put Binghamton on the map as a "Cool" City. Assembly Woman Donna Lupardo has a bill that addresses the certification level (02005) to add to the Energy Act.

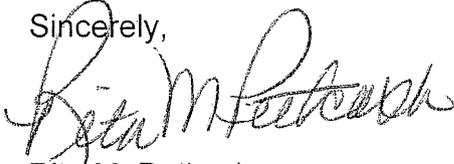
Response: Broome County is committed to following the design guidelines of U.S. Green Building Council and is considering LEED certification. Our design consultant is credentialed to do LEED certification. We are also working with the New York State Energy Research and Development Authority (NYSERDA) on obtaining grant funding for this purpose.

5. We welcome the provisions for bicycle access and storage.

Response: Thank you. Broome County is committed to making the terminal a true multimodal facility.

I hope this letter answers the comments presented in your letter. Should you have further questions, you may contact me at 607-778-2114.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rita M. Petkash".

Rita M. Petkash
Commissioner

Attachment B
Programmatic Agreement

PROGRAMMATIC AGREEMENT

**AMONG THE
FEDERAL TRANSIT ADMINISTRATION,
BROOME COUNTY,
AND
NEW YORK STATE HISTORIC PRESERVATION OFFICER**

**REGARDING THE CONSTRUCTION OF THE
BINGHAMTON INTERMODAL TRANSIT TERMINAL PROJECT
IN BROOME COUNTY, NEW YORK**

WHEREAS, the Federal Transit Administration (“FTA”) has identified, through an Environmental Assessment (“EA”) prepared in 2007 under the National Environmental Policy Act (NEPA, codified at 42 USC 4321 et seq.), that the Binghamton Intermodal Transit Terminal Project (“Project”) may have an effect on properties included in or eligible for inclusion in the National Register of Historic Places; and

WHEREAS, the Broome County, through their Department of Planning and Economic Development, (“Broome County”) proposes to construct the Project using funds provided by the FTA. Accordingly, FTA is the Project’s lead federal agency pursuant to the NEPA and is the federal lead agency responsible for compliance with Section 106 of the National Historic Preservation Act (codified at 16 USC Section 470f, and herein “Section 106”); and

WHEREAS, pursuant to 36 CFR Sections 800.2(a)(3) and 800.2(c)(4), Broome County has participated with FTA in the consultation process prescribed by the regulations that implement Section 106, and the FTA has consulted with the New York State Historic Preservation Officer (“NYSHPO”) regarding the Project’s potential to affect historic resources; and

WHEREAS, FTA and Broome County, along with NYSHPO, as the result of a consultative process, in accordance with Section 106, have determined that it is appropriate to enter into this Programmatic Agreement, pursuant to Section 800.14(b) of the regulations implementing Section 106, which will govern the implementation of the Project and satisfy FTA’s compliance with Section 106; and

WHEREAS, pursuant to Section 106 regulations, FTA and Broome County, in consultation with NYSHPO, identified the Project’s area of potential effect (“APE”) (Attachment 1) for historic resources and determined that the APE is the area where potential effects on historic resources caused by the Project may occur; and

WHEREAS, generally, historic resources can be categorized as archaeological or built (see 36 CFR Section 800.16(1)); and this Programmatic Agreement specifies the appropriate approaches for archaeological resources in the APE; and

WHEREAS, the Project will be built in accordance with the rendering submitted to NYSHPO on May 10, 2006 by Wendel Duchscherer, on behalf of Broome County, and thus, the FTA, in consultation with the NYSHPO, have determined that the Project will have no adverse effect upon above-ground historic resources in or eligible for inclusion in the State and National Registers of Historic Places; and

WHEREAS, FTA has invited the Advisory Council on Historic Preservation (“Council”) to participate in the Section 106 process for this Project and the Council has declined; and

WHEREAS, the FTA has made a reasonable and good faith effort to identify and contact by letter the appropriate Native American tribes and groups that could attach religious or cultural significance to sites within the APE upon which the Project could have an effect (Attachment 2); and

WHEREAS, the Oneida Indian Nation, in their letter dated January 25, 2007, requested notification if any native archaeological resources are discovered during construction and requested courtesy of reviewing archaeological reports (Attachment 2); and

WHEREAS, pursuant to 36 CFR Section 800.8(c), FTA has coordinated its compliance with Section 106 and NEPA through preparation of an EA for the Project; and

WHEREAS, the proposed Project will be bounded on the north by Lewis Street; on the east by Chenango Street; on the south by Henry Street; and on the west by Prospect Avenue (“Project site”) (Attachment 1); and

WHEREAS, the County has informed the public of the proposed Project by presentation at public meetings, in newspaper articles, and presentations before numerous civic groups; and

WHEREAS, to address the potential that archaeological deposits may be located within the project parcel, a Phase IA archaeological sensitivity study was conducted within the APE. This study, entitled *Phase IA Cultural Resource Assessment of the Binghamton Intermodal Transit Terminal Project, Broome County, New York*, by the Public Archaeology Facility at Binghamton University (State University of New York) (2005), identified the need for a Phase 1B archaeological field testing survey, due to the potential presence of both historic and prehistoric deposits and previous studies in the vicinity which have shown that archaeological deposits have survived beneath later development; and

WHEREAS, the County will continue to consult with the FTA and NYSHPO, and the FTA, in consultation with NYSHPO, will make a determination of effect on archaeological resources after completion of the Phase 1B survey; and

NOW, THEREFORE, in accordance with 36 CFR 800.14(b) the FTA, Broome County, and the NYSHPO have developed this Programmatic Agreement to meet their Section

106 requirements and agree that the Project shall be implemented in accordance with the following stipulations and administrative conditions in order to take into account the effect of the Project on archaeological resources.

Stipulations

I. Identification, Evaluation and Treatment of Archaeological Sites

- A. Broome County will perform Phase 1B testing as soon as acquisition of all property has been completed to determine the presence of National Register eligible archeological deposits. A map of the proposed test sites for the Phase 1B survey is provided in Attachment 4.
 - The results of a Phase 1A Archaeological Survey concluded that the Project Site exists in a zone of high prehistoric archaeological sensitivity as there are twelve (12) known and documented prehistoric, four (4) prehistoric/historic, four (4) historic, one (1) historic Native American and one (1) unknown site within a 3.2 kilometer (2 mile) radius of the BITT Project Site. The Phase 1A project sensitivity map is included as Attachment 5.
- B. Once the results of the Phase 1B are known, Broome County will contact the NYSHPO and FTA to evaluate the resources identified during the Phase 1B investigation and consult with FTA and NYSHPO about the appropriate measures to mitigate any effects or adverse effects to archaeological resources determined eligible for the National Register.
- C. Archaeological monitoring, in accordance with an Archaeological Monitoring Plan, will take place during construction activities in the areas deemed archeologically sensitive based on the results of the Phase 1B survey and consultation with NYSHPO but which were not available for examination during the Phase 1B investigation. Broome County will prepare and submit the Archaeological Monitoring Plan to the NYSHPO for review and approval before construction begins. The Archaeological Monitoring Plan will include a protocol for treating historic resources that may be identified during this Monitoring.
- D. The Phase 1B survey will be conducted and consultation with FTA and NYSHPO will be completed prior to the commencement of construction. Broome County will employ a full-time construction manager to enforce the stipulations of the Monitoring Plan.
- E. During the Phase 1B survey or during construction, if any archaeological deposits are identified and determined to be eligible for the National Register and such resources cannot be avoided, then it will be determined that there are adverse effects on these resources. Broome County will take appropriate steps to mitigate those adverse effects.

- F. For any archaeological resources, mitigative efforts will be implemented in accordance with the following: (1) Data Recovery and other documentation consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties, (2) the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation and (3) the Advisory Council on Historic Preservation's Treatment of Archaeological Properties: A Handbook.
- G. All archaeological investigations, which include the Phase 1B survey and investigations conducted once construction has commenced, will be conducted by or under the direct supervision of a qualified archaeologist. Broome County shall ensure that all archaeological research, testing, analysis, and plans conducted pursuant to this Agreement are carried out by or under the direct supervision of a person or persons meeting at a minimum the Secretary of Interior's Professional Qualifications Standards.
- H. In areas outside of those deemed archeologically sensitive based on the results of the Phase 1A and 1B surveys, Broome County, through their Project design consultant Wendel Duchscherer, and in coordination with the NYSHPO will develop final construction documents that specify instructions for the contractors to immediately stop work should they encounter any unanticipated historic resource and seek direction from Broome County regarding how to proceed. Broome County will have its archaeological consultant make an initial evaluation of the resource and prepare a submission for review by FTA and NYSHPO who will consult on what actions to take. Unanticipated resources would include any archaeological features, both historic or prehistoric, encountered outside of the areas identified as Sensitive in the Phase 1A or Phase 1B, or human remains found anywhere within the APE. Construction will not be allowed to resume in the area until consultation has occurred and any appropriate steps have been take to mitigate identified adverse effects. If the unanticipated finds consist of human remains the NYSHPO : "Human Remains Discovery Protocol" will be followed (Attachment 3).
- I. All Data Recovery plans prepared as a result of paragraph I.F. above shall include the following elements:
1. Information on the archaeological property or properties where data recovery is to be carried out, and the context in which such properties are considered eligible for the National Register;
 2. Information on any property, properties or portions of properties that will be destroyed without data recovery;
 3. Discussion of the research questions to be addressed through the data recovery with an explanation/justification of their relevance and importance;
 4. Description of the recovery methods to be used, with an explanation of their pertinence to the research questions;
 5. Description of any specialist studies/analysis that may be appropriate and utilized (faunal, floral, parasite, dendrochronology, etc.)

6. Arrangements for regular progress reports or meetings to keep FTA, the NYSHPO and any other consulting parties informed about the course of the work.
 7. The expected timetable for excavation, analysis and preparation of the final report.
 8. Methods for disseminating results of the work to the interested public.
 9. Information on the ultimate disposition and curation of the collection.
- J. Broome County shall notify the FTA, the NYSHPO and any other Consulting Parties (none are presently designated) in writing prior to the commencement of any archaeological fieldwork, this includes commencement of the Phase 1B survey as well as fieldwork associated with discovery of any resources. Site visits may be scheduled at any time, if the NYSHPO so requests. The County shall notify the NYSHPO in writing, with a copy to FTA, once the fieldwork portion of the data recovery is completed. Such notification will consist of submission of an End of Field Report, which is a management report that provides a brief summary of the results of fieldwork. Upon receipt and review of this End of Field Report, the NYSHPO will provide clearance for construction to proceed. NYSHPO will provide such clearance or request additional information, if needed, within five (5) business days from verified receipt of this notification (personal communication with the NYSHPO reviewer).
- K. Final Report(s), which include the Phase 1B survey report and End of Field Reports, will be completed in accordance with the timelines established in the Data Recovery Plans. A set date for delivery of the report(s) will be established in the NYSHPO's response to the End of Field Report. Any need for an extension to that date must be made to the NYSHPO in advance, and approved by them. Failure to have the report(s) completed on time will be viewed as a failure to meet the stipulations of this agreement and the adverse effects of the project will not have been mitigated. At such time, NYSHPO will request that the signatories to this Agreement take steps to rectify the situation.

II. Continued Consultation to Monitor Design

The FTA and Broome County will continue to consult with the NYSHPO to ensure that the subsequent design of the Project corresponds to the rendering submitted to NYSHPO on May 10, 2006.

III. Continued Notification

Broome County will provide the information in writing on a regular basis to the local headquarters of the National Park Service about the progress of the Project and the results of the studies, if any, conducted under Stipulation I above.

IV. Dispute Resolution.

- A. If at any time during the implementation of this PA, the County or the NYSHPO objects to any actions proposed or the manner in which the terms of this PA are

implemented and cannot resolve the issue between them, they shall immediately notify and consult with FTA in order to resolve the objection. If FTA determines, within 30 days, that such objection(s) cannot be resolved, FTA will forward all documentation relevant to the dispute to the Council. Within 30 days after receipt of all pertinent documentation, the Council will either:

1. Provide FTA with recommendations, which FTA will take into account in reaching a final decision regarding the dispute; or
2. Notify FTA that it will comment pursuant to 36 CFR Section 800.7(b) and Section 110(1) of the National Historic Preservation Act and then proceed to comment. Any Council comment provided in response to such a request will be taken into account by FTA in accordance with 36 CFR Section 800.6(a)(1)(C)(ii) with reference to the subject of the dispute.

If the Council does not provide comments regarding the dispute within 30 days of receipt of adequate documentation, FTA may render a decision regarding the dispute. In reaching its decision, FTA will take into account all comments regarding the dispute from the parties to the PA.

Any recommendation or comment provided by the Council will be understood to pertain only to the subject of the dispute; FTA's responsibility to carry out all other actions subject to the terms of this PA that are not the subject of the dispute remain unchanged.

FTA will notify all parties of its decision in writing before implementation of that portion of the Project that was subject to dispute. FTA's decision will be final.

V. Amendments and Noncompliance

Modification, amendment, or termination of this agreement as necessary shall be accomplished by the signatories in the same manner as the original agreement pursuant to 36 CFR §§800.6(c)(7) and 800.6(c)(8).

Disputes regarding the completion of the terms of this agreement shall be resolved by the signatories. If the signatories cannot agree regarding a dispute, any one of the signatories may request the participation of the Council to assist in resolving the dispute.

VI. Termination

If this PA is not amended following the consultation set out in Stipulation V, it may be terminated by any signatory. Within 30 days following termination, FTA shall notify the signatories if it will initiate consultation to execute a PA with the signatories under

36 CFR §800.6(c)(1) or request the comments of the Council under 36 CFR §800.7(a) and proceed accordingly.

VII. Duration

In the event that construction of this Project has not begun within 3 years of the date of this agreement, FTA and the County will consult with the NYSHPO to extend, amend or terminate this PA.

EXECUTION AND IMPLEMENTATION OF THIS PROGRAMMATIC AGREEMENT EVIDENCES THAT FTA HAS SATISFIED ITS SECTION 106 RESPONSIBILITIES FOR ALL INDIVIDUAL UNDERTAKINGS OF THE PROJECT.

ATTACHMENT 1

Site Plan – Showing Area Of Potential Effect (APE), Project Site, Historic Properties and Historic Districts.

(Attachment 1 is also Figure 10 as contained in Chapter 14 – Section 106 Resources of the EA.)

ATTACHMENT 2

Letters sent to Federally Recognized Native American Tribes and their response

Oneida Indian Nation

Onondaga Indian Nation

ATTACHMENT 3

NYSHPO Human Remains Discovery Protocol

ATTACHMENT 4

Map of Proposed Test Sites

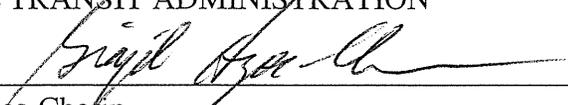
ATTACHMENT 5

Project Site Sensitivity Map

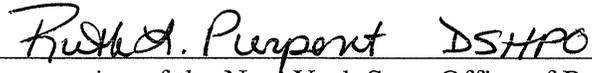
APPROVAL AND SIGNATURE PAGE FOR
PROGRAMMATIC AGREEMENT
AMONG
THE FEDERAL TRANSIT ADMINISTRATION,
BROOME COUNTY
AND
THE NEW YORK STATE HISTORIC PRESERVATION OFFICER
REGARDING THE
BINGHAMTON INTERMODAL TRANSIT TERMINAL PROJECT

EXECUTION AND IMPLEMENTATION OF THIS PROGRAMMATIC AGREEMENT EVIDENCES THAT FTA HAS SATISFIED ITS SECTION 106 RESPONSIBILITIES FOR ALL INDIVIDUAL UNDERTAKINGS OF THE PROJECT.

FEDERAL TRANSIT ADMINISTRATION

By:  Date: 6/27/07
Brigid Hynes-Chefin
Regional Administrator, Region II

NEW YORK STATE HISTORIC PRESERVATION OFFICER (NYSHPO)

By:  Ruth A. Purpont DSHPD Date: 5/29/07
Representative of the New York State Office of Parks, Recreation, and Historic Preservation

BROOME COUNTY

By:  Date: 6/8/07
Barbara J. Fiala
County Executive

PROGRAMMATIC AGREEMENT – ATTACHMENT 1



- Note 1: This Attachment 1 is also Figure 10 as contained in Chapter 14 – Section 106 Resources of the EA.
- Note 2: The Area of Potential Effect (APE) was established and approved by the Field Services Bureau of the NY State Department of Parks, Recreation and Historic Preservation (NYSHPO).
- Note 3: In terms of Archaeological Resources, there are no known archaeological sites within the Project Site that are listed on or eligible for listing on the NRHP that are also important of being preserved in place.

PROGRAMMATIC AGREEMENT – ATTACHMENT 2

Table 15: Historic Resources in the Area of Potential Effect of the BITT

Resource	Location	Description	National Register
Greyhound Station	81 Chenango St.	Built 1938, Functioning Art Deco/Art Modern station	Eligible for NRHP
Southern Tier Independence Center	87-89 Chenango St.	1891-1898, Six-story, brick industrial building. Rusticated brickwork on the façade.	Not eligible for NRHP
Little Venice	107-111 Chenango St.	c. 1910 Three-story, brick building with elaborate terra cotta embellishments on the façade	Potentially eligible for NRHP
Kilmer Building	31-34 Lewis St.	1903 Six-story, Beaux-Arts factory building	Potentially eligible for NRHP
Court Street Historic District	Immediately south Of site	1840-1940 The district contains 104 buildings including the courthouse and Victorian-era commercial structures.	Listed on State and NRHP
Rail Terminal Historic District	Immediately north Of site	1876-1920 A district of 20 buildings built in the commercial/industrial style with Italianate-style embellishments	Listed on State and NRHP
State and Henry Street Historic District	Immediately west Of site	1870-1935 The district consists of 23 buildings most of which are of masonry construction	Listed on State and NRHP

Source: Fitzgerald & Halliday, Inc., June 2006

Note 1: This Attachment 2 is also Table 15 as contained in Chapter 14 – Section 106 Resources of the EA.

Note 2: The Area of Potential Effect (APE) was established and approved by the Field Services Bureau of the NY State Department of Parks, Recreation and Historic Preservation (NYSHPO).

Note 3: In terms of Archaeological Resources, there are no known archaeological sites within the Project Site that are listed on or eligible for listing on the NRHP that are also important of being preserved in place.

PROGRAMMATIC AGREEMENT – ATTACHMENT 3



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION II
Connecticut,
New Jersey,
New York,
Virgin Islands

One Bowling Green
Room 429
New York, NY 10004-1415
212-668-2170
212-668-2136 (fax)

Tony Wonderley
Oneida Indian Nation
Legal Department
221 Union Street
P.O. Box 662
Oneida, NY 13421-0662

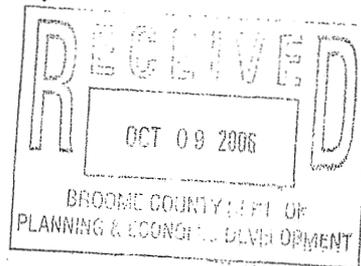
October 5, 2006

Dear Mr. Wonderley:

This letter is to notify you of the Federal Transit Administration (FTA) determination that the Binghamton Intermodal Transit Terminal project in downtown Binghamton (BITT project), New York proposed by the Broome County will be a Federal undertaking if FTA provides financial assistance. As such, the project is subject to Section 106 of the National Historic Preservation Act of 1966, as amended, and associated implementing regulations 36 CFR 800. Per Subpart A, Section 800.2(a)(3) and 800.2(c)(4) of these regulations, FTA is authorizing Broome County as an applicant for Federal assistance, to prepare information, analyses, and recommendations regarding Section 106 consultation for this project. The delegated authority to initiate consultation does not extend to making determinations, such as the area of potential effects or consulting parties.

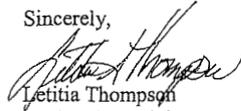
The BITT project is located on a city block bounded by Henry Street, Chenango Street, Lewis Street, and Prospect Avenue in the City of Binghamton. It involves the demolition of three existing buildings and the partial demolition of a fourth in order to construct a new transportation terminal. The effects of the project on historic and archaeological resources are being assessed in accordance with Section 106, in consultation with the New York State Historic Preservation Office (SHPO). Documentary research conducted raised the possibility that various archaeological resources may be buried within the project area. This includes one historic Native American site.

FTA and Broome County will be issuing an Environmental Assessment for public review and comment sometime in December 2006. Please let FTA know if you would be interested in receiving information on this project or would like to be a consulting party. If we do not hear from you within 30 days, we will assume that you do not wish to receive information nor be a consulting party.



Thank you in advance for your assistance on this project. Please contact Nina Chung of the FTA Regional Office on 212-668-2182 with any questions.

Sincerely,



Letitia Thompson
Regional Administrator

cc: Rita Petkash, Broome County Department of Planning and Economic Development
Douglas Mackey, NYSHPO

2/24/08



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION II
Connecticut,
New Jersey,
New York,
Virgin Islands

One Bowling Green
Room 429
New York, NY 10004-1415
212-668-2170
212-668-2136 (fax)

Mr. Irving Powless, Jr., Chief
Onondaga Indian Nation
RR #1, Box 319-B
Nedrow, New York 13120

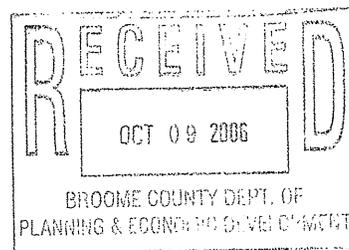
October 5, 2006

Dear Mr. Powless:

This letter is to notify you of the Federal Transit Administration (FTA) determination that the Binghamton Intermodal Transit Terminal project in downtown Binghamton (BITT project), New York proposed by the Broome County will be a Federal undertaking if FTA provides financial assistance. As such, the project is subject to Section 106 of the National Historic Preservation Act of 1966, as amended, and associated implementing regulations 36 CFR 800. Per Subpart A, Section 800.2(a)(3) and 800.2(c)(4) of these regulations, FTA is authorizing Broome County as an applicant for Federal assistance, to prepare information, analyses, and recommendations regarding Section 106 consultation for this project. The delegated authority to initiate consultation does not extend to making determinations, such as the area of potential effects or consulting parties.

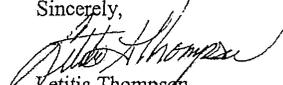
The BITT project is located on a city block bounded by Henry Street, Chenango Street, Lewis Street, and Prospect Avenue in the City of Binghamton. It involves the demolition of three existing buildings and the partial demolition of a fourth in order to construct a new transportation terminal. The effects of the project on historic and archaeological resources are being assessed in accordance with Section 106, in consultation with the New York State Historic Preservation Office (SHPO). Documentary research conducted raised the possibility that various archaeological resources may be buried within the project area. This includes one historic Native American site.

FTA and Broome County will be issuing an Environmental Assessment for public review and comment sometime in December 2006. Please let FTA know if you would be interested in receiving information on this project or would like to be a consulting party. If we do not hear from you within 30 days, we will assume that you do not wish to receive information nor be a consulting party.



Thank you in advance for your assistance on this project. Please contact Nina Chung of the FTA Regional Office on 212-668-2182 with any questions.

Sincerely,



Letitia Thompson
Regional Administrator

cc: Rita Petkash, Broome County Department of Planning and Economic Development
Douglas Mackey, NYSHPO
Joe Heath, Onondaga Nation Attorney
Tony Gonyea, Faithkeeper

ONEIDA INDIAN NATION



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ONEIDA NATION HOMELANDS

November 27, 2006

Letitia Thompson
Regional Administrator
U.S. Department of Transportation
Federal Transit Administration
Region II
One Bowling Green Room 429
New York, NY 10004-1415

Dear Ms. Thompson,

Thank you for soliciting Oneida Indian Nation involvement in the proposed Transit Terminal project in downtown Binghamton (BITT project, letter of October 5). And please forgive this delayed response--my apologies.

Binghamton falls within or is immediately adjacent to Oneida aboriginal territory (see attached map) and we are interested in the project's possible affects on Native American cultural resources

But we need some information. Would you please send us a copy of the Environmental Assessment when available in December? Equipped with that background, we could better judge whether to participate in consultations aimed to mitigate damage to archaeological resources.

Sincerely,

Anthony Wonderley, Ph D.
Historian
Oneida Indian Nation
Legal Department
1256 Union Street PO Box 662
Oneida, NY 13421-0662

221 Union Street
PO Box 662 • Oneida, NY 13421-0662
(315) 829-8461 • Fax (315) 829-8473

Broome County Department of Planning & Economic Development

Barbara J. Fiala, Broome County Executive . Rita M. Petkash, Commissioner



Broome County Office Building . 44 Hawley Street . P.O. Box 1766 . Binghamton, New York 13902
(607) 778-2114 . Fax (607) 778-6051 . www.gobroomecounty.com

January 11, 2007

Mr. Anthony Wonderly, PhD
Historian
Oneida Indian Nation
Legal Department
256 Union St.
P.O. Box 662
Oneida, New York 13421-0662

Dear Mr. Wonderly:

On November 27, 2006, you sent a letter to Letitia Thompson of the FTA regarding the Intermodal Transit Terminal Project proposed for construction in downtown Binghamton, New York.

The purpose of my letter is to give you a brief history of what has occurred at the proposed site of the BITT and to invite you to visit the area.

The BITT is to be located on a city block in downtown Binghamton, bounded by Henry St., Lewis St., Chenango St. and Prospect Ave. Currently there are four structures on the site: the Greyhound Bus Terminal, the Southern Tier Independence Center building, the Shortline/Coach USA Bus Terminal and a vacant 15' x 20' one-story building. The Little Venice Restaurant and U-Haul Self-Storage Building are also on the same block, but are not a part of the project.

The area of the proposed BITT borders the site of the former Chenango Canal which was completed in 1836 and connected Binghamton to Utica and the Susquehanna River to the Erie Canal. Construction of the canal required the excavation and removal of soil and all other material encountered. After the canal was constructed, several warehouses and business buildings were constructed along the canal on the proposed BITT location. Other buildings were also constructed including apartment buildings, a tobacco factory, blacksmiths shop; a total of twenty in all. Many of the structures along Prospect Ave. were then demolished when the canal closed in 1876. The canal was filled in and used as a city street. In the early 1900's, most of the other buildings were either demolished or burned and new buildings were build – a grocery store, movie theatre, a department store among them. In the late 30's early 40's, most of these were demolished. In 1940 the Greyhound Bus Terminal was built and in the 1950's a gas station, a diner, drycleaner and two apartment buildings were constructed.

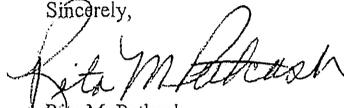
In 2001, the site of the former gas station, which had been demolished in the 1970's urban renewal effort, and is about a third of the proposed BITT location, was excavated, under DEC guidance and the former fuel tanks and well as 36.79 tons of soil were removed. New soil was trucked in to refill the area (see attached aerial photo).

In summary, the site of the proposed Intermodal Transit Terminal has been repeatedly excavated and build upon since the mid-1800's and even though the Phase 1A Archaeological Survey identified several prehistoric/historic and one native American site with a 2 mile radius of the properties, due to the documented extensive disturbance of all properties within this block, it is highly unlikely any significant archaeological resource exist.

Broome County has and continues to consult with the NYSHPO and FTA and will enter into a Programmatic Agreement with these two agencies regarding protocol and procedure in the event that during construction, a potential archaeological resource is encountered.

Should you wish to visit the site or if you have any questions, please do not hesitate to contact me at 607 778-2366.

Sincerely,



Rita M. Petkash
Commissioner

CC: File



U-Haul

Little Venice

Shortline Bus Station

Site of former tobacco factory
and warehouse to remain parking.

Southern Tier
Independence Center
(To be demolished.)

Grayhound Bus Station

Site remediated in 2001.

Garage

CENTENNIAL PLZ

HENRY ST

CHENANGO ST

PROSPECT AV

N

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January 25, 2007

Rita M. Petkash
Commissioner
Broome County Department of Planning and Economic Development
Broome County Office Building
44 Hawley St. PO Box 1766
Binghamton, NY 13902

Dear Commissioner Petkash,

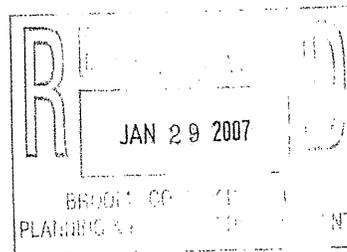
I received your fax and letter (dated Jan. 11) at the same time. Thank you for providing us with information about the Intermodal Transit Terminal Project planned in downtown Binghamton. Our concerns are much allayed by knowing that Native American sites, mentioned in connection with the project, are some distance away and that the proposed construction area is heavily disturbed.

It is not clear from your letter whether any further cultural resource management work will be performed. If so, we would appreciate the courtesy of reviewing archaeological reports. And, since your project will take place in Oneida aboriginal territory, we ask that you contact us in the event that native archaeological materials are inadvertently encountered in the course of construction.

Sincerely,

Anthony Wonderley
Historian
Oneida Indian Nation
Legal Department
1256 Union St. PO Box 662
Oneida, NY 13421-0662
(twonderley@oenida-nation.org)

cc: Brian Patterson, Jesse Bergevin (OIN)



221 Union Street
PO Box 662 • Oneida, NY 13421-0662
(315) 829-8461 • Fax (315) 829-8473

PROGRAMMATIC AGREEMENT – ATTACHMENT 4

State Historic Preservation Office New York State Office of Parks, Recreation and Historic Preservation Human Remains Discovery Protocol

In the event that human remains are encountered during construction or archaeological investigations, the State Historic Preservation Office (SHPO) requires that the following protocol is implemented:

- At all times human remains must be treated with the utmost dignity and respect. Should human remains be encountered, work in the general area of the discovery will stop immediately and the location will be immediately secured and protected from damage and disturbance.
- Human remains or associated artifacts will be left in place and not disturbed. No skeletal remains or materials associated with the remains will be collected or removed until appropriate consultation has taken place and a plan of action has been developed.
- The county coroner and local law enforcement as well as the SHPO and the involved agency will be notified immediately. The coroner and local law enforcement will make the official ruling on the nature of the remains, being either forensic or archaeological. If the remains are archaeological in nature, a bioarchaeologist will confirm the identification as human.
- If human remains are determined to be Native American, the remains will be left in place and protected from further disturbance until a plan for their protection or removal can be generated. The involved agency will consult SHPO and appropriate Native American groups to determine a plan of action that is consistent with the Native American Graves Protection and Repatriation Act (NAGPRA) guidance.
- If human remains are determined to be Euro-American, the remains will be left in place and protected from further disturbance until a plan for their avoidance or removal can be generated. Consultation with the SHPO and other appropriate parties will be required to determine a plan of action.

PROGRAMMATIC AGREEMENT – ATTACHMENT 5

Map of Proposed Test Sites – Phase 1B Survey

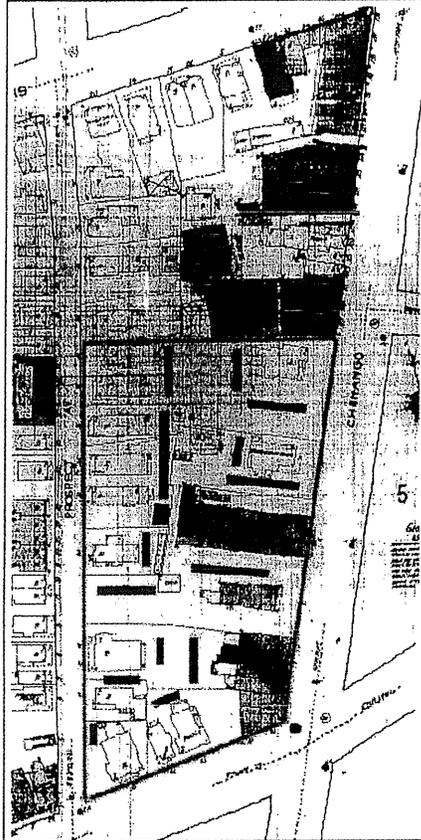
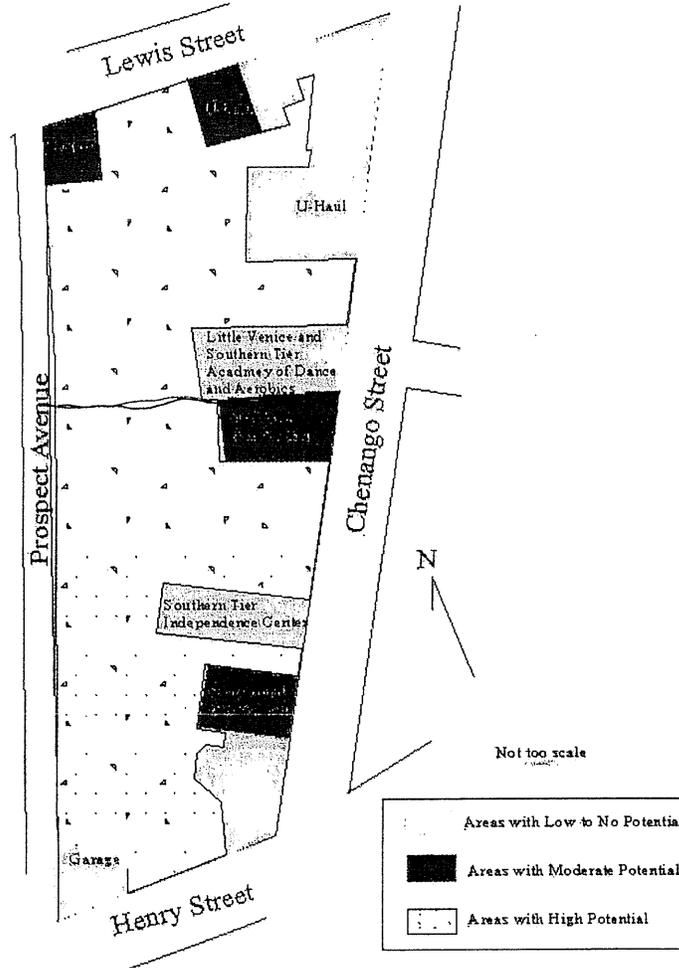


Figure 1. Approximate location of proposed trenches.

PROGRAMMATIC AGREEMENT – ATTACHMENT 6

Archaeological Sensitivity Map



The project area highlighted with the various degrees of potential for intact archaeological resources