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To Our Elected Officials:

Re: Severe Traffic Flaws of the Atlantic Yards FEIS that Prelude Approval

No member of the Board of the Empire State Development Corporation, elected official or community leader should accept the claim that the Atlantic Yards Final Environmental Impact Statement (FEIS), Revised and Corrected, November 27th 2006 contains any meaningful revised assumptions or correction of impacts in regard to transportation imacts.

As the transportation consultants to the Council of Brooklyn Neighborhoods, we identified numerous egregious errors and omissions in the DEIS in regard to transportation impacts of Atlantic Yards which remain unchanged. The comments herein illustrate deficiencies that became more pronounced in the FEIS.

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Travel Demand Mitigation Measures a Hoax

We lead off with the bankruptcy of the much vaunted mitigation plan and the analysis of its impact at one simple-to-grasp intersection that serves as a microcosm of now the FEIS To demonstrate how the FEIS attempts to hoodwink the environmental review process.

To assuage fears of traffic lockdown prior to Arena events, the FEIS repeatedly cites "innovative" parking/transit incentives, intended to reduce auto trips to the Nets games by 20%. None of the mitigation strategies for the 41 scheduled games apply to the expected 184 other events, which are left to manage on their own without any administrative framework, but are not analyzed on the unsubstantiated premise that they would likely attract fewer auto trips. The abdication of responsibility for non-Nets events is a prescription for traffic chaos on many days of the year. For Nets games, the FEIS makes the astonishing new assertion (probably unintended) that the "transit incentive" would "yield a ten percent increase in previously estimated subway trips generated by a weekday or weekend basketball game." Such a gross overstatement of the results of mitigation, understandably, did not translate into pre-game subway trips being increased by 10% and needs to be exorcised, lest it becomes a binding obligation on the project..

Wrong Peak Period

The planned mitigation for Nets game traffic appears to be for the wrong time period. A comment on the DEIS revealed that East Coast MBA games start at 7:30 p.m., not 8:00 p.m. as assumed in the DEIS, resulting in the pre-game period being 6:30-7:30 p.m., not the7:00-8:00 p.m. assumed in the DEIS. To defend making no change, the preparers of the FEIS wiggle through an argument that Madison Square Garden data suggests as much as 30% of game-goers arrive in the half hour after the game begins. Besides not making such anomalous data open to inspection, the preparers of the DEIS pretend not to understand that the real issue is that the baseline traffic volumes are for the wrong time period. Based on Brooklyn Bridge hourly counts, there is a significant drop in traffic volume after 7:00 p.m., suggesting that the analysis did not capture higher background traffic between 6:30 and 7:00 p.m. The matter could have been put to rest with the publication of hourly traffic volumes, required in the CEQR process for this very purpose. But that obvious response might have shown all that the pre-game analyses had to be redone, and slowed the project approval. Many errors of the DEIS/FEIS appear to be result of short-cuts and time pressures.

Ludicrous Logic

The claimed effectiveness of the initial transit incentive mitigation in the DEIS, a 50% discount on a two-way MetroCard, was so debunked by the public that the FEIS now offers a "free" two-way subway pass, reinforcing the conclusion that the preparers of the FEIS are either hopelessly naive or are banking to be so. The free MetroCard would be targeted to on-line purchasers of high end tickets, which are well above $100/seat. This "$4 value" package is postured as a 100% in the cost (whereas, this is only for the MetroCard) and, in reality, $4 is less than a 4% saving on the entire $100+ package.

Then to justify that this estimated cost/benefit will get drivers and their passengers to give up their cars, the FEIS cites the MTA half-fare holiday bonus experiment in 2005. Selecting this as a justification is even more ludicrous than the example in the DEIS, since the holiday half-fare program was found to result in no increase of ridership whatsoever on commuter trains and a big loss in fares of subway riders who would have traveled anyway. The irrelevance the example to the Arena is underscored by the lack of any correlation of change in auto use corresponding to the change of fares. Thus, the key travel demand mitigation in the FEIS relies on a hoax. Yet, the FEIS contends that just this transit incentive will "entirely mitigate" project impacts even at two distant intersections, Atlantic Avenue at Clinton and Henry Streets.

No Basis for Claimed Mitigation

There is, in fact, no basis for the FEIS claim of mitigation of the two Atlantic Avenue intersections close to the exit and entry ramps of the Brooklyn Queens Expressway. No traffic analysis was performed of them because they allegedly do not meet the City Environmental Quality Review (CEQR) criteria of 50 project–generated trips in the peak analysis periods. Apparently, no trip Atlantic Yards drivers are expected to use the BQE. However, it seems someone forgot about a companion mitigation strategy, Remote Parking, which was revealed in the FEIS to include the parking garage of Long Island College Hospital, next to the BQE ramps, where 100 spaces are to be dedicated for Arena patrons.

For the 100 cars to get to the garage entrance on northbound Hicks Street, the FEIS should show 100 vehicles turning onto Henry Street southbound, Amity Street westbound, but it shows no project generated trips at all. It also appears not to have added 24 vehicle trips on Atlantic Avenue for shuttle buses from the garage to the Arena (or drop-off and pick-up space at the Arena site). There is no analysis of at Henry and Atlantic of traffic to and from the BQE or of the planned 1,240 residences and other activities in the Brooklyn Bridge Park, adjacent to LICH. The FEIS doesn't even show these volumes at the expected 50% effectiveness of the mitigation. (Another sleight of hand is to regard the 50% effectiveness as conservative; it is only conservative to not take full credit for the effect of the strategy on traffic volumes in the study area.) Thus, there is no basis for the claims in the FEIS of full mitigation of the intersection. But this strategy has bigger problems: the zoning and financing of the LICH garage restrict its use to accessory parking for the hospital. Thus, the entire mitigation strategy in the FEIS is invalid.

Concealment of Realistic Area-wide Traffic Impacts

The multitude of contradictions in the FEIS analysis for one minor intersection serves as a microcosm of the problems across the study area. Detailed analysis of virtually every intersection would reveal many more flaws: large numbers of vehicles that simply disappear from the network, illogical routes or missing trips (such as none to or from the LICH garage) and no accounting for realistic traffic operations, e.g., spillback and double parking. All these affect the bottom line of traffic analysis, the calculation of "level of service" (i.e., the severity of delay at an intersection). But we are barred from confirming the reported findings because ESDC has refused to release Level of Service calculation sheets on the gratuitous assertion that the worksheets were reviewed by NYCDOT and the false claim they are not normally included in an EIS. In fact, the same consultant team has provided worksheets along with detailed trip generation and trip assignment diagrams for all No Build projects for the Downtown Brooklyn Plan DEIS.

The FEIS's continued reliance on a method that analyzes each intersection in isolation seriously conceals the magnitude of the areawide impact of the project, the footprint of which necessitates street closures and redirection of traffic in centrifugal patterns radiating outward through neighborhoods to the periphery of Downtown. Rather than develop a traffic model that shows the full network, as Community Consulting Services has done, the partial model released late in the DEIS review process, displays the effect of mitigated impacts only for 20010, not 2016, and for just the blocks close to the site. The empty excuse is that as trips disperse with distance from the site, their effects dissipate. This familiar ploy ignores that the cumulative impact of added project rips to already overloaded access routes, such as the BQE and the Brooklyn and Manhattan Bridges, where seemingly small increments can result in queues reaching into Manhattan. CCS's model shows areawide gridlock.

Concealment of Realistic Traffic Operations at Arena Site
Although traffic mitigation is focused on the area closest to the site, the FEIS fails to look closely or realistically at the traffic behavior immediately around the site entrance. Imposing an activity of such complexity as the Arena on the borough's most complicated and congested intersection demands detailed time/space analysis. An assessment of the adequacy of lanes providing 63 auto spaces (equal to 40 spaces for shuttle buses and media trucks) must account for drop-off, layover and pick-up demand of charter and shuttle buses, taxis, black cars and limousines (250 for 500 box seats). It must assess the effect of double and triple parking both near the Arena entrance and at the expanded Atlantic Center.

In addition, the FEIS must fulfill its obligation to carry forward the Downtown Brooklyn Traffic Calming Project in the context of project plans, not seek to evade any responsibility to do so on the specious grounds that the Traffic Calming report did not specify measures to be implemented in the area.

Altogether, the proposed changes in the traffic pattern will have ramifications so far reaching that it alone demands extensive public and agency scrutiny and trials for a couple of months well in advance of any construction. This must account for retail deliveries, police parking and myriad unforeseen affected activities.

Persistent Failure to Account for Real Growth
All the above deficiencies are even worse because the No Build and background volumes of trips will be much higher than assumed in the FEIS. Despite an elaborate defense of their methodology for selecting No Build trip generators, the FEIS has NOT accounted for all Downtown Brooklyn development projects by 2016. It repeatedly cites that the DEIS accounted for 33 discrete sites. The revised FEIS claims it has accounted for 38 new projects in their No Build condition. However, examination of the documentation shows this is not true. Of the 35 projects listed in Table 2-1, plus three additions requested by NYCDOT, only 26 are actually accounted for. The rest are omitted on the premise that the CEQR threshold for inclusion of other projects is 200 dwelling units. This may be reasonable in cases where there are one or two projects, but it is irrational when the dozen ignored projects add up to about 800 dwelling units, between 800,000 and 1,200,000 square feet of new development.

Wrong Factor for Background Growth
It is a further distortion of CEQR guidelines to assert that the omitted discrete sites are accounted for in the 0.5% annual background growth factor recommended in the CEQR Technical Manual for Downtown Brooklyn. The 20-year old 0.5% factor in the CEQR Manual is intended to reflect trips generated by the truly small projects in the I study area. The Manual specifies 1%/year for Brooklyn outside Downtown for trips generated outside the narrow study area. Since these areas are the principal source of trips within Downtown, a 10% growth over 10 years is more inappropriate for background growth than the 5% used. This is consistent with the growth in building permits issued in Brooklyn. Anyone who drives around Brooklyn and sees new construction being shoehorned everywhere knows using the 0.05% /year background growth rate used in the FEIS is irresponsible. The higher background growth would profoundly change all FEIS conclusions.

The claim that some of the projects not counted in the No Build are reflected in baseline traffic counts in 2006 is highly suspect, because while bridge crossings continue to grow, many counts used for 2006 in the EIS are lower than reported in earlier EISs, but cannot not be checked because ESDC has not responded to our

request for traffic count data. This in itself violates a principle of National Environmental Policy Act procedures, implicit in CEQR, that any data on which an EIS relies that is not in the public domain must be made available on request.

Transit Riders Will Be Especially Penalized by Wrong Growth Factor
The refusal to apply higher than the 0.5% growth rate is particularly derelict for subway trips which the NYC Transit turnstile entry counts show have grown by nearly 2% a year in Brooklyn outside Downtown over the last five years. The likelihood of even higher future growth in subway ridership is indicated by 2004 to 2005 turnstile counts that began an upward trajectory of 3.3%, which averages 3% for all Brooklyn. The continuation of such growth in outer Brooklyn is further indicated by more than 300 building permits for new construction, alone, in Community Board 20 in southern Brooklyn vs. about 200 in Community Board 2, which covers most of Downtown. This obvious source of data, easily accessible on the web, appears to have been ignored altogether in the FEIS. Instead, the FEIS claims the projected subway ridership by line was approved by NYC Transit, but provides no correspondence from NYC Transit indicting its concurrence, as with the City agencies, a typical requirement of FEISs.

The drastic underestimates of actual growth in the FEIS will leave the City and State completely unprepared for the deluge of drivers and subway users, undermining the entire city's economic prospects and the justification for the project .

Lack of Any Coordinated, Comprehensive Traffic and Transit Plan
The FEIS provides no realistic integrated plan to deal with the understated traffic it will exacerbate or the transit crowding it denies will occur. The transit consequences are particularly severe, because due to the under-reporting of growth in a series of recent EISs, NYC Transit has no capability to put even one more train into service in peak hours and has no plans to expand its fleet.

Finally (although there are many more fundamental flaws in the FEIS), ESDC takes the ultimate cop-out, saying, if the proposed mitigations don't work, others will be developed—but not assigning any responsibility to do so. At the same time, it jettisons any discussion of the one contingency measure that could make the project workable, congestion pricing.

SEQRA Obligations for "Hard Look" Not Met, FEIS Must Be Rejected
The ESDC, honorably, lived up to its obligations under the State Environmental Quality Review Act to send the FEIS back to the drawing board. It must, in good conscience, do so again. If not, other State officials must exercise their responsibility under SEQRA to ensure and accurate and adequate disclosure of impacts.

Submitted by
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Carolyn S. Konheim
Chair

Brian Ketcham, P.E.
Executive Director

cc: Elected Officials, Community Leaders, Media