



**MEETING OF THE
BOARD OF DIRECTORS**

October 3, 2023 at 4:30 pm

**Location: Hudson River Park Trust Classroom
Discovery Tank
Pier 57
25 11th Avenue
New York, NY 10011**

AGENDA

I. CONSENT AGENDA

- A. Approval of Minutes and Ratification of the Actions Taken at the June 20, 2023 Meeting of the Hudson River Park Trust Board of Directors
- B. Authorization to Contract with TGI Office Automation for Copier Leasing and Maintenance Services
- C. Authorization to Extend Contract Terms for WL Concepts & Production, Inc. and Top & Bottom Wear for On-Call Logoed Seasonal Uniform Components Services
- D. Ratification and Approval of Extension of Contract Term with Abel Bainnson Butz, LLP for Chelsea Waterside Park Phase 2 Design Services
- E. Ratification and Approval of Extension of Contract Term with Gilbane Building Company for Pier 26 Construction Management Services
- F. Ratification and Approval of Extension of Contract Term with Deborah Bradley Construction & Management Services, Inc. for Pier 97 Shade Structure Fabrication and Installation
- G. Ratification and Approval of Extension of Contract Term with County Fire, Inc. for Parkwide Monitoring, Inspection, Repair and Maintenance of Fire Alarm Systems

II. CORPORATE ACTIONS

- H. Approval of List of On-Call Architecture and Engineering Services Firms
- I. Authorization to Contract with LoDuca Associates, Inc. for Pier 45 Decking and Framing Repair
- J. Authorization to Amend Contract with Kelco Construction Inc. for Pier 97 General Construction
- K. Adoption of SEQRA Findings and Authorization to Consent to Office of General Services' Issuance of Permanent Easement to Amtrak for the Hudson Tunnel Project

III. PRESIDENT'S REPORT

- ANNUAL PRESENTATION OF ESTUARINE SANCTUARY MANAGEMENT PLAN
- Design/Construction Project Updates
- River Project and Public Programs Updates
- Financials
- Review of Active Trust Procurement Contracts with over One-Year Term
- Review of Active Revenue Contracts with over One-Year Term

IV. ADVISORY COUNCIL and HUDSON RIVER PARK FRIENDS REPORTS

V. ADJOURN

**HUDSON RIVER PARK TRUST - Approval of Minutes and Ratification of the Actions
Taken at the June 20, 2023 Meeting of the Hudson River Park Trust Board of Directors**

RESOLVED, that the Minutes of the Meeting of the Hudson River Park Trust Board of Directors held on June 20, 2023 are hereby approved by the Board of Directors, and all actions taken by the Directors present at such meeting, as set forth in the Minutes, are hereby in all respects, approved and ratified as actions of the Hudson River Park Trust, and a copy of such approved Minutes are hereby ordered filed with the records of the Hudson River Park Trust.

For Consideration
October 3, 2023

To: The Directors

From: Noreen Doyle

Re: Authorization to Contract with TGI Office Automation for the Leasing of
Printer/Copier/Scanning Equipment and Related Maintenance Services

I. Contract Summary

Contractor: T&G Industries d/b/a TGI Office Automation

Proposed Work: Leasing of Printer/Copier/Scanning Equipment and Related
Maintenance Services

Authorization Amount: \$73,740 over Five-Year Period, plus a 15% contingency, for a Total
Board Authorization of up to \$84,801

II. Background

The Hudson River Park Trust (“Trust”) uses printers/copiers/scanning equipment (hereafter “Copiers”) for many administrative and programming functions. The Trust also makes Copiers available for use by Park Enforcement Patrol and the Pier 40 parking garage operator to avoid additional charge back expenses to the Trust under those service agreements. The Trust’s IT Department places various restrictions and controls on Copier use to control costs and to manage resources.

The Trust’s five current Copiers were purchased in 2017 through Carr Business Systems, Inc. (“Carr”), a centralized contractor procured through the New York State Office of General Services (“OGS”). As the existing Carr Copiers are each now past their useful life, the Trust needs new Copiers. Staff has determined that market conditions make it more cost-effective to lease new Copiers over the next five years through OGS’s centralized contractors instead of purchasing them.

III. Procurement Process

In accordance with the Trust’s Procurement Guidelines, the Trust may utilize centralized contracts created through either the State or Federal government. Users of the centralized contracting system generally benefit from the buying power of the State or Federal Government by taking advantage of bulk discounts and marketplace economies. As a matter of best practice, the Trust regularly investigates whether a centralized contract is available for the commodity/service being sought. The Copiers and accompanying maintenance service are available through OGS’s centralized contract number PM68134.

The Trust staff contacted the seven vendors on the OGS contract list to obtain leasing pricing information and received quotes from three vendors for the leasing of five Copiers. Of these, T&G Industries d/b/a TGI Office Automation (“TGI”) proposed pricing, including for related maintenance service, that was the lowest, at \$14,748 per year, or \$73,740 over five years. The

Trust also contacted its existing vendor, Carr, to secure pricing for the purchase and service of five new Copiers over a five-year period and determined that the leasing option is significantly less costly. Because the pricing caps the number of copies that can be made each year based on historic usage, Trust staff also recommends including a 15% contingency (approximately \$11,000 over the five-year period) in the event that more copies are needed in a given year or there is a future increase in costs for parts or labor under the OGS contract.

TGI is a well-known provider for leasing and servicing the Copiers. The Trust staff therefore recommends that it is in the Trust's best interest to lease the Copiers and enter into a five-year maintenance agreement with TGI as the most cost-effective option.

IV. Funding

Funding for the leasing of the Copiers and the related five-year maintenance agreement is available through the Trust's operating budget as approved by the Board each year.

V. Requested Action

The Trust staff requests Board authorization to contract with TGI for the leasing of printer/copier/scanning equipment and related maintenance services in an amount of \$73,740 over the five-year period, plus a 15% contingency, for a Total Board Authorization Amount of up to \$84,801.

Attachment:

Resolution

HUDSON RIVER PARK TRUST - Authorization to Contract with TGI Office Automation for the Leasing of Printer/Copier/Scanning Equipment

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on October 3, 2023, a copy of which is ordered filed with the records of the Hudson River Park Trust, the Board hereby authorizes the Hudson River Park Trust to contract with T&G Industries d/b/a/TGI Office Automation for the Leasing of Printer/Copier/Scanning Equipment and Related Maintenance Services over a five-year period for a contract amount of \$73,740, plus a 15 percent contingency, for a Total Board Authorization Amount of up to \$84,801; and be it further

RESOLVED, that the President or the President's designee(s) be, and each of them is hereby, authorized to take such actions as the President or the President's designee(s) may deem necessary or appropriate in order to implement the forgoing resolution.

For Consideration
October 3, 2023

To: The Directors

From: Noreen Doyle

Re: Extension of Contract Terms with WL Concepts & Production, Inc. and Top & Bottom Wear for On-Call Logoed Seasonal Uniform Components Services

I. Contract Summary

Contractors: WL Concepts & Production, Inc. and Top & Bottom Wear
Proposed Work: On-Call Logoed Seasonal Uniform Components Services
Amendment: Extension of Contract Terms

II. Background

In August 2022, the Hudson River Park Trust (“Trust”) issued a Request for Quotes for Uniforms/Clothing Screen-Printing & Embroidery services for a period of up to three years as a discretionary procurement directed at New York State-certified MWBE and SDVOB firms (the “RFQ”). On September 2, 2022, the Trust received two responses: one from WL Concepts & Production, Inc., a state certified SDVOB vendor, and the second from Top & Bottom Wear, a state certified MWBE vendor. On October 1, 2022, the Trust informed each vendor that the Trust would proceed with purchasing certain components of staff uniforms and clothing at the pricing provided in each RFQ response for a one-year period at a maximum value of \$75,000 for each vendor.

The Trust staff is satisfied with the services provided by each vendor. However, with the abatement of supply chain issues that affected pricing at the time of the Trust’s RFQ, staff believes it is in the Trust’s best interest to release a new competitive procurement to try to secure lower pricing for the needed clothing. In the meantime, Trust staff seeks approval by the Board of Directors to extend the contract terms for each vendor by up to an additional six months to ensure Trust staff has uniforms for the winter season while a new competitive procurement process is conducted. Pricing for the various uniform components would not increase from that previously approved. No additional funding is required for this extension of contract terms.

III. Requested Action

The Trust staff requests approval by the Board of Directors to extend the contract terms for On-Call Logoed Seasonal Uniform Components Services with WL Concepts & Production, Inc. and Top & Bottom Wear by up to an additional six months.

Attachment:
Resolution

HUDSON RIVER PARK TRUST – Extension of Contract Terms for On-Call Seasonal Uniform Components Services with WL Concepts & Production, Inc. and Top & Bottom Wear

RESOLVED, based upon the materials presented to the Board of Directors at its meeting of October 3, 2023, a copy of which is ordered filed with the records of the Hudson River Park Trust, the Board hereby approves the extension of the contract terms for On-Call Seasonal Uniform Components Services with WL Concepts & Production, Inc. and Top & Bottom Wear by up to an additional six months; and be it further

RESOLVED, that the President or the President's designee(s) be, and each of them is hereby, authorized to take such actions as the President or the President's designee(s) may deem necessary or appropriate in order to implement the forgoing resolution.

For Consideration
October 3, 2023

To: The Directors

From: Noreen Doyle

Re: Ratification and Approval of Extension of Contract Term with Abel Bainnson Butz, LLP for Chelsea Waterside Park Phase 2 Design Services

I. Contract Summary

Contractor:	Abel Bainnson Butz, LLP
Proposed Work:	Chelsea Waterside Park Phase 2 Design Services
Contract Number:	A4898
Amendment:	Extension of Term

II. Background

At its September 18, 2019 meeting, the Board of Directors (“Board”) authorized the Hudson River Park Trust (“Trust”) to enter into a contract with Abel Bainnson Butz, LLP (“ABB”) for the design of Chelsea Waterside Park, Phase 2 for a Total Board Authorization Amount of up to \$954,946 over a two-year term. The scope of work included the design of a new public restroom building, expanded dog run, a formal picnic area and other park amenities. After receiving additional New York City capital funding for reconstruction of the synthetic turf field, the Board authorized an increase to the contract amount of \$171,009 at the October 2020 meeting, bringing the Total Board Authorization Amount up to \$1,143,055. In September 2021, the Board authorized an extension of the contract term until June 30, 2023.

Chelsea Waterside Park Phase 2 opened to the public in mid-June, but there are certain punch list items still under way that must be addressed before the contract is closed. The Trust staff therefore seeks to extend the contract term for up to one additional year, through June 30, 2024, to allow for the completion of such work. No additional funding is required.

III. Requested Action

The Trust staff requests ratification and approval by the Board to extend the term of contract with Abel Bainnson Butz, LLP for Chelsea Waterside Park Phase 2 Design Services for up to one additional year.

Attachment:

Resolution

HUDSON RIVER PARK TRUST – Ratification and Approval of Extension of Contract Term with Abel Bainnson Butz, LLP for Chelsea Waterside Park Phase 2 Design Services

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on October 3, 2023, a copy of which is ordered filed with the records of the Hudson River Park Trust, the Board hereby ratifies and approves the Hudson River Park Trust's extending the term of the contract with Abel Bainnson Butz, LLP for the Chelsea Waterside Park Phase 2 Design Services by up to one additional year; and be it further

RESOLVED, that the President or the President's designee(s) be, and each of them is hereby, authorized to take such actions as the President or the President's designee(s) may deem necessary or appropriate in order to implement the forgoing resolutions.

For Consideration
October 3, 2023

To: The Directors

From: Noreen Doyle

Re: Ratification and Approval of Extension of Contract Term with Gilbane Building Company for Pier 26 Construction Management Services

I. Contract Summary

Contractor: Gilbane Building Company
Proposed Work: Pier 26 Construction Management Services
Contract Number: A4901
Amendment: Extension of Term

II. Background

At its May 31, 2018 meeting, the Board of Directors (“Board”) authorized the Hudson River Park Trust (“Trust”) to enter into a 26-month contract with Gilbane Building Company (“Gilbane”) for Construction Management Services at Pier 26 for a maximum contract value of \$2,679,732. The Trust opened Pier 26 to the public in September 2020, and in October 2020, the Board authorized a six-month extension of term to certain cover post-construction and close out services.

In December 2021, after funding became available for the construction of the Pier 26 Science Play Area, the Board authorized the addition of \$250,000 and a 30-month extension of the contract term through July 31, 2023 for Gilbane to complete construction management services for the Science Play Area. The Science Play Area is now under construction and staff seeks to extend the contract term by one additional year to cover the period through construction completion and contract closeout. No additional funding is required.

III. Requested Action

The Trust staff requests ratification and approval by the Board of Directors to extend the term of contract with Gilbane Building Company by one year, through July 31, 2024.

Attachment:

Resolution

HUDSON RIVER PARK TRUST – Ratification and Approval of Extension of Contract Term with Gilbane Building Company for Pier 26 Construction Management Services

RESOLVED, based upon the materials presented to the Board of Directors at its meeting of October 3, 2023, a copy of which is ordered filed with the records of the Hudson River Park Trust, the Board hereby ratifies and approves the Hudson River Park Trust's extending the term of the contract with Gilbane Building Company for Pier 26 Construction Management Services by one year, through July 31, 2024; and be it further

RESOLVED, that the President or the President's designee(s) be, and each of them is hereby, authorized to take such actions as the President or the President's designee(s) may deem necessary or appropriate in order to implement the forgoing resolution.

For Consideration
October 3, 2023

To: The Directors

From: Noreen Doyle

Re: Ratification and Approval of Extension of Contract Term with Deborah Bradley Construction & Management Services, Inc. for Pier 97 Shade Structure Fabrication and Installation

I. Contract Summary

Contractor: Deborah Bradley Construction & Management Services, Inc.
Proposed Work: Pier 97 Shade Structure Fabrication and Installation
Contract Number: C5400
Amendment: Extension of Term

II. Background

At its March 25, 2021 meeting, the Board of Directors (“Board”) approved a one-year contract with Deborah Bradley Construction & Management Services, Inc (“Deborah Bradley”) for Pier 97 Shade Structure Fabrication and Installation for a Total Board Authorization Amount of up to \$1,474,440. The Board authorized an extension of the contract by one year at its July 2022 meeting.

Pier 97’s overall construction is now nearing completion, inclusive of the shade structures, which have been installed. The Hudson River Park Trust (“Trust”) staff seeks to extend the contract term by one additional year so that Deborah Bradley can complete touch up painting and other punch list items. No additional funding is required.

III. Requested Action

The Trust staff requests that the Board ratify and approve a one-year extension of the contract term with Deborah Bradley, through May 31, 2024.

Attachment:

Resolution

HUDSON RIVER PARK TRUST – Ratification and Approval of Extension of Contract Term with Deborah Bradley Construction & Management Services, Inc. for Pier 97 Shade Structure Fabrication and Installation

RESOLVED, based upon the materials presented to the Board of Directors at its meeting of October 3, 2023, a copy of which is ordered filed with the records of the Hudson River Park Trust, the Board hereby ratifies and approves the Hudson River Park Trust's extending the term of the contract with Deborah Bradley Construction & Management Services, Inc. for Pier 97 Shade Structure Fabrication and Installation by an additional one year, through May 31, 2024; and be it further

RESOLVED, that the President or the President's designee(s) be, and each of them is hereby, authorized to take such actions as the President or the President's designee(s) may deem necessary or appropriate in order to implement the foregoing resolution.

For Consideration
October 3, 2023

To: The Directors

From: Noreen Doyle

Re: Ratification and Approval of Extension of Contract Term with County Fire, Inc. for
Parkwide Monitoring, Inspection, Repair and Maintenance of Fire Alarm Systems

I. Contract Summary

Contractor: County Fire, Inc.
Proposed Work: Monitoring, Inspection, Repair and Maintenance of Fire Alarm Systems
Contract Number: M5030
Amendment: Extension of Term

II. Background

At its January 31, 2019 meeting, the Board of Directors (“Board”) authorized the Hudson River Park Trust (“Trust”) to enter into a contract for a three-year term with County Fire, Inc. (“County Fire”) for Parkwide Monitoring, Inspection, Repair and Maintenance of Fire Alarm Systems for a Total Board Authorization Amount of up to \$138,600. County Fire’s services include (1) monitoring, reporting, maintenance, inspection and testing of fire alarm systems, (2) providing repair services as identified by the Trust, and (3) designing and installing a code compliant system to activate certain fire notification devices at Pier 40. At its January 27, 2022, March 28, 2023 and June 20, 2023 meetings, the Board approved amendments to the contract, including adding \$20,000 to the contract and extending the term through June 30, 2023.

As of June 2023, the Trust has transferred the maintenance of the fire alarm services to a new vendor procured through the list of approved New York State Office of General Services’ centralized contractors. However, the process of transferring monitoring for all seven buildings located in Hudson River Park between the two vendors has been slower than anticipated, resulting in the need for County Fire to continue to monitor the fire alarm system. The full transition to the new vendor will be completed this month. Therefore, the Trust staff seeks Board ratification of the extension of the contract term by an additional four months, through October 31, 2023.

III. Requested Action

The Trust staff requests ratification and approval by the Board to extend the contract term with County Fire, Inc. for the Monitoring of the Fire Alarm Systems by an additional four months.

Attachment:
Resolution

HUDSON RIVER PARK TRUST – Ratification and Approval of Extension of Contract Term with County Fire, Inc. for Parkwide Monitoring, Inspection, Repair and Maintenance of Fire Alarm Systems

RESOLVED, based upon the materials presented to the Board of Directors at its meeting of October 3, 2023, a copy of which is ordered filed with the records of the Hudson River Park Trust, the Board hereby ratifies and approves the Hudson River Park Trust's extending the term of the contract with County Fire, Inc. for Parkwide Monitoring, Inspection, Repair and Maintenance of Fire Alarm Systems by an additional four months; and be it further

RESOLVED, that the President or the President's designee(s) be, and each of them is hereby, authorized to take such actions as the President or the President's designee(s) may deem necessary or appropriate in order to implement the forgoing resolution.

For Consideration
October 3, 2023

To: The Directors

From: Noreen Doyle

Re: Authorization to Enter into Contracts with Marvel Architects, Landscape Architects, Urban Designers, PLLC; H2M Architects, Engineers, Land Surveying and Landscape Architecture, D.P.C.; and Nelligan White Architects, PLLC for On-Call Architecture and Engineering Services

I. Contract Summaries

Contractors:	Marvel Architects, Landscape Architects, Urban Designers, PLLC (“Marvel”) H2M Architects, Engineers, Land Surveying and Landscape Architecture, D.P.C. (“H2M”) Nelligan White Architects, PLLC (“Nelligan”)
Proposed Work:	On-Call Architecture and Engineering Services
Contract Numbers:	A5320 – Marvel A5321 – H2M A5322 – Nelligan
Authorization Amount:	Total Board Authorization of up to \$2,000,000 in the aggregate over the Four-Year Period for On-Call Architecture and Engineering Services

II. Background

The Hudson River Park Trust (“Trust”) seeks to retain one or more on-call architecture/engineering firms (“A/E’s”) for potential small- and medium-scale projects that may arise over the next four years. The prospective projects are expected to consist primarily of “capital maintenance” projects, such as reconstruction of existing building components (roof replacements, building mechanical upgrades, etc.), as well as building assessments and potentially space planning. Assignments would be issued as task orders as needed.

The selected consultants would be available to provide professional design, construction documents, bidding and award administrative services, construction administration services, site/civil engineering services and other services as required on an on-call basis (the “Services”) during the contract term.

III. Procurement

In accordance with the Trust’s Procurement Guidelines, an advertisement for a Request for Proposals (“RFP”) for On-Call Architecture and Engineering Services was published in the New York State Contract Reporter and on the Trust’s website between the period of June 2, 2023 and July 10, 2023.

The Trust received nineteen proposals on the submission deadline. Pursuant to the RFP, the Trust may elect to award a contract to one or more selected Architecture and Engineering firms.

A selection committee comprised of Trust staff reviewed the submissions and evaluated each according to the identified selection criteria in the RFP, including the respondent's experience in providing similar services, its reputation and references, the quality of the submitted proposal, and the fee and cost schedule. After evaluating proposals, the selection committee interviewed seven respondents. Upon completion of proposal review and interviews, the selection committee determined that Marvel, H2M and Nelligan offered well qualified teams and proposed favorable hourly rates for the desired on-call services. Trust staff determined that Marvel, H2M and Nelligan offered cost proposals that were fair and reasonable and thus presented "best value" to the Trust.

The Trust seeks to enter into three separate on-call contracts for the A/E Services – one with Marvel, one with H2M, and one with Nelligan (together, the "A/E Contracts"), each for a four-year term. Projects would be assigned to the "A/E Contracts" along with specific task budgets at the discretion of the Trust to a maximum value of up to \$2,000,000 in the aggregate over the four-year period.

The Trust will complete a responsibility determination and evaluation of financial capacity for each firm prior to entering into the A/E Contracts. Marvel is a NYS-Certified Minority-Owned-Business Enterprise ("MWBE), and H2M and Nelligan have each committed to making good faith efforts to meet the 30 % MWBE and 6% Service-Disabled Veteran Owned Business goals.

Marvel, H2M and Nelligan all have extensive experience providing similar services for government agencies and large institution clients, including numerous New York City and New York State agencies and public benefit corporations, such as the New York City Department of Design and Construction and the New York State Dormitory Authority, among other agencies.

IV. Funding

Funding for the A/E Contracts will be identified through the capital maintenance portion of the Trust's annual operating budget as may be approved by the Board of Directors each year. The Trust will limit the initial contract amount for each contract to no greater than \$200,000 and will amend the contracts to add additional funding over the four-year period as new projects are identified and subject to the availability of funding.

V. Requested Action

The Trust staff requests authorization by the Board of Directors to enter into contracts with Marvel, H2M, and Nelligan for On-Call Architecture and Engineering Services for an aggregate Total Board Authorization Amount of up to \$2,000,000 over a four-year period.

Attachment:

Resolution

HUDSON RIVER PARK TRUST - Authorization to Contract with (1) Marvel Architects, Landscape Architects, Urban Designers, PLLC; (2) H2M Architects, Engineers, Land Surveying and Landscape Architecture, D.P.C.; and (3) Nelligan White Architects, PLLC for On-Call Architecture and Engineering Services for an Aggregate Board Authorization Amount of up to \$2,000,000

RESOLVED, based upon the materials presented to the Board of Directors at its meeting of October 3, 2023, a copy of which is ordered filed with the records of the Hudson River Park Trust, the Board hereby authorizes the Hudson River Park Trust to enter into three separate contracts each for a four-year term with: (1) Marvel Architects, Landscape Architects, Urban Designers, PLLC; (2) H2M Architects, Engineers, Land Surveying and Landscape Architecture, D.P.C.; and (3) Nelligan White Architects, PLLC for On-Call Architecture and Engineering Services for an Aggregate Total Board Authorization Amount of up to \$2,000,000 over the four year period; and be it further

RESOLVED, that the President or the President's designee(s) be, and each of them is hereby, authorized to take such actions as the President or the President's designee(s) may deem necessary or appropriate in order to implement the forgoing resolution.

For Consideration
October 3, 2023

To: The Directors

From: Noreen Doyle

Re: Authorization to Enter into a Contract with LoDuca Associates, Inc. for Pier 45 Decking and Framing Repair

I. Contract Summary

Contractor: LoDuca Associates, Inc.

Proposed Project: Pier 45 Decking and Framing Repair

Contract Number: C5640

Authorization Amount: Base Contract Amount of \$1,133,000 plus 10% contingency for a Total Board Authorization Amount of up to \$1,246,300

II. Background

The Hudson River Park Trust (the “Trust”) has identified a need to retain a contractor to reconstruct the wood decking along the southern and western portions of Pier 45. The current decking and beams were installed in 2001 and are reaching the end of their intended service life, with decking becoming loose and sagging in places. If left unaddressed, these conditions will pose a safety hazard to park patrons.

The selected contractor will provide new hardwood that matches the original aesthetic; make improvements to the support structure for extended service life; and reuse boards and supporting beams determined to be in good condition. New framing will also be installed.

III. Procurement Process

In accordance with the Trust’s Procurement Guidelines, an advertisement for a Request for Proposals (“RFP”) for the Pier 45 Decking Framing and Repair contract was published in the New York State Contract Reporter and on the Trust’s website for the period of July 31, 2023 through August 31, 2023. The Trust received five proposals by the submission deadline.

A selection committee comprised of members of the Trust’s Design/Construction and Legal staff reviewed the submissions and evaluated each submission according to the identified selection criteria in the RFP, including the contractor’s experience in providing similar services, the contractor’s reputation and references, proposed subcontractors, the proposed project schedule, and the price proposal. As reflected in the RFP, there are no M/WBE or SDVOB participation goals for this project as there are no subcontracting opportunities.

After an initial review of the proposals by the selection committee, interviews were conducted with the top three ranked firms. Based on the submitted proposals and interviews, Trust staff determined LoDuca Associates, Inc. (“LAI”) to be the highest ranked respondent. LAI is a well-

established company that has completed work for a number of municipalities in the State of New York and also for the New York State Office of Parks, Recreation and Historic Preservation. The Trust staff therefore recommends entering into a contract for the identified decking framing and repair scope for \$1,133,000, plus a 10% contingency, for a total proposed authorization amount of up to \$1,246,300. The Trust expects the work to be completed within a one-year period.

The Trust will complete a responsibility determination and evaluation of financial capacity prior to entering into the contract.

IV. Funding

Funding for this contract will be provided from discretionary capital budget funds allocated by the City of New York through the City Council.

V. Requested Action

The Trust staff requests authorization by the Board of Directors to contract with LoDuca Associates, Inc. for Pier 45 Decking Framing and Repair in an amount not to exceed \$1,133,000 plus a 10% contingency for a Total Board Authorized Amount of up to \$1,246,300.

Attachment:
Resolution

HUDSON RIVER PARK TRUST – Authorization for Hudson River Park Trust to Contract with LoDuca Associates, Inc. for Pier 45 Decking Framing and Repair

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on October 3, 2023, a copy of which is ordered filed with the records of the Hudson River Park Trust, the Board hereby authorizes the Hudson River Park Trust to contract with LoDuca Associates, Inc. for the Pier 45 Decking Framing and Repair in an amount not to exceed \$1,133,000 plus a 10% contingency for a Total Board Authorized Amount of up to \$1,246,300; and be it further

RESOLVED, that the President or the President's designee(s) be, and each of them is hereby, authorized to take such actions as the President or the President's designee(s) may deem necessary or appropriate in order to implement the forgoing resolution.

For Consideration
October 3, 2023

To: The Directors
From: Noreen Doyle
Re: Authorization to Amend Contract with Kelco Construction, Inc. for Pier 97
General Construction

I. Contract Summary

Contractor: Kelco Construction, Inc.
Proposed Project: Pier 97 General Construction
Contract Number: C5420
Authorization Amount: An additional \$600,000 for a Total Board Authorization Amount of up to \$25,029,670

II. Background

At its June 3, 2021 meeting, the Board of Directors authorized the Hudson River Park Trust (“Trust”) to enter into a contract with Kelco Construction, Inc. (“Kelco”) for the general construction of Pier 97 for a total Board Authorization of up to \$23,129,670. The scope of work generally includes: a distinctive new playground, multipurpose activity field, flexible gathering space, sun lawn, belvedere, overlook, sunset deck, unit paved pathways, and lush plantings.

At its December 1, 2022 meeting, the Board of Directors approved an increase of \$1,300,000 for a total authorization of \$24,429,670 to add certain bikeway and esplanade work adjacent to the project area into Kelco’s scope of work so that areas abutting the pier and adjacent park building are complete when these park features open. The balance of the bikeway and esplanade work will be implemented through a contract primarily funded through a federal Transportation Alternatives Program (TAP) grant administered by the New York State Department of Transportation and for which additional governmental approvals are needed, delaying this area’s completion.

Construction of Pier 97 is nearing completion, and staff expects to be able to open the pier to the public later this fall. As described herein, subsequent to contract award, staff identified a need to change the structural design of the planned wood decking on a portion of the pier. Specifically, an analysis of shop drawings and calculations revealed that the contracted scope of work for the wood deck areas would not be capable of reliably accommodating the vehicles that will need to access the pier periodically without risk of damage. To increase the loading capacity and durability of the Pier 97 wood decking at the western end of the pier, additional joists and footings will be added to reduce the span of the deck boards. To minimize the cost impact of this change and to ensure durability where vehicles loads are expected to be most frequent, the wood decking finish at the flexible gathering area in the center of the pier has been changed to concrete unit pavers of the same type used elsewhere in the project. The NYC Public Design Commission, which has jurisdiction over this portion of the park, has reviewed the proposed material change and approved it.

The Trust staff now requests authorization to increase the Total Board Authorization Amount by \$600,000 to implement these modifications. The requested amount also includes additional contingency monies to ensure that the Kelco contract is sufficiently funded to achieve project completion.

III. Funding

Funding for this amendment to the contract is available from New York State and the Trust's restricted funds from the sale of transferable development rights.

IV. Requested Action

The Trust staff requests authorization by the Board of Directors to amend the contract with Kelco Construction, Inc. for Pier 97 General Construction by adding \$600,000 for a Total Board Authorized Amount of up to \$25,029,670.

Attachment:

Resolution

HUDSON RIVER PARK TRUST – Authorization to Amend the Contract with Kelco Construction, Inc. for the Pier 97 General Construction

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on October 3, 2023, a copy of which is ordered filed with the records of the Hudson River Park Trust, the Board hereby authorizes the Hudson River Park Trust to amend the contract with Kelco Construction, Inc. for the Pier 97 General Construction by adding an additional \$600,000 for a Total Board Authorized Amount of up to \$25,029,670; and be it further

RESOLVED, that the President or the President's designee(s) be, and each of them is hereby, authorized to take such actions as the President or the President's designee(s) may deem necessary or appropriate in order to implement the forgoing resolution.

For Consideration
October 3, 2023

To: Board of Directors

From: Noreen Doyle

Re: Adoption of SEQRA Findings Statement for Hudson Tunnel Project and
Authorization to Consent to Office of General Services' Issuance of Permanent
Easement to National Railroad Passenger Corporation

I. Background

The Hudson River Park Act, as amended in 2018 (the “HRP Act”), authorizes the alienation of a portion of Hudson River Park (the “Park”) located between West 27th and West 30th Streets for the granting of a permanent vested easement for the Hudson Tunnel Project, subject to the approval of the Hudson River Park Trust (“Trust”). Pursuant to Section 3(2) of the Public Lands Law, the New York State Office of General Services (“OGS”) is authorized to issue such permanent easement on behalf of New York State and its agencies, including the Office of Parks, Recreation and Historic Preservation (“OPRHP”) and Department of Environmental Conservation (“DEC”), which each has jurisdiction over the real property in the Park in which the required permanent easement in Hudson River Park would be located. OGS has prepared a proposed Indenture to be issued to the National Railroad Passenger Corporation (hereafter, “Amtrak”) that would authorize the construction and operation of a new two-track rail tunnel within a below-grade permanent easement located at a depth of between 25 and 45 feet in the land and water portions of the Park between West 29th and West 30th Streets. The Trust’s Board of Directors (“Board”) must consent to the proposed Indenture after first approving the Findings Statement for the Hudson Tunnel Project prepared under the State Environmental Quality Review Act (“SEQRA”). The Findings Statement and the form of the proposed Indenture have each been shared with the Board.

II. SEQRA Findings

The Hudson Tunnel Project involves the construction of a new two-track tunnel, the Hudson River Tunnel, extending between New Jersey and Penn Station New York (“PSNY”), together with the rehabilitation of the existing North River Tunnel, which currently carries Amtrak’s Northeast Corridor Service and New Jersey Transit’s commuter rail service between New Jersey and PSNY. The new Hudson River Tunnel will have two tracks extending a distance of approximately 4.5 miles from Amtrak’s Northeast Corridor in Secaucus, New Jersey to the existing tracks at PSNY.

In New York, the Hudson Tunnel Project begins beneath the bottom of the Hudson River at the New Jersey border, travels east below the river’s surface and enters the Park at the U.S. Pierhead line, continues east until it penetrates the below-ground foundation of the Manhattan historic Bulkhead to enter into the upland portion of the Park before crossing Route 9A and several city

blocks, ultimately connecting to the existing PSNY approach tracks. The permanently impacted area in the Park is located between West 29th and 30th Streets.

The combined Final Environmental Impact Statement (“FEIS”) and Record of Decision (“ROD”) for the Hudson Tunnel Project was prepared and issued in accordance with the National Environmental Policy Act, with the U.S. Department of Transportation - Federal Railroad Administration serving as the lead federal agency and the New Jersey Transit Corporation and the Port Authority of New York and New Jersey serving as joint lead agencies. The FEIS and ROD were issued on May 28, 2021 and were reviewed by the Trust.

The FEIS/ROD identified the potential for adverse impacts within the Park, including impacts to the historic Bulkhead, to aquatic species located in the Estuarine Sanctuary, and to the Park during construction. The FEIS/ROD also identified various mitigation measures to minimize impacts in and adjacent to the Park, including preparation and implementation of a construction protection plan and bulkhead protection plan for use during construction of the new tunnel; use of cofferdams and turbidity curtains to minimize in-water impacts, and adoption of a five-year monitoring program in the Hudson River post-construction in consultation with the environmental regulators, among other measures. The 18 months of construction within the Park will also require the temporary closure of a portion of the West 30th Street Heliport and realignment of the walkway and adjacent Route 9A bikeway.

As addressed in the SEQRA Findings Statement dated October 2023, the Trust staff has considered the facts and conclusions in the FEIS/ROD and has weighed and balanced the relevant environmental impacts with social, economic and other considerations and has determined that the FEIS/ROD meets the requirements of SEQRA, including the SEQRA regulations set forth in 6 NYCRR Part 617, and that the adverse environmental impacts revealed in the FEIS/ROD and relevant for the Park will be minimized by the mitigation measures proposed for the Hudson Tunnel Project to the maximum extent practicable.

III. Proposed Indenture for the Permanent Below-Grade Easement

On behalf of New York State, OGS has prepared the proposed Indenture that provides Amtrak with an approximate 150-foot-wide easement area located 25 feet to 45 feet below the surface through three New York State-owned parcels for purpose of constructing and operating the tunnel including: (a) lands under water under the jurisdiction of OGS beginning from the boundary of the New Jersey border in the Hudson River and east to the westerly boundary of lands under water granted to New York City (The OGS property is referred to in the proposed Indenture as “Parcel 1” and the New York City property is referred to as “Parcel 2”); (b) property below the riverbed portion of the Park in the Hudson River from the U.S. Pierhead line to the historic Bulkhead that is leased to the Trust under the jurisdiction of DEC and which contains approximately 1.59 acres of land (referred to as “Parcel 3”); and (c) Park property from the historic Bulkhead to the western edge of the Route 9A bikeway that is leased to the Trust under the jurisdiction of OPRHP and which contains approximately 0.45 acres of land (referred to as “Parcel 4”).

The proposed Indenture requires Amtrak and its contractors to maintain commercial general liability insurance naming New York State and the Trust as additional insured and to indemnify the State and the Trust from any property damage or injuries to persons related to the Hudson Tunnel Project.

At the Trust's request, OGS also added an exhibit prepared by the Trust to the proposed Indenture that provides specific requirements for Parcels 3 and 4 (the "Indenture's Exhibit A"), including that: (a) prior to commencing construction of the Hudson Tunnel Project, Amtrak must obtain a construction permit from the Trust that incorporates the construction and bulkhead protection plans and that requires Amtrak to restore the area temporarily affected by construction consistent with plans prepared by the Trust at Amtrak's sole cost; (b) Amtrak must seek a work permit from the Trust for any maintenance work that will require construction equipment or excavation within the Park after the rail tunnel is in operation; (c) Amtrak must comply with a Bulkhead Impact Agreement prepared pursuant to the Section 106 Programmatic Agreement to be executed between Amtrak and the Trust that would require Amtrak to provide long-term maintenance of a defined section of the historic bulkhead; and (d) the Trust retains the right to construct, replace and maintain park uses over the easement area (and an additional buffer area to the north and south of the easement area) without requiring Amtrak's advance approval if excavation is no deeper than five feet and the maximum net allowable surcharge load is equal to or less than 500 pounds per square foot; among other provisions. The Trust staff is satisfied that these additional requirements will protect the interests of the Park and allow the Trust to operate and maintain park uses over the easement area in a manner consistent with other open space areas of the Park. It should be noted that the Trust would not be permitted to construct any buildings over the easement area.

The consideration to be paid by Amtrak to New York State under the proposed Indenture is \$1.00 given the public importance of the Hudson Tunnel Project to the New York City region.

IV. Proposed Consideration Agreement between the Trust and Amtrak

Separately, Amtrak and the Trust have prepared a proposed Consideration Agreement, which form of agreement has been shared with the Board. As consideration for the Trust's approval of OGS's issuance of the proposed Indenture that would provide Amtrak with a permanent easement that limits the Trust's rights to fully utilize the surface area, including a prohibition from constructing any buildings over the easement, Amtrak would pay the Trust \$8,670,500 prior to commencing construction of the Hudson Tunnel Project.

While the HRP Act provided the Trust with the right to enter into a lease agreement with Amtrak for the below-grade easement area for a term equivalent in length to that of its master lease with the State of New York, the issuance of such a lease agreement is not a requirement of the HRP Act and would be duplicative of the rights obtained by the Trust and obligations placed on Amtrak through the Indenture's Exhibit A and the Consideration Agreement. Further, the Trust does not own property itself and cannot under the HRP Act alienate the necessary real property interest to Amtrak required for the full intended life of the Hudson Tunnel Project; rather, OGS has the authority to alienate land on behalf of New York State that is required for the life-span of

the Hudson Tunnel Project. In addition, it would be highly unusual and possibly create confusion to record two separate agreements purporting to convey similar rights to Amtrak for the same right-of-way area. OGS has included in the Indenture's Exhibit A terms that are consistent with those that the Trust would normally include in a lease agreement and the Trust is satisfied that the specific provisions set forth will protect the Park and the Trust. Lastly, the consideration to be paid to the Trust under the proposed Consideration Agreement for the below-grade easement area meets fair market value standards. Accordingly, the Trust has concluded that it is not in the Trust's interest to proceed with a separate lease agreement for the same below-grade easement area for an overlapping portion of the term provided under the proposed Indenture to be issued by OGS on behalf of New York State. By consenting to OGS's issuance of the proposed Indenture and not undertaking a lengthy lease process for a right-of-way located over 25 feet below the surface within the State-owned portion of the Park, the Trust is also ensuring that this important public infrastructure project can proceed on schedule.

If the Trust Board consents to OGS's issuance of the proposed Indenture, OGS anticipates that the Indenture would be executed in late October 2023, which would allow Amtrak and the other Hudson Tunnel Project sponsors to proceed with applying for the necessary federal funding to support the construction of the Hudson Tunnel Project in a timely manner. The Trust would receive payment from Amtrak in consideration for its consent to the OGS easement by March 31, 2024, well before commencement of tunnel construction in the Park would occur.

V. Requested Actions

The Trust Staff hereby requests that the Board, first, approves the SEQRA Findings Statement for the Hudson Tunnel Project; and, second, consents to OGS's issuing the proposed Indenture for the permanent easement to Amtrak for the Hudson Tunnel Project; and, third, authorizes the Trust to enter into the proposed Consideration Agreement.

Attachments:

- Resolutions
- SEQRA Findings Statement
- Proposed Indenture for Hudson Tunnel Project Permanent Easement
- Proposed Consideration Agreement

HUDSON RIVER PARK TRUST – Approval of SEQRA Findings for Hudson Tunnel Project

RESOLVED, based on the materials presented to the Board of Directors at its meeting on October 3, 2023, a copy of which is ordered filed with the records of the Hudson River Park Trust, the Board hereby approves the State Environmental Quality Review Act Findings Statement prepared by the Hudson River Park Trust for the Hudson Tunnel Project; and be it further

RESOLVED, that the President or the President's designee(s) be, and each of them is hereby, authorized to take such actions as the President or the President's designee(s) may deem necessary or appropriate in order to implement the foregoing resolution.

HUDSON RIVER PARK TRUST – Approval of Office of General Services' Issuance of Proposed Indenture for the Permanent Easement for the Hudson Tunnel Project

RESOLVED, based on the materials presented to the Board of Directors at its meeting on October 3, 2023, a copy of which is ordered filed with the records of the Hudson River Park Trust, the Board hereby approves the issuance by the Office of General Services on behalf of New York State of the proposed Indenture to the National Railroad Passenger Corporation, also known as Amtrak, providing a permanent easement below the surface of Hudson River Park between West 29th and 30th Streets for the construction and operation of the Hudson Tunnel Project; and be it further

RESOLVED, that the President or the President's designee(s) be, and each of them is hereby, authorized to take such actions as the President or the President's designee(s) may deem necessary or appropriate in order to implement the foregoing resolution.

HUDSON RIVER PARK TRUST – Approval of Consideration Agreement with National Railroad Passenger Corporation

RESOLVED, based on the materials presented to the Board of Directors at its meeting on October 3, 2023, a copy of which is ordered filed with the records of the Hudson River Park Trust, the Board hereby authorizes the Trust to enter into the Consideration Agreement with National Railroad Passenger Corporation in which the National Railroad Passenger Corporation will pay the Trust \$8,670,500 as consideration for the Trust's consent to New York State's issuance of the below grade permanent easement necessary for the Hudson Tunnel Project; and be it further

RESOLVED, that the President or the President's designee(s) be, and each of them is hereby, authorized to take such actions as the President or the President's designee(s) may deem necessary or appropriate in order to implement the foregoing resolution.

Hudson Tunnel Project
Hudson River Park Trust's
State Environmental Quality Review Act Statement of Findings
October 2023

Pursuant to Article 8 of the New York Environmental Conservation Law (State Environmental Quality Review) and its implementing regulations at 6 NYCRR Part 617 (collectively, SEQRA), the Hudson River Park Trust (Trust) hereby renders its findings for the project known as the Hudson Tunnel Project.

Name of Action: Hudson Tunnel Project

Trust's Action: Approval of the Office of General Services' Issuance of a Permanent Easement to the National Railroad Passenger Corporation (a/k/a Amtrak) for the below-grade rail tunnel right-of-way through Hudson River Park.

Classification of Action

SEQRA Type I action

Description and Location of Action

The Hudson Tunnel Project consists of a new two-track tunnel, the Hudson River Tunnel, extending from New Jersey to Penn Station New York (PSNY), together with the rehabilitation of the existing North River Tunnel, which currently carries the Amtrak's Northeast Corridor Service (NEC) and New Jersey Transit's commuter rail service between New Jersey and PSNY. The new Hudson River Tunnel will have two tracks extending from the Amtrak's Northeast Corridor in Secaucus, New Jersey, beneath the Palisades and the Hoboken/Weehawken, New Jersey waterfront area, and beneath the Hudson River to connect to the existing tracks in PSNY. The Hudson River Tunnel will be located south of the existing North River Tunnel and will extend for a distance of 4.5 miles through New Jersey and New York.

In New York, the Hudson Tunnel Project will be located beneath the bottom of the Hudson River. It will penetrate the below-ground foundation of the Manhattan bulkhead below the bottom of the Hudson River and continue about 25 to 45 feet below the surface beneath the Hudson River Park and Twelfth Avenue, and then beneath several city blocks until it meets the Amtrak's underground Hudson Yards Right of Way Preservation Project presently underway. It will ultimately connect to the existing PSNY approach tracks.

Agency Jurisdiction

The Hudson Tunnel Project requires temporary use of a portion of Hudson River Park for construction activities and a permanent easement for the below grade tunnels underneath the Park (which is located west of the Route 9A bikeway and east of the U.S. Pierhead line).

The Hudson Tunnel Project requires a permanent easement for the below grade tunnels both below the Park in the area between West 29th and West 30th Streets and below the riverbed of the Hudson

River from the New Jersey border to the U.S. Pierhead line. Under the Hudson River Park Act, as amended, a permanent vested easement may be granted for the Hudson Tunnel Project. New York State, acting through the Office of General Service (OGS), intends to issue the permanent easement to Amtrak, which proposed easement for the portion located below the Park is also subject to the consent of the Trust.¹

In addition, the project requires a construction permit from the Trust for use of the temporary construction area. The temporary construction area will be located in the upland area of the Park between West 29th and West 30th Streets for a period of 18 months. The construction area will require the closure of the West 30th Street Heliport's fueling station and two of the Heliport's landing pads and will reduce available parking for the Heliport. In addition, construction activities will require either a temporary narrowing of the Park walkway and the adjacent Route 9A bikeway for about 150 to 200 linear feet or a relocation of the walkway and bikeway.

The Trust has prepared this SEQRA Findings Statement with regard to the Trust's proposed action to consent to OGS's issuance of an easement to Amtrak for the permanent right-of-way for the new Hudson River Tunnel to be located well below the surface of the Park.

Final Environmental Impact Statement

The Final Environmental Impact Statement (FEIS) for the project was prepared in accordance with the National Environmental Policy Act (NEPA). The United States Department of Transportation - Federal Railroad Administration (FRA) is the lead federal agency and the New Jersey Transit Corporation and the Port Authority of New York and New Jersey (PANYNJ) are joint lead agencies. The FEIS and Record of Decision were issued on May 28, 2021.

Facts and Conclusion Relied Upon to Support the Trust's Decision

The Trust has reviewed the following documents:

- The Draft EIS (July 7, 2017) and Final EIS (May 28, 2021)
- The FRA's Record of Decision (May 28, 2021)
- The Section 106 Programmatic Agreement and Section 4(f) Evaluation (FEIS Appendix 9 and Chapter 24)
- Coastal Zone Consistency (FEIS Appendix 21)
- OGS's proposed easement for the below-grade permanent right-of-way below the Park

Purpose and Need for the Project

The purpose of the Hudson Tunnel Project is twofold: to preserve the current functionality of Amtrak's NEC service and NJ Transit commuter rail service between New Jersey and PSNY by repairing the deteriorating North River Tunnel; and to strengthen the NEC's resiliency to support

¹ See Hudson River Park Act § 7(3)(c) ("[a] permanent vested easement may be granted for the Hudson River Rail Tunnel ... crossing under the surface of the park between West 27th and West 30th Streets ... subject to the approval of the Trust").

reliable service by providing redundant capability under the Hudson River for Amtrak and NJ Transit NEC trains between New Jersey and PSNY.

The existing North River Tunnel is a critical NEC asset and the only intercity passenger rail crossing into New York City from New Jersey and areas West and South. It is more than 100 years old and, while safe for use, service reliability is suboptimal due to its age and damage to tunnel components caused by seawater inundation during Superstorm Sandy in 2012. The existing tunnel operates at full peak period capacity and, with the lack of redundant capability, any service outage or planned or unplanned maintenance can substantially delay or suspend rail service, disrupting travel for hundreds of thousands of passengers.

Because the North River Tunnel is essential to commuter and intercity rail service, improvements must be achieved while maintaining uninterrupted commuter and intercity rail service and by optimizing the use of existing infrastructure.

Alternatives and Selected Design

FRA considered a no action alternative and a preferred alternative. The no action alternative would have included ongoing maintenance to the North River Tunnel but would not have included rehabilitation of the existing North River Tunnel or construction of a new tunnel. The no action alternative would not have addressed the need for repairs of the deteriorating North River Tunnel and would not have strengthened the NEC's resiliency to support reliable passenger rail service by providing redundant capability under the Hudson River.

The preferred alternative consists of a new two-track tunnel together with the rehabilitation of the existing North River Tunnel. Upon completion of the preferred alternative, the NEC will have four tracks, two in the new Hudson River Tunnel and two in the North River Tunnel, which will provide operational flexibility and redundancy.

Given the already existing connection points on the east side of Route 9A in Manhattan for the new tunnel, which lead to PSNY, no other feasible alternative locations for the new tunnel were analyzed in the EIS.

On May 28, 2021, the FRA issued a Record of Decision pursuant to NEPA. The ROD selected the preferred alternative and concluded that the preferred alternative avoids or minimizes environmental impacts to the maximum extent practicable.

Environmental Impacts Relevant to the Decision by the Trust to Consent to OGS's Issuance of the Proposed Easement

The Hudson Tunnel Project will have potential adverse effects on the Manhattan Hudson River Bulkhead, which the New York State Historic Preservation Office has determined as eligible for listing on the New York State and National Registers of Historic Places, because the new tunnel will pass beneath the bulkhead and through the pile foundation of the bulkhead before continuing approximately 25 to 45 feet below the Park.

The project will also have potential environmental impacts on aquatic species including endangered species due to the need to harden the river bottom near the Manhattan shoreline

through the addition of cement or cement grout in a three (3) acre area within the navigation channel of the river, approximately 620 feet west from the Manhattan Hudson River Bulkhead, within the Hudson River Park Estuarine Sanctuary. This hardening avoids the need for cut and cover excavation across Hudson River Park.

In addition, the project involves construction of a 150-foot-tall 12th Avenue Fan Plant outside the Park that will cast shadows on the adjacent areas of the Park in the mornings all year round. These incremental shadows would be relatively small, and this area of the Park would receive direct sunlight through the midday and afternoon hours.

The project will have a number of temporary construction-related environmental impacts:

- Disruption to the heliport during 18 months of construction, including temporary closure of the Heliport's fueling station and up to two landing pads, as well as reductions in parking.
- Temporary narrowing of the Park walkway and Route 9A bikeway or relocation of the walkway/bikeway in the vicinity of the construction staging area.
- Temporary disruption of Park activities and operations due to construction traffic, noise, air pollution and dust.
- Potential impact to Pier 66 boathouse recreational activities during in-river construction activities.

As disclosed in Chapter 21 of the FEIS, the project is consistent with New York State's coastal zone management policies.

The purpose of the project is to preserve the current functionality existing rail service between New Jersey and PSNY and to strengthen the NEC's resiliency by providing redundant capability for Amtrak and NJ Transit NEC trains between New Jersey and PSNY. Accordingly, there is no need to analyze growth-inducing aspects of the project or potential impacts on solid waste management. Similarly, there is no need for analysis of effects on energy conservation. The project will service electric trains and will use the existing grid which, in accordance with New York State statutes, will increasingly rely on renewable energy.

Environmental Commitments/Minimizing Adverse Impacts

To avoid or minimize potential adverse impacts to the Manhattan Hudson River Bulkhead and on aquatic species in the Hudson River Park Estuarine Sanctuary, and impacts related to construction activities within or near the Park, FRA identified commitments to provide mitigation.

The commitments relevant to the Trust's area of jurisdiction are as follows:

Bulkhead:

FRA developed a Programmatic Agreement in consultation with NJ Historic Preservation Office, NYS Historic Preservation Office (NYSHPO), the Advisory Council on Historic Preservation, the Federal Transit Administration, the PANYNJ and Amtrak that includes the following measures to minimize impacts to the Manhattan Hudson River Bulkhead:

- Preparation of a report that documents the characteristics of the affected Hudson River Bulkhead location based on information gathered and drawings made in preparation for, and during the construction at, the bulkhead structure.
- Provisions for the historic interpretation of the Hudson River Bulkhead within Hudson River Park.
- Implementation of Bulkhead Protection Plan at the bulkhead and associated bulkhead impact area and identification of measures for the long-term maintenance of the bulkhead and associated impact area, in coordination with the Trust and NYSHPO.
- Archaeological testing and/or monitoring for potential archaeological resources.

Hudson River:

To minimize impacts to the Hudson River, the Project Sponsor has committed to the following measures:

- The Project Sponsor will use cofferdams in the low-cover area of the Hudson River where in-water construction work occurs to contain construction activities that affect the river bottom, in accordance with BMPs for minimizing silt and as recommended by the National Marine Fisheries Service (NMFS) for the protection of sturgeon.
- The Project Sponsor will install and remove steel sheet pile and steel pipe king piles in the Hudson River low-cover area with a vibratory hammer.
- The Project Sponsor will use turbidity curtains during cofferdam removal.
- The Project Sponsor will not remove the cofferdam until the improved soil within the cofferdam has hardened.
- The Project Sponsor will not install or remove sheet piles and king piles from January 21 through June 30 to avoid impacts to overwintering and migrating striped bass and other anadromous fish.
- In the 0.7-acre area of the river bottom where the soilcrete will extend above the existing mudline, the Project Sponsor will implement a five-year monitoring program following completion of construction, in consultation with the United States Army Corps (USACE), NMFS, and the New York State Department of Environmental Conservation (NYSDEC), to assess the recovery of the area as fish foraging habitat. The Project Sponsor will also monitor the recovery of the remaining 2.3 acres of soilcrete for five years post-construction. Regular monitoring reports will be submitted to the USACE, NMFS, and NYSDEC and will be made available on the Project website.
- The Project Sponsor will check the area surrounded by the cofferdam for sturgeon prior to deep soil mixing. Should sturgeon become entrapped within the cofferdam area, the Project Sponsor will cease work and notify NMFS.
- Based on ongoing consultation with USACE, NMFS, and NYSDEC regarding the monitoring program, the Project Sponsor will conduct additional remediation actions, if necessary as determined during consultation.
- The Project Sponsor, in coordination with the other Project Partners, including Amtrak, will also coordinate with NYSDEC as part of the permitting process to determine what other compensatory mitigation may be required as a condition of permit approval.

Restoration of Construction Staging Area within the Park:

The Project Sponsor will perform a full restoration of all areas of Hudson River Park affected by construction in coordination with and at no cost to the Trust.

Heliport Operations:

To minimize operational impacts to the Heliport during construction, the Project Sponsor will minimize the temporary work space to the extent feasible.

Park Temporary Construction Impacts:

To minimize temporary construction impacts, the Project Sponsor has committed to the following mitigation measures:

- Traffic and pedestrians - the Project Sponsor will provide flaggers at the Hudson River Park walkway and Route 9A bikeway where construction trucks access the construction staging area in the West 30th St Heliport. Either a narrower or a relocated Hudson River Park walkway and Route 9A bikeway will remain open (except possibly for short-term trenching for installation of freeze pipes to freeze and strengthen the ground prior to tunnelling).
- Noise – Site enclosures or temporary noise barriers (e.g., 3/4-inch thick plywood) 15 feet high will provide noise mitigation and will avoid adverse impacts according to FTA noise impact criteria during most construction activities. At excavation locations in New York City streets, barriers will be constructed along the curblin while the lane nearest the curb will remain open to accept equipment to complete the excavation across the street. Installation of piles for the tunnel alignment between the Manhattan bulkhead and Tenth Avenue, including in Hudson River Park (if needed), at the Twelfth Avenue shaft, and in West 30th Street, if needed and where practicable, using drilled piles rather than driven piles to reduce resulting noise levels.
- Vibrations - Implementation of Construction Protection Plan (CPP) for historic architectural resources located near Project construction sites. The CPPs will include provisions for vibration monitoring, adherence to vibration limit thresholds, measures to reduce vibration levels, and modification of construction methods if necessary. Installation of piles for the tunnel alignment between the Manhattan bulkhead and Tenth Avenue, including in Hudson River Park (if needed), at the Twelfth Avenue shaft, and in West 30th Street, if needed and where practicable, using drilled piles rather than driven piles.
- Air quality – The Project Sponsor has committed to a multi-approach fugitive dust control plan including watering, covering loose materials, vehicle rinsing, and a continuous perimeter air monitoring program at the staging areas to identify when additional dust management procedures are warranted. In addition, construction vehicles and equipment will use ultra-low sulfur diesel; will be subject to idling restrictions; and will be required to use Best Available Tailpipe Reduction Technologies for all diesel engines.

- Recreational boating – The Project Sponsor has committed to measures to warn maritime traffic, including recreational boaters and other measures to protect boater safety during in-water construction in the Hudson River.

Certification

The Trust has considered the Draft and Final EISs and the facts and conclusions disclosed therein, and has weighed and balanced the relevant environmental impacts with social, economic and other considerations.

Accordingly, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 have been met and the FEIS is sufficient to make SEQRA Findings; and
2. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental impacts revealed in the environmental review process will be minimized by mitigation measures to which the Project Sponsor has committed and permit conditions that were identified as practicable that are anticipated to be imposed by state and federal agencies.

Dated: October 3, 2023

By: _____
Christine Fazio, General Counsel
Hudson River Park Trust