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Neighbors United Below Canal  
P.O. Box 130034  
6 Doyers Street  
New York, NY 10013

Re: Transportation Analysis - NYC Borough-Based Jail System FEIS

Dear Neighbors United Below Canal:

The following information is provided in connection with the transportation analyses contained in the NYC Borough-Based Jail System (BBJ) Final Environmental Impact Statement (FEIS), and the Tech Memo, for the Manhattan Detention Center (MDC) site. Based on the Tech Memo, the proposed MDC would increase from approximately 439,000 gross square feet (gsf) of court and detention center uses to approximately 806,000 gsf of space that includes 20,000 gsf of retail/community facility space. The information below suggests that rather than taking a hard look, the FEIS systematically underestimates the impacts of the proposed project and obfuscates the analyses that underlie its conclusions.

Final Scope of Work (FSOW) and Responses to Comments (RTC)

The FEIS fails to address items included in the FSOW and RTC. Comments on the DEIS and the FSOW (Task 11. Transportation) are presented below in *italics*.

***The assessment must clearly enumerate and consider the number of persons coming to the new Manhattan jail on a daily basis.***

The FEIS does not include adequate information on actual number of auto trips, pedestrian trips, or truck/bus trips, either during construction, or once the facility is completed. While impacts can be determined by examining the net additional trips, it is not possible to understand how the facility would operate without also identifying the total project generated network trips during construction and during operation when the new facility opens.

***The traffic study must include an analysis of the number and timing of trips of corrections officers and detainees between all courts, precincts, other borough jails, and medical facilities. In addition, it must clearly discuss the number of trips that will be required with respect to the detainees housed from Staten Island who will be transported to court facilities on Staten Island.***

The FEIS does not describe or include any trips that would be made by corrections officers and detainees between the new facility and NYPD precincts, other borough jails, or medical facilities (see FEIS Table 4.9-5). Furthermore, the transportation chapter does not include any accounting for trips to or from Staten Island. Failing to include all these important trips in the future estimates substantially underestimates the potential impacts presented in the FEIS.

***The traffic study must analyze the impact of the proposed loading dock and sally port in terms of trip generation.***

The FEIS does not include any analysis of the proposed loading dock and sally port in terms of trip generation, nor does it address how trucks delivering and picking up linens, food, supplies, mail, packages, garbage/sanitation for the complex once completed. See also Item 5 below.

***The traffic study must analyze the current NYPD intake process and how it might change under the proposed action, particularly with respect to police stopping on Worth Street and / or Hogan.***

These are not included or analyzed in the FEIS transportation chapter. Several of the trip generation projections used to estimate future traffic are based on data collected at the current MDC, where detainees are held for relatively shorter periods of time compared to detainees at Rikers Island. Therefore, these current patterns cannot be used to project the future traffic patterns without discussing how the intake processes and other operations at the new facility may differ from those at Rikers Island. In addition to intake procedures, likely that visitor and truck/bus patterns will differ from the patterns that currently occur at the MDC.

***The traffic study must also assess the proposed plan in terms of traffic and parking by DOC and NYPD official vehicles, and must include the number of free parking placards that will be issued to all uniformed employees related to this jail.***

Neither of these items are mentioned or analyzed in the FEIS transportation chapter.

***The traffic study must identify specific mitigation measures that will be undertaken to lessen the impacts of the trips generated by the jail facility, including measures to discourage the use of cars and encourage the use of transit by persons working in or visiting the Manhattan jail. The study should also address the additional traffic resources that the City will provide to ensure that the necessary enforcement actions will be taken, including a list of the improvements that will be needed to the subway stops on Canal St. and Brooklyn Bridge Foley Square.***

The FEIS fails to mention measures to discourage the use of cars and encourage the use of transit by persons working in or visiting the Manhattan jail. The FEIS also fails to address the additional traffic resources that the City will provide to ensure that the necessary enforcement actions will be taken.

***The traffic study must analyze the Citibike station located at Foley Square and the impact of its removal or relocation or expansion.***

Neither the Citibike station nor its possible relocation and potential to impact already congested traffic and pedestrian condition are mentioned or analyzed in the FEIS transportation chapter.

### **Inconsistency with CEQR Technical Manual and Inadequacy of Disclosure**

The objective of the transportation analyses is to determine whether a proposed project may have a potential significant impact on traffic operations and mobility, public transportation facilities and services, pedestrian elements and flow, safety of all roadway users (pedestrians, cyclists, transit users and motorists), on- and off-street parking, or goods movement<sup>1</sup>. The FEIS fails to include a realistic analysis of the effects of the demolition/construction and operation of the MDC facility, in

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<sup>1</sup> Introduction to CEQR Technical Manual Transportation Chapter

particular as the site is located in one of NYC's most congested neighborhoods that also has a high rate of accidents.

### 1. Extent of FEIS Study Area

Several comments made by elected officials, community organizations, and members of the general public suggest the need for the FEIS to evaluate intersections including along Canal Street and other severely congested locations (Comments 9-19, 9-42, 9-68). Canal Street is located immediately north of the project site and based on the estimates provided in the FEIS, the new MDC facility would add up to 27 new vehicles per hour to the complicated 5-leg intersection at Canal Street/Mott Street during the AM peak hour. The FEIS refers to a 50 vehicle per hour threshold that is published in the CEQR Technical Manual to justify not including this and other intersections in the analysis. The total number of projected new vehicles generated by the project (and the number of vehicles likely to be added to affected intersections) appears to be underestimated in the FEIS (see for example Item 3 below). Nevertheless, according to the CEQR Manual (Chapter 16, Section 313.1), the 50 vehicle per hour screening threshold should be used as a guide and not as an absolute cut-off to require a detailed traffic analysis:

*...it should be emphasized that proposed projects affecting congested intersections have at times been found to create significant adverse traffic impacts when their trip generation is fewer than 50 trip-ends in the peak hour, and therefore, the lead agency may require further analysis of such intersections of concern.*

The traffic analyses contained in the FEIS included only two relatively minor intersections, neither of which are along Canal Street or other potentially unmitigatable intersections that are projected to receive additional MDC traffic. These include the Centre Street at Worth Street intersection where Worth Street, Mott Street, and Bowery Street converge. These intersections are already heavily congested and should have been analyzed.

The FEIS concludes that a single intersection may be significantly impacted and that the impact could be mitigated by readjusting the signal timing at that location. However, without including realistic traffic projections and a detailed traffic analysis at these additional locations, it is not possible for the FEIS to rule out the potential for the new facility to cause significant adverse traffic impacts at other locations that cannot be mitigated by simple signal timing adjustments.

### 2. Failure to Consider Rush Hour Periods

While the DEIS limited transportation analysis to only "shift change" peak hours (7:00 AM and 3:00 PM), the actual rush hour periods from 8:00 to 9:00 AM and 5:00 to 6:00 PM are not included.

*Comment 9-33: DEIS times chosen to assess traffic. Choosing times that supposedly coordinate with workers' shift times is disingenuous. To claim that only when the shift begins and ends, will this jail add to the congestion.*

*Response 9-33: Consistent with CEQR Technical Manual guidance, analysis peak hours were selected for the proposed action based on periods when the proposed action would generate peak travel demand.*

Not considering actual rush hour periods in the FEIS is illogical because traffic conditions are worse along the adjacent roadways during rush hour periods. The response contradicts guidance in

the CEQR Technical Manual that makes clear proposed projects that peak during non-rush hour periods may need to also consider project effects during the typical rush hour periods “*since even a moderate level of ...activity may overlap with background commuter travel peaks, and, when compared to the future No-Action and future With-Action conditions, would create a significant adverse impact necessitating mitigation*” (CEQR Technical Manual Chapter 16, Section 332 – Determination of Peak Hours).

### 3. Unrealistic Traffic and Pedestrian Estimates upon Project Completion

The DEIS presents unrealistically low estimates of traffic and pedestrian volumes associated with the MDC facility. Specifically, several of the factors and calculations contained in the Transportation Planning Factors Table (Table 4.9-4 of the FEIS) result in under-counting the number of new trips associated with the facility. For example, although specified in the FSOW (see above), there is no description for how detainees would be transferred to and from the facility to NYPD precincts, other borough jails, or medical facilities (see also FEIS Table 4.9-5<sup>2</sup>). Furthermore, the transportation chapter does not include any mention of trips to or from Staten Island. Not including these trips in future estimates results in underestimating the potential impacts. This nullifies the conclusions presented in the FEIS.

The trip factors are based largely on information provided by DOC. These cannot be verified and are substantially inconsistent with industry standards. For example, using the Institute of Transportation Engineers (ITE) Trip Generation Manual (a standard reference used to estimate person-trip generating characteristics for various types of uses and that includes trip rates for prisons) yields a set of trip projections that is orders of magnitude above the projections presented in the FEIS. For example, the Tech Memo reports that the modified proposal would add 225 person trips in the PM peak hour (Table 12). Based on the ITE PM peak hour trip rate of approximately 2.9 trips per 1,000 square feet of prison space, the additional almost 350,000 square feet of the MDC facility would yield over 1,000 new person trips (over four times the trips reported in the Tech Memo). During other peak hour periods, these differences are even higher. While there may be differences in the trip characteristics of the MDC compared to the facilities represented in the ITE trip manual, the large difference in person trips raises concern with the information provided by DOC to evaluate the impacts of its own facility. There were a number of comments to the DEIS identifying the need for a more robust and transparent traffic study, amplifying the significance of the differences between the DOC data and the data available for prisons in the ITE trip Generation Manual.

### 4. Truck Loading and Unloading

Among the proposed actions is a reduction in required loading berths from four (4) required berths to two (2). Several of the public and elected officials’ comments state the FEIS needs to include an analysis of truck queues in part due to the congested nature of the area and the narrow streets in the vicinity of the site (see also above in FSOW section). Yet, the FEIS lacks any meaningful discussion relating to the total number of trucks, or how potential queuing may affect traffic and safety, except that the trucks will be scheduled by DOS so that no more than two trucks will load or unload at the facility at the same time. While there is a reference to the sally port being available in case more than two trucks are present at the same time, no quantified numbers or measurements are provided to show how a truck blocking the sally port would affect traffic and pedestrian conditions. Logistics challenges including traffic delays that delivery vehicles will encounter along

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2 The projections shown in Table 4.9-5 indicate that there would be at most one (1) incremental truck or bus in any peak hour period for detainee transfers and delivery of goods combined, and for most peak hours, there would be zero incremental trucks or buses.

Canal Street, and on bridges and tunnels connecting to Manhattan, make it unlikely the detention facility will never have more than two trucks needing to load or unload simultaneously. Retail delivery logistics are not discussed. Given the request for a reduction in required loading berths, the FEIS is not responsive to concerns for the potential for truck queuing will adversely impact the traffic network.

#### 5. Potential Impacts to Emergency Vehicle Response Times

The traffic congestion that already exists along Canal Street, Worth Street, Centre Street, and the narrow one-lane roadways that run through the Chinatown neighborhood present challenges to emergency vehicle response times. Two weeks ago, on January 24, 2020, a five-alarm fire resulting in injuries and the loss of historic artifacts brought dozens of emergency response vehicles to the area from throughout the City. A 59-year-old man was rescued from the fifth floor. Eight firefighters suffered injuries. If traffic congestion had been worsened by the demolition, construction or operation of the MDC, it is uncertain if the FDNY would have arrived in time to complete the rescue. The FEIS does not address several public comments asking for an evaluation of the potential that the project could adversely affect EMS response times. By omitting the major access routes to the site that will receive project and construction related traffic (including Canal Street and Worth Street), and underestimating the project's traffic contribution (see Item 4), the FEIS does not and cannot adequately address potential increases in delays to general traffic flows, or the possible lengthening of EMS response times.

#### 6. Impacts to Safety

According to the CEQR Technical Manual (Chapter 16, Section 100), the safety assessment should principally focus on the effect of the proposed project's generated demand at existing high-crash locations or at locations that may become unsafe due to the proposed project. Moreover, several public comments relate to the subject of safety. Yet the FEIS lacks any assessment of the proposed project's generated demand at existing high-crash locations or at locations that may become unsafe due to the proposed project.

The FEIS itself notes that "for these (high accident rate) locations, crash trends would be identified to determine whether projected vehicular and pedestrian traffic would further impact safety, or whether existing unsafe conditions could adversely impact the flow of the projected new trips. The determination of potential significant safety impacts depends on the type of area where the project site is located, traffic and pedestrian volumes, crash types and severity, and other contributing factors. Where appropriate, measures to improve traffic and pedestrian safety should be identified and coordinated with DOT" (Vehicular and Pedestrian Safety Evaluation, FEIS page 4.9-15).

Yet the FEIS does not contain any of the required assessments. Specifically, the FEIS does not identify crash trends to determine whether projected vehicular and pedestrian traffic would further impact safety, or whether existing unsafe conditions could adversely impact the flow of the projected new trips. The FEIS ignores the need to determine the potential for significant safety impacts based on the type of area where the project site is located, traffic and pedestrian volumes, crash types and severity, and other contributing factors.

The extent of the safety assessment is limited to a general summary of Vision Zero, and a similarly generic statement that "additional measures that could be employed to increase pedestrian/bicyclist safety could include installation of additional high visibility crosswalks where not already present, and improved street lighting".

## 7. Impact During Demolition and Construction

FEIS Table 4.14-4 (Peak Construction Vehicle Trip Projections) indicates that during the peak period construction of the facility (interior build), there would be an average of one (1) or at most two (2) small (3-axle) trucks coming to and leaving the site during the hours of 7:00 AM to 1:00 PM. From 1:00 PM to 5:00 PM, there would be at most only one (1) small truck entering and leaving the site every two hours<sup>3</sup>. On its face, this appears to be an unrealistically low estimate considering the magnitude of the project. Although a larger number of trucks are shown during other periods of construction, examination of Table 4.14-4 shows that the truck trips are concentrated during periods that do not overlap with worker trips. As with the DOC information discussed in Item 3 above, it is not clear that the information provided by the project team construction manager isn't manipulated to understate the total number of worker trips and truck trips during any one period of time. At a minimum, a comparison of construction trips should have been made with other similarly sized development projects that have undergone environmental review, as these appear to have much larger truck and construction worker trips in their peak construction periods.

The FEIS mentions that the ongoing reconstruction of Worth Street was included in the traffic analysis. However, as the FEIS erroneously screens the project from the requirement of a construction comprehensive traffic study, there is no analysis or even description of how the closure of this major truck route would affect construction traffic associated with the massive MDC facility demolition and construction activities.

Given the lack of detailed construction information that is currently available acknowledged in the FEIS, the FEIS should provide a reasonably worse case construction scenario. In addition, members of the community and elected officials have requested a more robust construction analysis than was provided in the DEIS. Nevertheless, the FEIS continues to rely on information that was developed by the DOC team and is inconsistent with other published construction data to substantially underestimate the worker and truck trips, and thereby claim that the construction traffic will fall below the levels that would require an analysis of construction traffic.

The location of the site is in one of the most severely crowded and congested locations in the City that is undergoing reconstruction of a major corridor, and is near several very sensitive residential and senior housing uses. Yet the FEIS relies a questionable methodology that was developed by the DOC team and is inconsistent with other published construction methodologies to substantially underestimate the worker and truck trips, and thereby assert that the construction traffic will fall below the levels that would require any analysis of construction traffic, pedestrian, or transit conditions at any of the area intersections, sidewalks, or subway stations.

Respectfully submitted,



Daniel M. Broe, PhD

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<sup>3</sup> The truck trips are expressed as passenger car equivalents, so the PCEs shown in the Truck Trip column in Table 4.14-1 need to be divided by 2 to yield the actual number of trucks.