



TIER 1 FINAL ENVIRONMENTAL IMPACT STATEMENT
VOLUME 2

1. Introduction

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1. Introduction

This NEC FUTURE Tier 1 Draft Environmental Impact Statement (Tier 1 Draft EIS) presents the analysis completed by the Federal Railroad Administration (FRA) to assess the potential effects of the NEC FUTURE program (NEC FUTURE) on the built and natural environments. The FRA published a Notice of Intent (NOI) for this Tier 1 Draft EIS in the *Federal Register* on June 22, 2012. The FRA prepared this Tier 1 Draft EIS in compliance with the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321–4327 and 40 C.F.R. Parts 1500–1508) (NEPA), and other applicable laws and regulations. This document is part of a “tiered” NEPA review as provided for in the Council on Environmental Quality (CEQ) NEPA implementing regulations. “Tiering” allows an agency, such as the FRA, to focus on the information available and issues relevant to the decision to be made at each level of environmental review. The environmental review for NEC FUTURE includes a Tier 1 (or programmatic) review that broadly assesses environmental impacts. Subsequent, more-detailed environmental reviews by the FRA and other federal agencies on specific project-level elements (Tier 2) will incorporate and reference the decisions and analyses conducted as part of this Tier 1 review.

This Tier 1 Draft EIS is intended to inform the public, agencies, and other stakeholders about the No Action and Action Alternatives being considered by the FRA, and the potential effects on social, cultural, economic, and natural resources. This Tier 1 Draft EIS and public comments on its contents will inform the identification of a Preferred Alternative. The FRA will then recommend and make public, the Preferred Alternative to be carried forward for analysis in the Tier 1 Final EIS.

1.1 WHAT IS THE NEC FUTURE PROGRAM?

The Northeast Corridor (NEC) is the rail transportation spine of the Northeast region and is a key component of the region’s transportation system. It supports the operation of eight Regional rail authorities and Amtrak—the Intercity service provider—as well as four freight railroads. In all, some 256 million passenger trips occurred on trains operating on the NEC in 2014. NEC FUTURE is a comprehensive planning effort to consider the role of passenger rail service on the NEC in the context of current and future transportation demands. Initiated in February 2012, NEC FUTURE will result in a Passenger Rail Corridor Investment Plan (PRCIP) for the NEC that will establish a framework for future investment in the corridor through 2040 and beyond. The PRCIP includes the development of a Tier 1 EIS and Service Development Plan (SDP). While NEC FUTURE focuses on passenger rail, it also considers the interrelationship of freight rail operations and passenger rail.

The purpose of NEC FUTURE is to upgrade aging infrastructure and to improve the reliability, capacity, connectivity, performance, and resiliency of future passenger rail service on the NEC for both Intercity and Regional trips, while promoting environmental sustainability and economic growth. The planning effort will determine a long-term vision for passenger rail on the NEC, including high-speed passenger rail, and a phased

High-speed rail: For NEC FUTURE, the FRA defines high-speed rail as passenger rail service operating at a range of speeds from 150 to 220 mph.

investment plan to accomplish that vision. The FRA is the lead federal agency for this effort, and is conducting the program in close coordination with the state and local governmental jurisdictions along the NEC, passenger and freight railroads, and other stakeholders. This Tier 1 Draft EIS will assist the FRA in defining both near-term actions and a long-term vision for passenger rail.

1.2 THE REGIONAL AND NATIONAL SIGNIFICANCE OF THE NORTHEAST CORRIDOR

The Northeast region of the United States¹ dominates the national economy. Referred to as a mega-region or megalopolis,² the strength of the Northeast economy reflects its unequaled employment base, highly educated and diverse workforce, strong and stable communities, vibrant cities, quality educational institutions, and rich history and culture. These attributes combine to create a region that is truly greater than the sum of its parts. A key factor in continued economic growth and resiliency of the region is a robust transportation system that connects workers to jobs and communities to one another. In today's highly competitive global economy, the ability of the economy to respond to changing demographics and marketplace realities will falter if the region's transportation system—its highways, airports, maritime ports, and rail networks—fail to reliably, safely and quickly get people and goods to where they need to go. In particular, the ability of the NEC to accommodate continued growth in population and employment will help to determine the viability and strength of the Northeast region in the national and global economies.

The effectiveness and efficiency of the Northeast transportation system is critical to the continued economic growth and vitality of this megalopolis.

The Northeast is home to more than 51 million people and includes four of the ten largest metropolitan areas in the United States. These major metropolitan areas—Washington, D.C., Philadelphia, New York City, and Boston—are among the world's top 25 largest metropolitan areas, ranked by gross domestic product (GDP), and account for over 75 percent of the jobs in the Northeast. The region generates 21 percent of the total national GDP—over \$3 trillion per year. The density of development within the Northeast is similarly impressive, contributing 30 percent of U.S. jobs on 2 percent of the nation's land area. Moreover, the Northeast is a preeminent global center for education, healthcare, technology, media, and finance, all industries widely expected to fuel economic growth in the 21st century. The dense cluster of cultural and economic resources in the Northeast is unique and vital to the future of the United States.

Key to this economic strength and success is a transportation system that enables the region to function as an integrated network of communities and markets. As population and employment grow in the Northeast, the viability of regional travel is increasingly compromised. Traffic congestion and delays are routine across all travel modes. By 2040, the Northeast is expected to add 7 million new residents, and no travel mode has sufficient new capacity to accommodate this growth. As growth

¹ The Northeast is the most heavily urbanized region of the United States, running primarily northeast to southwest from the northern suburbs of Boston, MA, to the southern suburbs of Washington, D.C., in Northern Virginia. It includes the major cities of Boston, New York City, Philadelphia, Baltimore, and Washington, D.C., along with their metropolitan areas and suburbs as well as many smaller urban centers.

² A megalopolis or megaregion is typically defined as a chain of roughly adjacent metropolitan areas.

continues and transportation demand exceeds the capacity of an already heavily used system, congestion will likely worsen.

Travelers in the Northeast are experiencing increased congestion. About 50 percent of the worst highway bottlenecks in the country are in the Northeast region, and the average automobile commuter in this region loses 47 hours per year to traffic as opposed to 38 hours nationally. Air travel is similarly congested. The major airports in New York and Philadelphia are the originating source of nearly half of all flight delays in the United States. The demand for passenger rail service in the Northeast is at record levels.³ This growth is attributed to the delays associated with highway and air travel, as well as population and employment growth in major urban markets and the convenience of passenger rail.

More than other regions of the United States, Northeast cities are densely developed and have extensive public transportation systems. Northeast residents have a preference for public transportation, taking more than 15 million transit trips every day. The share of residents who take public transportation to work is three times higher than the national average of 5 percent, and far higher for jobs located in core cities.⁴ The NEC is one of the most heavily traveled rail corridors in the world: It is an unmatched transportation asset that connects the major metropolitan areas of the Northeast. Shared by Intercity (Amtrak), eight commuter rail operators, and four freight railroads, the NEC accommodates more than 259 million annual passengers and approximately 370,000 tons of freight per year. The NEC is the busiest passenger rail line in North America with more than half of the Northeast commuter rail riders and commuter trains (62 percent and 53 percent, respectively) traveling on the NEC for at least a portion of their trip.

The NEC's high commuter activity is attributed to population density, travel preferences, as well as employment density. Employment density around the NEC's passenger rail stations is 680 times higher than the U.S. average. This density supports the recruiting needs of employers in the Northeast, and facilitates business collaboration, particularly in knowledge-based and high-tech fields.

Moreover, new markets and travel patterns have emerged since the NEC was built. In particular, Millennials (persons born after 1980), the largest and most diverse generation, want access to better transit options and the ability to be less reliant on a car, according to a new survey in 10 major U.S. cities.⁵ Almost all Millennials (91 percent) also believe that investing in quality public transportation systems creates more jobs and improves the economy. If building for the future means building for the preferences of Millennials, having an effective public transit is crucial.

As a result of the capacity-constrained chokepoints and aging infrastructure, the NEC is increasingly in the news as it records daily service disruptions or delays. Tens of thousands of people are delayed

³ Baxandall, P., & Dutzik, T. (Spring 2013). *A New Direction: Our Changing Relationship with Driving and the Implications for America's Future*. U.S. PIRG Education Fund.

⁴ Northeast Corridor Infrastructure and Operations Advisory Commission. State of the Northeast Corridor Region Transportation System. 2014. <http://www.nec-commission.com/reports>

⁵ Baxandall, P., & Dutzik, T. (Spring 2013). *A New Direction: Our Changing Relationship with Driving and the Implications for America's Future*. U.S. PIRG Education Fund.

or stranded when the system fails. This has immediate negative impacts on the region's economy. Daily NEC users contribute more than \$50 billion annually to the national economy. An unexpected loss of the NEC for one day could cost the nation nearly \$100 million in transportation-related impacts and productivity losses.⁶ Lack of reliability in transportation and mobility throughout the region results in loss of productivity, effects competitiveness, and constrains the economic growth of the Northeast and the nation.

Many components of the system are in a state of disrepair or have reached the point of obsolescence. The NEC rail network dates back to the mid-1800s, with portions built as early as the 1830s. Hundreds of its bridges and tunnels are now over a century old; major portions of its electric traction power supply system date from the 1930s or earlier; and signal systems rely on decades-old installations. The NEC's limited capacity leaves little room for error. When problems with these aging components occur, they cause major disruptions with cascading effects. Furthermore, a lack of reserve capacity increases the costs of operations and maintenance. Vital maintenance must be done at night and on weekends to avoid service disruptions, during peak-period travel.

The NEC is a national asset. It is the backbone of a transportation system that connects many of the people and places that drive the economy today. Ensuring the NEC continues to support our growing population and economy, in both traditional and new ways, benefits not only the Northeast, but also the entire United States. NEC FUTURE looks at the NEC today and the range of possibilities for the role it can continue to play in our future.

The NEC cannot continue to accommodate rising demand, due to infrastructure that is highly constrained and in need of repair. Over the last 100 years, investment has been made to maintain and improve that rail network. However, despite these improvements, century-old infrastructure, outdated technology, and inadequate capacity are unable to meet current or projected travel demand.

The NEC is a part of the overall transportation system within the Northeast. Travelers have multiple transportation options—air, rail, boat/ferry, and automobiles/buses. To better understand the role of rail in the Northeast, the FRA began by asking the following questions: *What role does rail play today in the Northeast transportation system? What role could it play in the future? What factors inform a choice of a future role for rail?* These questions are fundamental to how the FRA has developed the rail alternatives being evaluated in this Tier 1 Draft EIS.

1.3 HOW WAS THE PROGRAM INITIATED?

Through the Consolidated Appropriations Act (2010), Congress provided that the Secretary of Transportation could retain a portion of the funds made available for planning activities to facilitate the development of SDPs and related EISs for high-speed rail corridors located in multiple states. On April 1, 2010, under the High-Speed Intercity Passenger Rail Program, the FRA published the Notice of Solicitation for Proposals for Federally-Led Multi-State Passenger Rail Corridor Planning Demonstration Projects in the *Federal Register* (75 FR 16562). The FRA received multiple proposals

⁶ Northeast Corridor Infrastructure and Operations Advisory Commission. The Northeast Corridor and the American Economy. 2014. <http://www.nec-commission.com/reports/nec-and-american-economy>

from various groups, one of which was for the NEC. NJ TRANSIT submitted the NEC Multi-Modal High Speed Rail Improvement Plan as the lead, with Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, and Maryland named as additional participating states. The FRA selected the NEC's proposal for planning a multi-state passenger rail corridor, which evolved into NEC FUTURE.

1.3.1 Federal Railroad Administration's Involvement

Under NEPA, all federal agencies must assess the effects of their actions on the built and natural environments. The agency proposing a certain undertaking is the lead federal agency for environmental review of the action. The FRA is proposing an investment plan for the NEC and is lead federal agency for NEC FUTURE. The FRA is also the sponsor of the investment plan.

Rail transportation projects are typically sponsored by a locality, state, or railroad. Intercity passenger rail transportation projects are often sponsored by Amtrak. Because the NEC covers eight states and Washington, D.C., and is vital to the nation, and because FRA typically funds Amtrak projects, the FRA sponsored NEC FUTURE to provide a comprehensive look at the entire NEC. During this process, the FRA has worked closely with the various localities, states, and railroad operators to ensure that their voices are heard and represented.

1.3.2 Federal Transit Administration's Involvement

Agencies that may have jurisdiction by law or special expertise regarding the impacts of a proposed action may be asked by the lead federal agency to be a cooperating agency under NEPA. Cooperating agencies' responsibilities are detailed in CEQ's NEPA regulations at 40 CFR 1501.6. For the NEC FUTURE Tier 1 EIS process, the FRA invited the Federal Transit Administration (FTA) to be a cooperating agency because it provides funding to the large number of commuter rail operators along the NEC and for its expertise related to the commuter rail operations. Moreover, the FTA could have involvement in future stages of project development (by either providing funds or serving as lead agency) and for specific project-level elements. The FTA agreed to be a cooperating agency; their participation is essential to advancing this program in a coordinated manner. As a cooperating agency, the FTA may elect to adopt the findings of, or a portion thereof, of the Final EIS for the proposed action and issue its own Record of Decision (ROD), pursuant to 40 CFR 1506.3, as appropriate.

1.3.3 Planning Context

The Northeast United States is a dynamic region with multiple stakeholders. One of the FRA's goals is to provide for integrated planning for the greater good of the NEC, including all users, operators, and stakeholders along the NEC. Various states, railroads, and regional entities in recent years have prepared many NEC-related studies and planning efforts, each focused on their own specific needs.⁷ The FRA considered these studies and planning efforts and took considerable time to understand the service and operational needs of railroads operating on the NEC, future travel demand, and the

⁷ Examples of studies include Amtrak's "A Vision for High-Speed Rail in the Northeast Corridor", September 2010; Amtrak's "The Northeast Corridor Infrastructure Master Plan", The Master Plan Working Group, May 2010; and University of Pennsylvania School of Design, "Making High-Speed Rail Work in the Northeast Megaregion", Spring 2010.

needed capital investments and interests of NEC stakeholders. In this way, the FRA created an understanding of the NEC today as a starting point for developing a future vision that best suits the entire region and its stakeholders. Future decisions by the U.S. Department of Transportation (U.S. DOT), jurisdictions along the NEC, and rail operators will shape the manner in which NEC FUTURE will be incrementally implemented over several decades.

The Northeast Corridor Infrastructure and Operations Advisory Commission (NEC Commission) will play a critical role in the implementation of NEC FUTURE. The Secretary of Transportation created the NEC Commission in response to a mandate established by Congress in the Passenger Rail Investment and Improvement Act of 2008 (PRIIA) to promote mutual cooperation and planning among stakeholders and to advise Congress on policy for this multi-jurisdictional corridor.⁸ Members include representatives from each of the NEC states (MD, DE, PA, NJ, NY, CT, RI, and MA) and Washington, D.C., Amtrak, and the U.S. DOT, including the FRA and FTA. In PRIIA, Congress charged the NEC Commission with developing “a statement of goals concerning the future of Northeast Corridor rail infrastructure and operations based on achieving expanded and improved intercity, commuter, and freight rail services operating with greater safety and reliability, reduced travel times, increased frequencies and enhanced intermodal connections designed to address airport and highway congestion, reduce transportation energy consumption, improve air quality, and increase economic development of the Northeast Corridor region.”⁹

Based on the legislative mandate in PRIIA, the NEC Commission adopted a set of nine goals for the corridor:

- ▶ **Economic Growth** – Support the global economic competitiveness of the Northeast Region and nation.
- ▶ **Connectivity and Coordination** – Support regional travel through improved connectivity and coordination among Corridor users and with other modes of transportation.
- ▶ **Market Share and Network Capacity** – Increase the capacity of the rail network and expand rail’s market share to support the existing and future demand for passenger and freight rail service.
- ▶ **Service Reliability** – Improve the reliability of passenger and goods movement in the Corridor.
- ▶ **Travel Time** – Reduce trip time to enhance rail as a competitive choice in the Corridor.
- ▶ **System Preservation** – Bring the corridor up to and then maintain a state of good repair.
- ▶ **Safety and Security** – Provide safe and secure transport of passengers and goods.
- ▶ **Community Development** – Enhance the integration between transportation investments and local development in communities throughout the corridor.
- ▶ **Energy and Environment** – Reduce energy use and protect the environment.¹⁰

Consistent with its mission as defined in PRIIA, the NEC Commission has been engaged throughout the NEC FUTURE process. Going forward, the NEC Commission will continue to be engaged in

⁸ 49 U.S.C. 24905

⁹ 49 U.S.C. 24905(b)(1)

¹⁰ See NEC Commission, “Goals for the Future of the NEC,” at the following link:
<http://www.nec-commission.com/resources/mission/>.

reviewing the planning outcomes from NEC FUTURE as well as recommending steps to advance future implementation of improvements to the NEC.

1.4 WHAT ARE THE ALTERNATIVES UNDER CONSIDERATION?

The FRA worked with stakeholders and considered public input to develop alternatives for evaluation in this Tier 1 Draft EIS. These alternatives (referred to as the Action Alternatives) each define a distinctly different “role” of rail for the NEC:

- ▶ Alternative 1 *maintains* the role of rail as it is today in the region, with the level of rail service keeping pace with the growth in population in the Study Area. Alternative 1 includes new rail services and commensurate investment in the NEC to expand capacity, add tracks, and relieve key chokepoints. Alternative 1 brings the existing NEC to a state of good repair.
- ▶ Alternative 2 *grows* the role of rail, expanding rail service at a rate greater than the growth in regional population and employment. Alternative 2 maximizes capacity of the existing NEC and removes speed restrictions where practical and safe. Alternative 2 also brings the existing NEC to a state of good repair. Alternative 2 provides a new segment between New Haven, Hartford, and Providence, improving performance between New York City and Boston while connecting to new markets in the Connecticut River Valley.
- ▶ Alternative 3 *transforms* the role of rail, supporting trips over longer distances and to places not currently well connected by passenger rail, thereby positioning rail as the dominant mode for Interregional travel to urban centers along the NEC. Alternative 3 includes new route options operating between Washington, D.C., and Boston separate from the existing NEC. These new route options support speeds up to 220 mph and—while separate from the existing NEC—are connected to and integrated with services offered on the existing NEC. Alternative 3 also includes service and infrastructure improvements on the existing NEC to increase capacity, eliminate chokepoints, and bring the existing NEC to a state of good repair.

The FRA analysis of service is representative of the possibilities within each Action Alternative. The FRA developed conceptual service plans to permit the comparison of alternatives; the service plans are not for purposes of actual implementation and are distinct from full detailed operating plans.

The FRA identified a No Action Alternative, consistent with NEPA requirements, to provide a baseline for comparison. The No Action Alternative identifies improvements that would occur regardless of NEC FUTURE. The No Action Alternative includes committed or funded projects for the NEC through 2040. The No Action Alternative continues today’s service levels in the peak hours of operation—defined as the number of trains per hour by operator and types of service—but falls short of addressing existing capacity constraints, gaps in connectivity, or expansion to markets that are underserved by rail.

1.5 HOW ARE FREIGHT RAILROAD OPERATIONS CONSIDERED IN NEC FUTURE?

NEC FUTURE focuses on the near- and long-term needs of the NEC to accommodate current and forecast passenger travel demand. However, the FRA—in coordination with the freight railroads and the NEC Commission—has incorporated existing freight railroad operations along the existing NEC in the definition of current service volumes for both existing conditions and the No Action Alternative. Recognizing the importance of freight rail operations along the NEC, the Action Alternatives will:

- ▶ Preserve access to freight rail customers along the existing NEC for freight rail markets and services that currently use the NEC.
- ▶ Coordinate with freight railroads to not preclude future expansion of freight rail service in the corridor.
- ▶ Identify opportunities for synergy in rail infrastructure investments that benefit both passenger and freight rail service.

In addition to preserving current service levels for freight railroads, NEC FUTURE will consider opportunities to accommodate future growth and improvement of freight rail service within the NEC FUTURE Study Area. The FRA will evaluate each Action Alternative to consider its ability to preserve today's freight service levels and protect future freight service opportunities, and not preclude future investment initiatives aimed at growing freight rail service.

1.6 WHAT IS A TIER 1 EIS? HOW IS IT DIFFERENT FROM OTHER EIS DOCUMENTS?

Under NEPA, there are various levels of environmental review that can be undertaken by an agency. The level of detail and analysis conducted is determined by the degree to which the proposed action may result in significant impacts, establishes a precedent for future actions, or is considered to be a major federal action or an environmentally controversial issue. NEPA provides the flexibility to assess projects in a staged approach known as “tiering.” Tiering addresses broad programs and issues in an initial (Tier 1) or programmatic level analysis, and analyzes site-specific, project-level (Tier 2) proposals and impacts in subsequent studies. The FRA determined that a Tier 1 EIS was the appropriate level of NEPA documentation for NEC FUTURE due to the complexity of the NEC and the multi-jurisdictional nature of the passenger rail operations.

Both a Tier 1 EIS and project-level (or Tier 2) EIS follow the same process. Each process is initiated with an NOI in the *Federal Register*, which is followed by a formal Scoping period. The formal Scoping period solicits comments from the public and other stakeholders to inform the development of alternatives and scope of environmental analysis. The major difference between Tier 1 EIS and project-level EIS documentation is the level of detail and analysis that are presented. For a Tier 1 EIS, since the federal decision to be made is often about a program, policy, or plan, the level of detail required to inform decision-makers includes a broad understanding of impacts, constraints, and opportunities. A Tier 1 level of analysis usually examines a plan or policy that will be implemented by subsequent project-level actions (also referred to as Tier 2 projects). Effects assessments for a Tier 1 EIS can include qualitative analyses commensurate with the broad level of detail associated with the proposed federal action. However, a project-level EIS addresses a more specific action or project that

is ready for implementation. Thus, a project-level EIS requires more quantitative, detailed site-specific effects assessments and location-specific mitigation measures necessary for permit approvals.

1.7 HOW WILL THE FEDERAL RAILROAD ADMINISTRATION SELECT A VISION FOR THE NORTHEAST CORRIDOR?

The FRA will select an investment alternative for the NEC considering the analysis presented in the Tier 1 EIS, as well as public and stakeholder input and FRA policy guidance. Unlike site-specific projects, the NEC FUTURE Tier 1 EIS will establish a plan to guide future investment in the NEC for all stakeholders. Extensive agency, stakeholder, and public dialogue on the evaluation of alternatives presented in this Tier 1 Draft EIS is critical to FRA's decision-making process.

Following public comment on this Tier 1 Draft EIS, the FRA will identify a preferred investment program (Preferred Alternative) that achieves a specific vision for passenger rail in the NEC. The Preferred Alternative will be based on alternatives presented in this Tier 1 Draft EIS and will reflect stakeholder and public input, but will allow for necessary refinements to reflect regional or local priorities. Therefore, the Preferred Alternative may include some elements of each of the Action Alternatives in order to best meet the service needs of specific markets, and thus it is possible that the Preferred Alternative may involve a re-packaging of elements of the Action Alternatives. The Tier 1 Final EIS will describe and evaluate the Preferred Alternative. Throughout the process, and to inform the definition of a Preferred Alternative, the FRA seeks to answer the following fundamental questions about a future vision for the NEC:

- ▶ What types of services are necessary to respond to future travel needs? Should the existing NEC be expanded to include passenger rail lines and services off-corridor?
- ▶ If expanding services off-corridor, what are the markets or city-pairs to be served?
- ▶ What infrastructure is required to support future service?

Finally, the FRA will formally select an alternative in a ROD to complete the Tier 1 environmental review process. The FRA will then develop an SDP for the Selected Alternative as defined in the ROD.

1.8 WHO ARE THE STAKEHOLDERS IN THE NEC FUTURE PROGRAM?

There are many stakeholders along the NEC. These include federal and state transportation agencies, regulatory and resource agencies, communities along the NEC, and Regional rail, Intercity, and freight operators. Stakeholders are not limited to direct users of the NEC; they also include the people who live or work along the NEC, users outside of the NEC such as airport authorities where connections may be provided, and users and operators of rail corridors that connect to the NEC (e.g., Southeast High Speed Rail Corridor, Empire Corridor, and Keystone Corridor). Stakeholders include but are not limited to the following:

- ▶ Federal agencies:
 - U.S. Department of Transportation
 - U.S. Environmental Protection Agency
 - U.S. National Park Service
 - U.S. Fish and Wildlife Service
 - U.S. Army Corps of Engineers
 - U.S. Coast Guard
 - Advisory Council on Historic Preservation
 - National Marine Fisheries Service, National Oceanic and Atmospheric Administration
- ▶ Regional rail operators:
 - Virginia Railway Express
 - Maryland Area Regional Commuter
 - Southeast Pennsylvania Transportation Authority
 - NJ TRANSIT
 - Metropolitan Transportation Authority (includes Long Island Rail Road, Metro-North Railroad)
 - Connecticut Department of Transportation
 - Massachusetts Bay Transportation Authority
- ▶ Amtrak
- ▶ Freight operators:
 - Conrail
 - CSX Transportation
 - Norfolk Southern Corporation
 - Providence and Worcester Railroad Company
- ▶ States (MD, DE, PA, NJ, NY, CT, RI, MA) and Washington, D.C.
- ▶ Public/users of the corridor

1.9 WHO ARE POTENTIAL FUTURE PROJECT SPONSORS? HOW CAN THEY USE THIS TIER 1 EIS?

If the FRA issues a Tier 1 ROD approving an investment program, the ROD will identify the vision for the NEC that will guide the FRA's future funding decisions. That overall vision for the NEC should shape state and local decisions regarding individual projects. At the same time, while the FRA is leading the development of an integrated corridor-wide vision for the future of passenger rail on the NEC, the project sponsors will define their specific service objectives and infrastructure needs and how best to implement them within the NEC FUTURE vision.

Potential future project sponsors are likely to include entities that plan, operate, and/or fund passenger rail service on the NEC, including Amtrak and the eight commuter railroads. Project sponsors also could include state departments of transportation or other entities involved in funding passenger rail improvements. Project sponsors will be responsible for future efforts to implement many of the service enhancements and infrastructure improvements of NEC FUTURE. NEC FUTURE provides a common starting point for future investments in the NEC to allow for streamlined project development for the project-level elements (Tier 2).

If the FRA issues a Tier 1 ROD approving an investment program, the NEC FUTURE Tier 1 EIS would benefit future project sponsors in several ways:

- ▶ The Tier 1 EIS identifies projects necessary to advance any of the Action Alternatives. The identified projects can be included by potential project sponsors in their near-term planning processes so that resources can be identified and dedicated to help advance these projects. Project sponsors could work to include these projects in their region's Transportation Improvement Programs and Constrained Long Range Plans so that when funding becomes available, these projects can move forward with necessary planning studies, engineering, and permitting.
- ▶ The Tier 1 EIS describes the phasing approach for the Action Alternatives to incrementally implement improvements. The initial phase frames the near-term priorities across the NEC. The SDP will include a more-detailed phasing plan for the Selected Alternative.
- ▶ The Tier 1 EIS and SDP will provide a framework within which federal agencies will carry out the required environmental reviews for specific projects to implement the NEC FUTURE investment program. As Tier 2 projects are initiated, federal agencies (e.g., FRA or FTA) would use this Tier 1 EIS, including the established Purpose and Need, agency coordination, and analysis as the starting point for the environmental reviews for Tier 2 projects. The decisions made in the Tier 1 process would narrow the focus of the scope of work to be completed for each Tier 2 project and would eliminate the need for the federal agency to revisit issues that were resolved in Tier 1. The expected benefits include the following:
 - For Tier 2 projects, federal agencies would be able to use the Tier 1 EIS Purpose and Need as the starting point for developing a project-specific Purpose and Need.
 - The Tier 1 EIS will identify specific areas that need further agency coordination and consultation to fulfill obligations under various regulations and statutes, such as Section 106 of the National Historic Preservation Act, Section 4(f) of the U.S. DOT Act, Section 7 of the Endangered Species Act, and Executive Order 12898, Environmental Justice. This information should expedite the environmental review process for Tier 2 projects.
 - The outcomes of the Tier 1 EIS will guide the scopes of work needed to complete NEPA reviews of Tier 2 projects. This information should also expedite the environmental review process for Tier 2 projects.

The No Action and Action Alternatives include improvements to the existing NEC and new off-corridor segments. However, specific details about who owns, operates, or maintains both the new infrastructure and proposed passenger rail service have yet to be determined. As such, it is premature

to assign either benefits or costs to a specific state or jurisdiction based on the geographic location of a proposed improvement. Investments in the NEC may be subject to the provisions of the Passenger Rail Investment and Improvement Act of 2008 (PRIIA). In particular, PRIIA, Section 212, directs all NEC infrastructure owners and service operators to develop cost-sharing agreements for shared-benefit capital and operating expenses associated with the NEC. The FRA anticipates working with the NEC Commission, Amtrak, the NEC commuter authorities, and the eight states plus the District of Columbia to develop finance strategies and funding plans that reflect the corridor-wide value of proposed improvements.

1.10 WHAT ARE THE NEXT STEPS AFTER PUBLICATION OF THE TIER 1 DRAFT EIS?

After the Tier 1 Draft EIS is distributed to the public for review and comment, the FRA will hold public hearings and meetings throughout the Study Area. During the review and comment period as well as at the public hearings, the FRA will receive input regarding the information presented in this Tier 1 Draft EIS. The FRA will identify a Preferred Alternative in the Tier 1 Final EIS, considering public and stakeholder feedback and findings of this Tier 1 Draft EIS. The Tier 1 Final EIS will describe and analyze the Preferred Alternative. The FRA will select an alternative in the ROD.¹¹ The FRA is considering issuing the Tier 1 Final EIS and ROD as separate documents.

1.11 WHAT IS ENVISIONED AFTER THIS PROCESS IS COMPLETE?

The Selected Alternative will be a road map for incremental improvement of the NEC necessary to achieve the selected vision for passenger rail in the NEC. The SDP and a phasing plan will describe the priorities and proposed approach to implementing the proposed improvements incrementally to maximize benefits throughout the NEC. The NEC Commission will play an important role in coordinating service, infrastructure planning, and implementation in light of the multiple stakeholders and railroads and states operating on the NEC network.

Individual project sponsors will be able to use the ROD, the phasing plan, and SDP as a starting point to advance Tier 2 projects and to coordinate with other stakeholders. An example of a Tier 2 project would be adding a new bridge at an existing river crossing. The NEC FUTURE Tier 1 EIS will identify the train service that a bridge will need to carry, but the specifics of the bridge design and localized impacts of that bridge will not be completed as part of the Tier 1 EIS. A subsequent Tier 2 project and NEPA document would focus on that specific bridge crossing and the local impacts of that structure.

¹¹ See U.S. Department of Transportation, “Guidance on Accelerated Decision Making in Environmental Reviews” (October 2014), available at <http://www.transportation.gov/office-policy/transportation-policy/guidance-accelerated-decision-making-environmental-reviews>.

1.12 WHAT IS THE FEDERAL GOVERNMENT'S ROLE IN RELATED ACTIONS AFTER THE TIER 1 EIS PROCESS IS COMPLETE?

The FRA will continue to have a role in implementing the Selected Alternative and other aspects of NEC FUTURE, particularly with regard to corridor-wide and multi-jurisdictional issues. As lead federal agency for NEC FUTURE, the FRA will also continue to have a role in those Tier 2 projects involving FRA financial assistance. Because of the extensive commuter rail service along the corridor, the FTA will likely act as the lead federal agency for NEC FUTURE Tier 2 projects related to commuter rail operations, facilities, and infrastructure where a project sponsor is seeking federal funds administered by the FTA. Other administrations¹² within the U.S. DOT could similarly be involved, depending on the scope and nature of specific project actions.

¹² Examples include the U.S. DOT Federal Highway Administration and Federal Aviation Administration.