



Matthew P. Margaglio
Coastal Resource Specialist I
Office of Planning and Development
One Commerce Plaza
99 Washington Ave
Albany NY 12231-001

January 12, 2018

Dear Mr. Margaglio,

Enclosed is a Federal Consistency Form (FCAF) for a fencing project along Amtrak's Right of Way (ROW). The project extends from South of MP 141 to MP 75 and one West at MP 163.96 (Rhinecliff to Stuyvesant). The corridor Right-of Way is owned by CSX, but maintained and operated by national Railroad Passenger Corporation (Amtrak).

The purpose of this project is to keep pedestrians and vehicles out of harm's way and is consistent with the States Coastal Management Policies to the maximum extent practical.

Please contact me if you have any questions or comments. I can be reached by phone at 212-630-6215 or email at claudia.taccetta@amtrak.com.

Sincerely,
Claudia Taccetta
Lead Environmental Specialist

A handwritten signature in cursive script that reads "Claudia Taccetta".

Enclosures:

1. FCAF
2. Project Details

Received

JAN 18 2018

NYSDOS
Planning & Development

Received

NEW YORK STATE DEPARTMENT OF STATE
COASTAL MANAGEMENT PROGRAM

JAN 18 2018

NYS DOS
Planning & Development

Federal Consistency Assessment Form

An applicant, seeking a permit, license, waiver, certification or similar type of approval from a federal agency which is subject to the New York State Coastal Management Program (CMP), shall complete this assessment form for any proposed activity that will occur within and/or directly affect the State's Coastal Area. This form is intended to assist an applicant in certifying that the proposed activity is consistent with New York State's CMP as required by U.S. Department of Commerce regulations (15 CFR 930.57). It should be completed at the time when the federal application is prepared. The Department of State will use the completed form and accompanying information in its review of the applicant's certification of consistency.

A. **APPLICANT** (please print)

1. Name: National Railroad Passenger Corp (Claudia Taccetta contact)
2. Address: 400 West 31st St, New York, NY 10001
3. Telephone: Area Code () 212-630-6215

B. **PROPOSED ACTIVITY:**

1. Brief description of activity:

Installation of impasse fences and gates along Amtrak Right of Way (ROW)

2. Purpose of activity:

To install fences where they do not currently exist to keep trespassers & vehicle traffic off amtrak ROW. See attached document.

3. Location of activity:

<u>Dutchess & Columbi</u>	<u>See Attached</u>	<u>South of MP 141-MP75</u>
County	City, Town, or Village	Street or Site Description

4. Type of federal permit/license required: None

5. Federal application number, if known: N/A

6. If a state permit/license was issued or is required for the proposed activity, identify the state agency and provide the application or permit number, if known:

N/A

C. COASTAL ASSESSMENT Check either "YES" or "NO" for each of these questions. The numbers following each question refer to the policies described in the CMP document (see footnote on page 2) which may be affected by the proposed activity.

1. Will the proposed activity result in any of the following:

YES/NO

- | | | |
|--|-------------------------------------|-------------------------------------|
| a. Large physical change to a site within the coastal area which will require the preparation of an environmental impact statement? (11, 22, 25, 32, 37, 38, 41, 43) | ☐ | ☒ |
| b. Physical alteration of more than two acres of land along the shoreline, land under water or coastal waters? (2, 11, 12, 20, 28, 35, 44) | ☐ | ☒ |
| c. Revitalization/redevelopment of a deteriorated or underutilized waterfront site? (1) | ☐ | ☒ |
| d. Reduction of existing or potential public access to or along coastal waters? (19, 20) | ☒ | ☐ |
| e. Adverse effect upon the commercial or recreational use of coastal fish resources? (9,10) | ☐ | ☒ |
| f. Siting of a facility essential to the exploration, development and production of energy resources in coastal waters or on the Outer Continental Shelf? (29) | ☐ | ☒ |
| g. Siting of a facility essential to the generation or transmission of energy? (27) | ☐ | ☒ |
| h. Mining, excavation, or dredging activities, or the placement of dredged or fill material in coastal waters? (15, 35) | ☐ | ☒ |
| i. Discharge of toxics, hazardous substances or other pollutants into coastal waters? (8, 15, 35) | ☐ | ☒ |
| j. Draining of stormwater runoff or sewer overflows into coastal waters? (33) | ☐ | ☒ |
| k. Transport, storage, treatment, or disposal of solid wastes or hazardous materials? (36, 39) | ☐ | ☒ |
| l. Adverse effect upon land or water uses within the State's small harbors? (4) | ☐ | ☒ |

2. Will the proposed activity affect or be located in, on, or adjacent to any of the following:

YES/NO

- | | | |
|---|-------------------------------------|-------------------------------------|
| a. State designated freshwater or tidal wetland? (44) | ☒ | ☐ |
| b. Federally designated flood and/or state designated erosion hazard area? (11, 12, 17) | ☒ | ☐ |
| c. State designated significant fish and/or wildlife habitat? (7) | ☒ | ☐ |
| d. State designated significant scenic resource or area? (24) | ☒ | ☐ |
| e. State designated important agricultural lands? (26) | ☐ | ☒ |
| f. Beach, dune or Barrier Island? (12) | ☐ | ☒ |
| g. Major ports of Albany, Buffalo, Ogdensburg, Oswego or New York? (3) | ☐ | ☒ |
| h. State, county, or local park? (19, 20) | ☐ | ☒ |
| i. Historic resource listed on the National or State Register of Historic Places? (23) | ☐ | ☒ |

3. Will the proposed activity require any of the following:

YES/NO

- | | | |
|--|-------------------------------------|-------------------------------------|
| a. Waterfront site? (2, 21, 22) | ☒ | ☐ |
| b. Provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (5) | ☐ | ☒ |
| c. Construction or reconstruction of a flood or erosion control structure? (13, 14, 16) | ☐ | ☒ |
| d. State water quality permit or certification? (30, 38, 40) | ☐ | ☒ |
| e. State air quality permit or certification? (41, 43) | ☐ | ☒ |

4. Will the proposed activity occur within and/or affect an area covered by a State-approved local waterfront revitalization program, or State-approved regional coastal management program? (see policies in program document*)

☐ ☒

D. ADDITIONAL STEPS

1. If all of the questions in Section C are answered "NO", then the applicant or agency shall complete Section E and submit the documentation required by Section F.

2. If any of the questions in Section C are answered "YES", then the applicant or agent is advised to consult the CMP, or where appropriate, the local waterfront revitalization program document*. The proposed activity must be analyzed in more detail with respect to the applicable state or local coastal policies. On a separate page(s), the applicant or agent shall: (a) identify, by their policy numbers, which coastal policies are affected by the activity, (b) briefly assess the effects of the activity upon the policy; and, (c) state how the activity is consistent with each policy. Following the completion of this written assessment, the applicant or agency shall complete Section E and submit the documentation required by Section F.

E. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with the State's CMP or the approved local waterfront revitalization program, as appropriate. If this certification cannot be made, the proposed activity shall not be undertaken. If this certification can be made, complete this Section.

"The proposed activity complies with New York State's approved Coastal Management Program, or with the applicable approved local waterfront revitalization program, and will be conducted in a manner consistent with such program."

Applicant/Agent's Name: National Railroad Passenger Corporation

Address: 400 west 31st Street

Telephone: Area Code () 212-630-6215

Applicant/Agent's Signature: *Cynthia Jacatt* Date: January 12, 2018

F. SUBMISSION REQUIREMENTS

1. The applicant or agent shall submit the following documents to the **New York State Department of State, Office of Planning and Development, Attn: Consistency Review Unit, One Commerce Plaza-Suite 1010, 99 Washington Avenue, Albany, New York 12231.**

- a. Copy of original signed form.
- b. Copy of the completed federal agency application.
- c. Other available information which would support the certification of consistency.

2. The applicant or agent shall also submit a copy of this completed form along with his/her application to the federal agency.

3. If there are any questions regarding the submission of this form, contact the Department of State at (518) 474-6000.

*These state and local documents are available for inspection at the offices of many federal agencies, Department of environmental Conservation and Department of State regional offices, and the appropriate regional and county planning agencies. Local program documents are also available for inspection at the offices of the appropriate local government.

Federal Consistency Assessment Form MP 89.0 Rhine cliff- 123.8 Stuyvesant

Section B. Proposed Activity

2. Purpose of Activity

The purpose of establishing an impasse fence where it does not currently exist is to keep trespassers and vehicle traffic off of the Amtrak Right of Way. This project will deter a train collision with either a vehicle or human being and promote the wellbeing of the general public by restricting pedestrian and vehicular traffic along the Amtrak Right of Way.

The fence will also serve to direct pedestrian and vehicle traffic to a Public Road Crossing which is protected by crossing gates which are equipped with early warning devices which warn of approaching trains traffic.

This fencing initiative will be a beneficial activity as it will deter pedestrian and vehicular traffic from crossing the Amtrak Railroad where there is no advanced train warning systems and trains travel in excess of 90 MPH. The Project will encourage the General Public to cross at a public road crossing at grade which have established early warning devices for the approach of train traffic.

- 8200 Linear Feet of Fencing is being installed.
- A Photograph is attached of the Fencing we are proposing to install.

Coastal Assessment: Questions with a Yes answer

1d. The fencing will reduce access to the Hudson river in areas that are not for public access. Crossing and access to the river are and still will be available.

2a. Policy number affected. (44)

Several of the sites for the proposed project are in State regulated wetland check zones. However the project will not interfere with the area. The installation of the fence will have no impact to the wetland.

2b. Policy number affected. (11.17)

Portions of the project are located within the 100 year flood plain, however the proposed project will not alter the characteristics of the floodplain as it will not affect the waterway, floodplain capacity or water flow.

2c. Policy number affected. (7)

The project site is adjacent to the Hudson River, which is a designated significant fish and wildlife habitat. However, the project will not disturb the river or the wildlife.

2d. Policy number affected. (24)

The project is in areas identified as a scenic area or resource, however the installation of the fence is to prohibit the public from access to Amtrak right of way and to keep pedestrian and vehicle traffic off the rail tracks.

3a. Policy number affected. (21)

Portions of the project are directly on the waterfront, however the installation of the fence will not restrict the use of the waterway, just prevent pedestrians and vehicles to wind up on rail tracks.

Fencing needs south of MP 141
to MP 75 and one west at
MP163.96

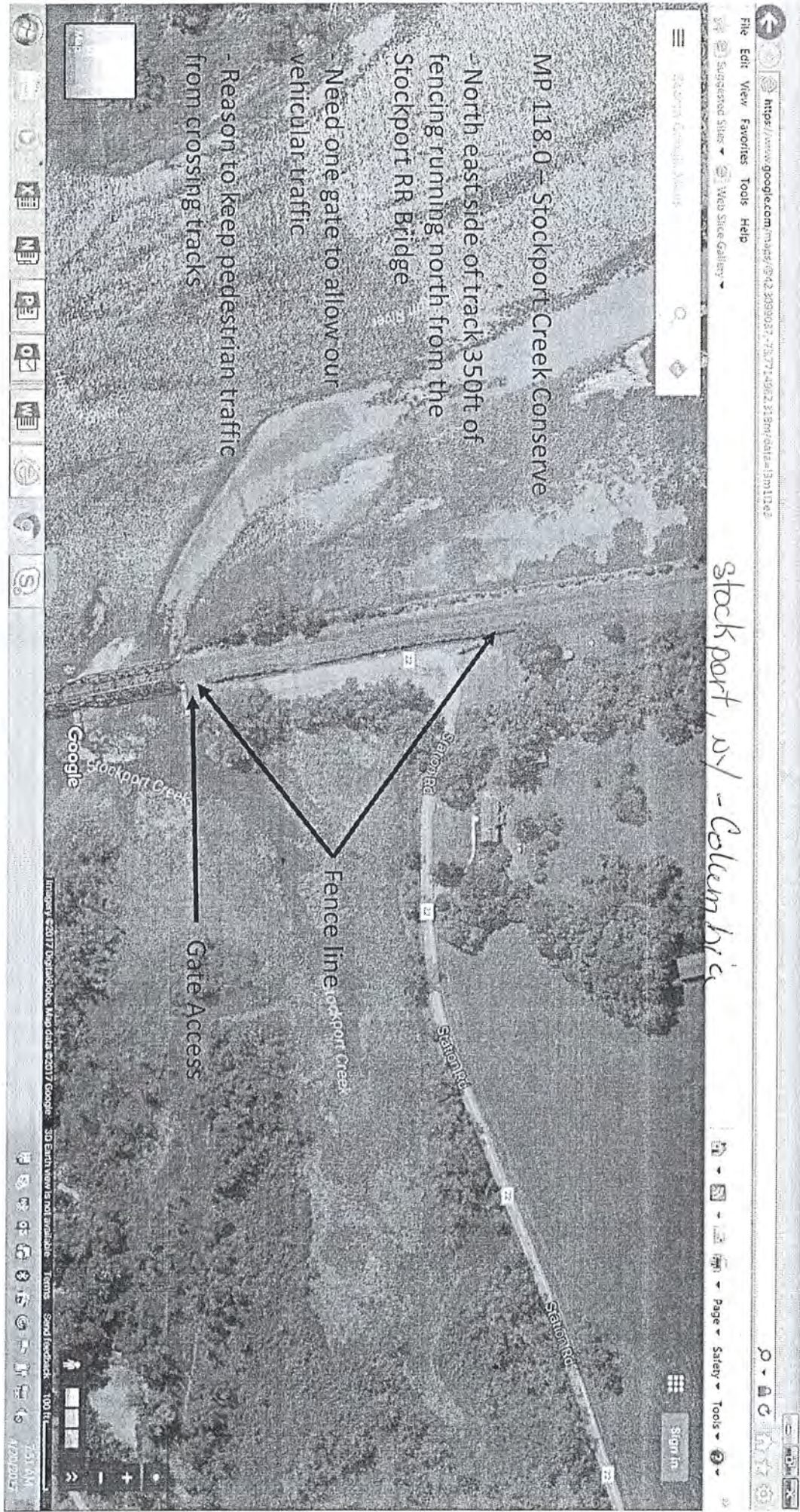
123.8 - Stuyvesant

- North west side of track north of crossing 350ft of fencing running north
- South west side of track south of crossing 500ft of fencing running south
- Reason to keep cars from parking to close to tracks and keep pedestrian traffic from crossing tracks at locations other than the crossing

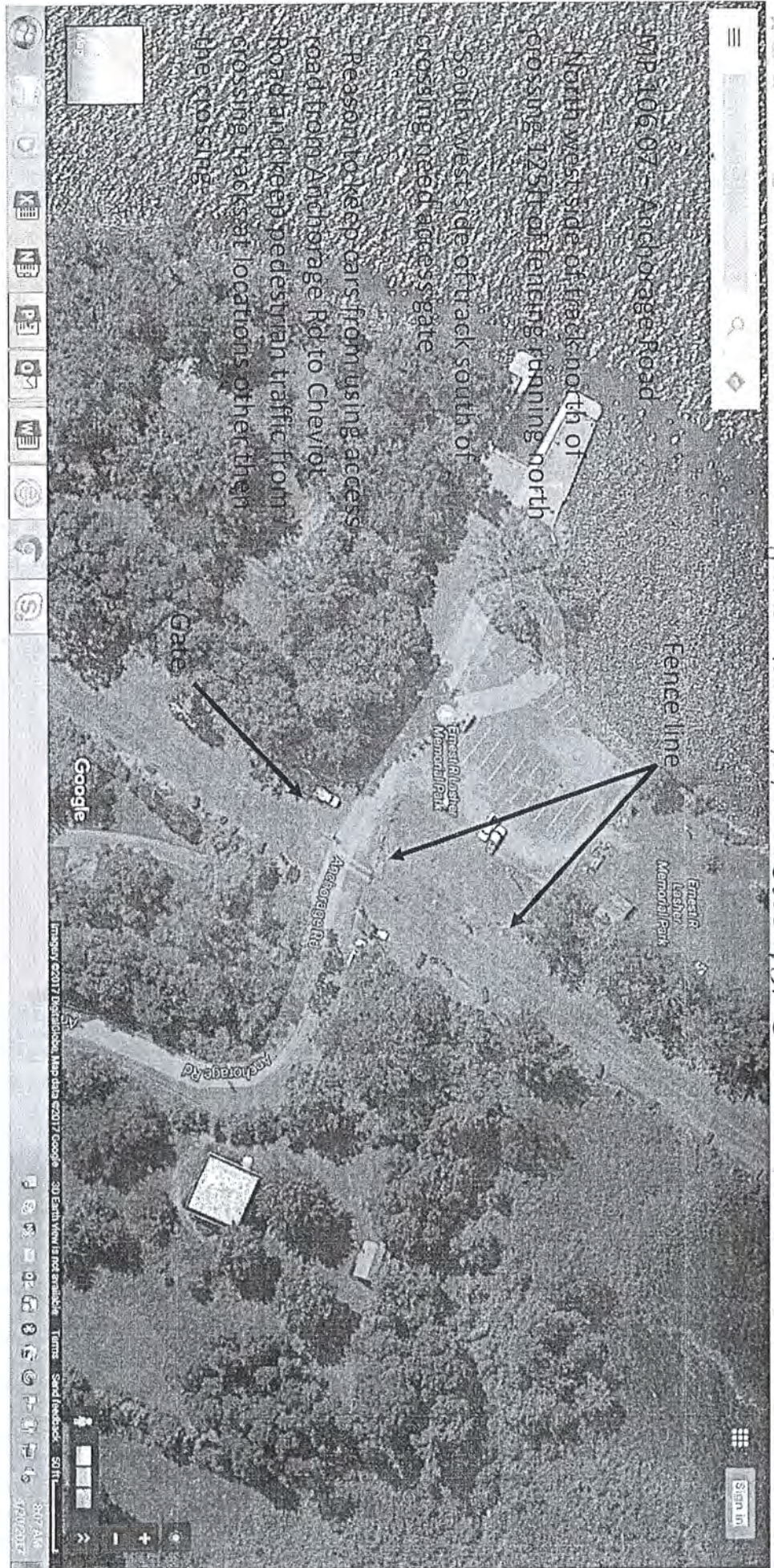


stockport, NY - Columbia

- MP 118.0 - Stockport Creek Conserve
- North east side of track 350ft of fencing running north from the Stockport RR Bridge
- Need one gate to allow our vehicular traffic
- Reason to keep pedestrian traffic from crossing tracks



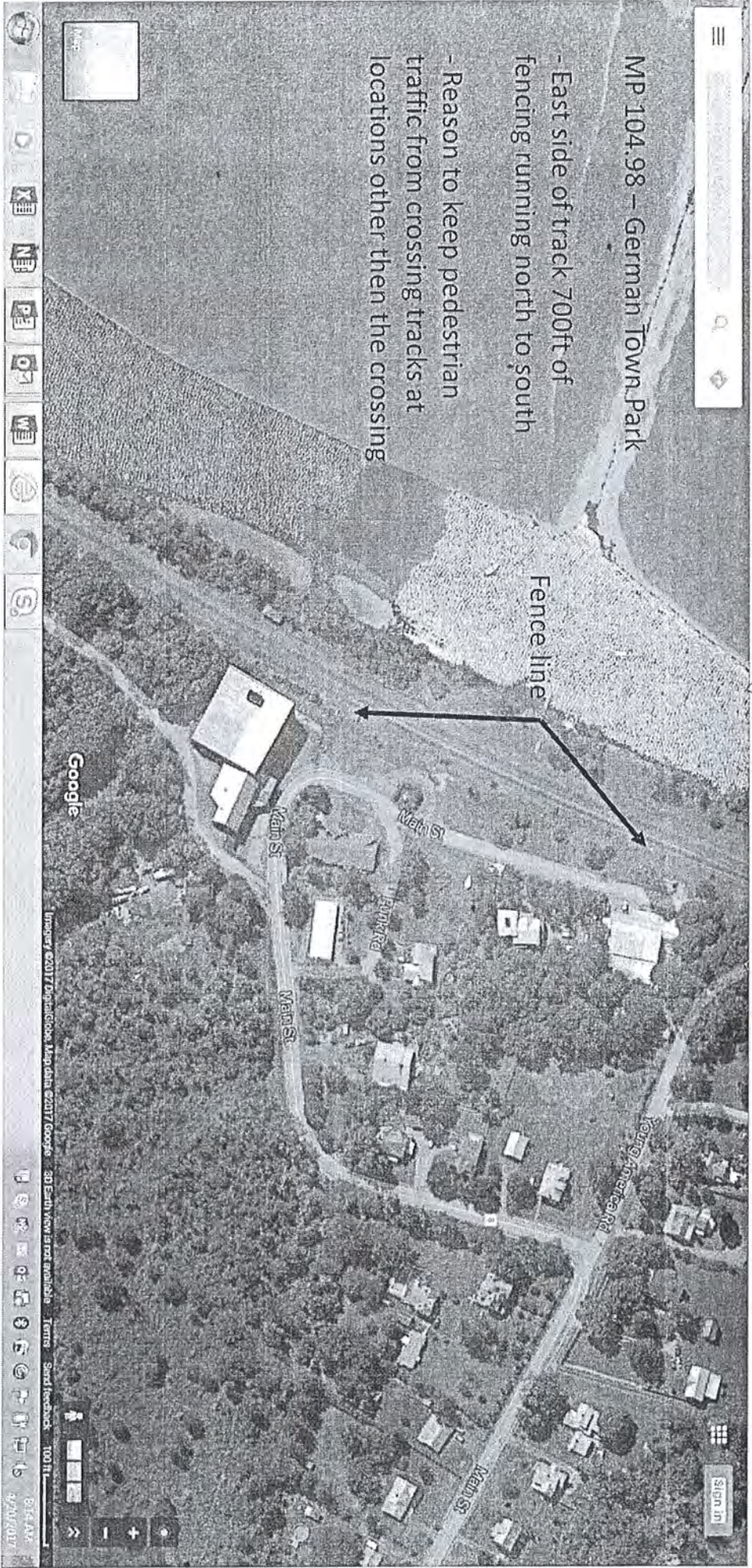
German town of Columbia



German town NY

- East side of track 700ft of fencing running north to south
- Reason to keep pedestrian traffic from crossing tracks at locations other than the crossing

Fence line



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Fence
line



Gate

A Gate

Imagery ©2017 DigitalGlobe, Map data ©2017 Google

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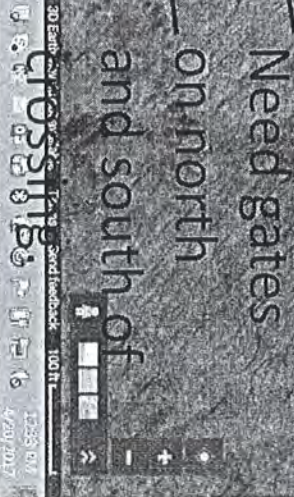






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- need access gate



Rhinebeck, NY Dutchess Cty

MP 90.1 - CP 89

- First Gate at red arrow near Water Treatment Plant

- Second Gate at red arrow near Water Treatment Plant

Reason to keep cars

from using access road

and driving in and



MP 89.0 - Rhinecliff

- Gate at red arrow
- near south end of Rhinecliff Parking Lot
- Reason to keep cars from using access road and driving in and around Rhinecliff right



Hudson, NY MP 114.0

Poughkeepsie, NY MP 75.0

Arrow indicates a North Direction toward Albany, NY on this Map

