

### 3.11.4 Reasonably Foreseeable Catastrophic Impacts

As defined in the SEQR Handbook<sup>93</sup>, a catastrophic impact is “one which is life threatening to a number of individuals; would cause extreme hardship to their physical well-being; or would cause widespread destruction of natural resources as a result of a proposed action.”<sup>94</sup> The handbook, developed by the NYSDEC, further states that an impact is “reasonably foreseeable” if it could occur as a result of the action, even if the probability of such an occurrence is small.

It is important to note that potential extreme hazards are not inherent to the nature of the proposed action. While hospital-related activities can result in hazards (*i.e.*, lifting and moving patients; needle sticks; slips, trips, and falls; and the potential for agitated or combative patients or visitors), they do not, regardless of their location, typically include activities, which would reasonably result in catastrophic impacts.

Consistent with the Final Scoping Document (Appendix C), the issue addressed in this section focuses on potential secondary impacts associated with the proximity of the project to the existing, active CSX railroad located approximately 1,400± lf northeast and downgradient (20± feet) of the project area, including its use to provide for periodic pass-through transport of Bakken oil<sup>95</sup> and other hazardous substances. During the scoping process, commenters, expressed concerns relative to the proximity of the hospital to the railroad, and potential impacts associated with a derailment and release of chemicals, oils or other hazardous substances.

#### Overview

Site access is an important consideration for critical facilities such as hospitals. The ability for emergency medical service (EMS) personnel, patients, medical personnel, staff and visitors to quickly access the site often places hospitals proximal to the cross-roads of municipal highway systems (*i.e.*, Utica’s North-South and East-West Arterials). Highways are also used daily to advance commerce, which often depends on multiple transportation modes including highway and rail (*i.e.*, multi-modal corridors of commerce) to bring goods and services to customers. Consequently, the proximity of rail and highway systems and their use in transporting goods (including hazardous substances) is a common occurrence through the United States.

While the location of hospitals adjacent to highways and railroads, which are utilized for interstate commerce, are common<sup>96</sup>, it does not preclude the need for planners and decision-makers to be diligent in implementing measures to prevent adverse impacts, even if the probability of such an occurrence is small.

Consistent with SEQR implementing regulations regarding the content of an EIS (6 NYCRR § 617.9), this section will provide for an evaluation of the potential secondary impact, limited to:

- A general discussion of the likelihood that the catastrophic impact would occur
- The consequences of the potential impact
- A discussion of alternatives and mitigation measures intended to prevent such catastrophic impacts

<sup>93</sup> The SEQR Handbook provides agencies, project sponsors, and the public with a practical reference guide to the procedures prescribed by the SEQRA – Article 8 of the Environmental Conservation Law ([http://www.dec.ny.gov/docs/permits\\_ej\\_operations\\_pdf/seqrhandbook.pdf](http://www.dec.ny.gov/docs/permits_ej_operations_pdf/seqrhandbook.pdf)).

<sup>94</sup> <https://www.dec.ny.gov/permits/55215.html>

<sup>95</sup> Bakken oil is a type of ‘light sweet crude,’ a relatively high quality oil, which is produced and transported, predominantly by rail, from North Dakota. Trains transporting Bakken oil pass through Utica on their way to the Port of Albany. The Material Safety Data Sheet (MSDS) for Bakken oil is available at <https://www.msdsdigital.com/bakken-crude-oil-sweet-msds>.

<sup>96</sup> Proximity to active railroads: St. Johns Riverside Hospital (Yonkers, NY) – 1,000± lf; Rochester Regional Health (St. Mary’s Campus) (Rochester, NY) – 1,500± lf; St. Joseph’s Medical Center (Yonkers, NY) – 1,500± lf).

The assessment was based on coordination with the following agencies:

- Oneida County Department of Emergency Services<sup>97</sup>
- City of Utica Fire Department

In addition, the following plans were reviewed:

- New York State Comprehensive Emergency Management Plan (CEMP)<sup>98</sup>
- Oneida County CEMP (2017)<sup>99</sup>
- Emergency Response Guidebook (2016)<sup>100</sup>
- Executive Order (EO) 125 (2014)<sup>101</sup>
- MVHS Emergency Operations Plan (EOP)<sup>102</sup>

The resultant evaluation is provided below.

### **Likelihood the Impact Would Occur**

Freight train accident statistics are compiled by the USDOT's Federal Railroad Administration (FRA). The primary role of the FRA is to strategically monitor, inspect, and assess track conditions to determine whether a railroad is complying with federal safety standards (40 CFR Part 213). Investments in infrastructure and equipment, new technologies, safety training, and stringent FRA oversight have significantly improved the safety record of America's freight railroads. Figure 19 illustrates historical trends in national train accidents per 1

<sup>97</sup> The Oneida County Department of Emergency Services is responsible for implementing the County's Comprehensive Emergency Management Plan (CEMP), which is recognized by local governments as a fundamental strategy for community disaster preparedness and response, and is endorsed by the State of New York and the federal government as an essential policy for effective public safety. The Department coordinates with local, regional, state and federal emergency management stakeholders to provide for the region's emergency preparedness and response. Department staff anecdotally indicated that their largest emergency response concern (*e.g.*, most likely to occur) in the region is an ice storm.

<sup>98</sup> <http://www.dhSES.ny.gov/planning/CEMP/>

<sup>99</sup> <http://www.ocgov.net/sites/default/files/E911/CEMP/911%20-%20CEMP%20-%202017.pdf>

<sup>100</sup> Published by the United States Department of Transportation (USDOT), the guidebook (USDOT 2016) is intended for use by first responders during the initial phase of a transportation incident involving dangerous goods/hazardous materials.

<sup>101</sup> In 2014, at the direction of Governor Cuomo, New York State agencies conducted a coordinated review of safety procedures and emergency response preparedness related to increased shipments of Bakken oil across nearly 1,000 miles of the State. A report containing 27 recommendations for state government, federal government and industry to take to reduce risks and increase public safety in the transport of crude oil was subsequently released (<http://www.dhSES.ny.gov/crude-oil/preparation.cfm>). State implemented actions include: preparing and training first responders, establishment of a New York State Foam Task Force, provision of spill response equipment, updating and enhancing response plans, and creation of an interagency (local, state and federal) work group to further integrate emergency response plans across all levels of government.

<sup>102</sup> MVHS' EOP is activated during a situation/disaster and provides the necessary tools for Hospital Incident Command (HIC) to manage the incident. The EOP establishes full compliance with applicable provisions of the National Integrated Accreditation for Healthcare Organizations (NIAHO) accreditation requirements for emergency management systems, the elements of National Incident Management Systems (NIMS) implementation for hospitals, and National Fire Protection Association (NFPA) Standard 1600 (*Standard on Disaster/Emergency Management and Business Continuity Programs*). Plan review and evaluation is performed through the MVHS Emergency Preparedness Committee meetings, quality management performance improvement reviews, periodic emergency operations drills and exercises, and through response to actual events. The EOP includes a facility-specific vulnerability assessment as a comprehensive assessment of preparedness for naturally occurring, technological, human, and hazardous materials events.

million train-miles from 1980 to 2017<sup>103</sup>. In general, train accidents have decreased from over 11 accidents per 1 million train-miles in 1980, to approximately 2.3 train accidents per 1 million train-miles in 2017; a 79% decrease. Extrapolating this latest national safety data, the likelihood of a train accident occurring along the one-mile stretch of railroad northeast of the project area (or along any one-mile stretch of railroad between North Dakota and the Port of Albany) would be negligible.<sup>104</sup> The probability of a train accident involving Bakken oil is less. The probability of a train accident involving Bakken oil and a fire is even less, and so on.<sup>105</sup> The likelihood that such an event would impact the hospital is further influenced by additional variables including:

- Weather (*i.e.*, wind direction, wind speed, *etc.*)
- Nearby construction material/density
- Natural and man-made barriers (*i.e.*, highways, topography, *etc.*)
- Other local variables (training, preparedness, pre-positioning of fire suppression/response assets, *etc.*; see below).

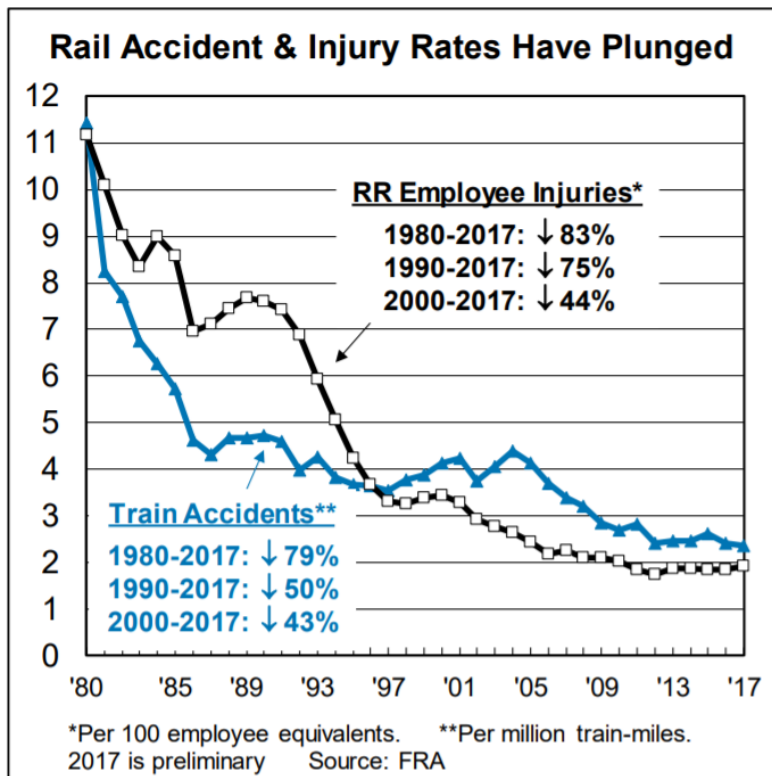


Figure 19. Historical Trends in National Train Accidents

<sup>103</sup> <https://www.aar.org/wp-content/uploads/2018/05/AAR-Railroads-Moving-America-Safely.pdf>

<sup>104</sup> 2.3 train accidents per 1 million train-miles equates to  $2.3 \times 10^{-6}$  train accidents per 1 train-mile.

<sup>105</sup> The NFPA compiled statistics of rail vehicle fires in the United States from 2003-2007. On average, tank cars only accounted for 2% of total fires involving rail vehicles (NFPA 2010, <https://www.nfpa.org/-/media/Files/News-and-Research/Fire-statistics-and-reports/Fact-sheets/railvehiclefires.ashx?la=en>).

### **Consequences of the Potential Impact**

While the likelihood of an impact is negligible, due diligence and preparedness are prudent and necessary. Consistent with the USDOT's ERG and New York States' EO 125, the IHC will be identified as a special receptor within the site-specific Geographic Response Plan (GRP). GRPs are planning documents and spill response tools, prepared by the NYSDEC, in consultation with the New York State Division of Homeland Security and Emergency Services, NYSDOH, and local, regional and federal stakeholders, that are used to guide initial emergency response efforts associated with a major oil spill. The GRP for railroad mile-mark "QC 238" represents the area surrounding the existing railroad inclusive of the project area. To facilitate planning and training, the proximity of IHC operations will be accounted for in future training, preparedness and asset management activities guided by the County's CEMP. MVHS will coordinate with Oneida County to update and implement appropriate sections of the MVHS' EOP and the County's CEMP, respectively.

### **Alternatives and Mitigation Measures**

While no alternatives were identified, the following mitigation measures have been or will be implemented:

- USDOT identified Bakken oil transport measures<sup>106</sup> agreed to, and implemented by, railroad companies including:
  - » Lowering speed limits for oil trains
  - » Increasing the frequency of track inspections
  - » Adding more brakes on trains
  - » Improving the training of emergency medical workers
- Continuation of regular, coordinated training programs<sup>107</sup> including:
  - » Oneida County Department of Emergency Services CEMP Emergency Response Training/Hazmat Drills
    - » Coordinated with other local, regional, state and federal stakeholders
  - » U.S. National Response Team (NRT) Training<sup>108</sup>
    - » Emerging Risks Responder Awareness Training: Bakken Crude Oil
    - » Transportation Rail Incident Preparedness & Response Training
    - » Transportation Emergency Response Preparedness Training
    - » Office of Response and Restoration Hazardous Materials Training
  - » New York State Office of Fire Prevention and Control (OFPC) Training Programs
    - » Flammable and Combustible Liquid Emergencies
    - » Foam Trailer Training
    - » Live Fire Class B Foam Operations

<sup>106</sup> <https://www.transportation.gov/briefing-room/us-dot-announces-comprehensive-proposed-rulemaking-safe-transportation-crude-oil>

<sup>107</sup> The New York State Division of Homeland Security and Emergency Services operates the State Preparedness Training Center (SPTC) at the former Oneida County Airport. The mission of the SPTC is to "Provide first responders and governmental officials with the very best knowledge, skills and abilities necessary to safely and effectively prevent, prepare for, respond to and recover from terrorist acts and other man-made and natural disasters."

<sup>108</sup> The NRT is made up of 15 agencies including the USEPA (<https://www.nrt.org/>).

- » Hazardous Materials Technician
- » Hazardous Materials Incident Command

Private Industry Training Programs

- » CSX Safety Train: Mobile classroom for first responders
- » The Association of American Railroads (AAR) Training<sup>109</sup>

■ Incident response measures including:

Federal Responders and Support Organizations

- » Federal Emergency Management Agency (FEMA)
- » U.S. Public Health Service
- » Federal Centers for Disease Control (CDC)
- » Federal Bureau of Investigation (FBI)
- » U.S. Army Corps of Engineers (USACE)
- » USEPA

State Responders and Support Organizations

- » NYS Division of Homeland Security and Office of Emergency Services
- » OFPC
- » NY State Police
- » NYSDOH
- » NYSDEC
- » NYSDOT
- » NYS Disaster Human Needs Task Force

County and Local Responders and Support Organizations

- » Oneida County Department of Emergency Services
- » City of Utica Fire Department (and Mutual Aid Departments)
- » Area EMS
- » Area Law Enforcement
- » Oneida County Health Department
- » Area Hospitals and Medical Providers
- » Private Industry
- » CSX Hazardous Materials Response Team

Other Support Services

- » American Red Cross

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<sup>109</sup> Provides member railroads, fire service and emergency responder training (at no cost) at their Transportation Technology Center (<http://www.aar.com/>).



- » Salvation Army
- » Volunteer Organizations Active in Disaster (VOAD)
- Pre-Positioned Emergency Response Assets<sup>110</sup> within GRP including:
  - » High Volume Class B Foam Trailer
  - » Utica Fire Department (552 Bleecker Street)

### 3.12 COMMUNITY CHARACTER

The proposed action may have an impact on community character. The following potential impacts, identified in the scoping process, are evaluated in this section:

#### **Construction**

- Acquisition (via voluntary negotiation and eminent domain) and demolition or alteration of properties in the proposed project area

#### **Operation**

- Land-use components will be different from current surrounding land use pattern(s); impact on City-owned and privately-owned lands within the project footprint
- Potential to result in secondary economic development impacts<sup>111</sup> (*e.g.*, residential or commercial development)
- Potential to replace or eliminate existing facilities, structures, or areas of historic importance to the community
- Potential to displace affordable or low-income housing
- Potential secondary impacts resulting from the relocation and/or displacement of existing businesses/services (at proposed downtown and existing FSLH and SEMC locations)
- The proposed action may be inconsistent with the predominant architectural style and character of the area

#### **3.12.1 Existing Conditions**

The MVHS IHC will encompass approximately 25-acres within the City's CBD. The proposed location is proximal to the City's urban core, as well as the City's proposed "U" District, existing Brewery District, Bagg's Square and Utica Harbor Point. Land uses within this district are subject to the applicable standards codified in the City of Utica's Zoning Code (Section 2-29-193). As stated in Section 3.5, the project footprint contains approximately 80± tax parcels and a diversity of property types including mixed use, commercial, offices/warehouses, vacant/abandoned buildings, and parking. The existing building scale within the CBD and the surrounding area is a diverse mixture of building heights, consisting of mostly low rise (1-4 stories) and mid-rise (5-10 stories) buildings, with a few high-rise (11+ stories) buildings located to the east of Genesee Street. While the project area is characterized by buildings greater than 50+ years in age, many of them have undergone 20th and 21st century modifications (see Section 3.6; including Appendix E, which contains a photolog of existing buildings).

<sup>110</sup> According to the Oneida County Department of Emergency Services, the first responders also have access to 3 hazmat trailers (2 County, 1 State).

<sup>111</sup> The DEIS will address the potential, non-speculative, decrease or increase in tax revenue resulting from the project only as it relates to the City's ability to continue to provide socio-economic services and infrastructure support. Disposition of City-owned land, as it relates to the project, will also be identified. Potential effects that a proposed project may have in drawing customers and profits away from established enterprises, possible reduction of property values in a community, or potential economic disadvantage caused by competition or speculative economic loss, are not environmental factors and will not be addressed in the DEIS.