

Empire Station Complex Project Fact Sheet

What ESD'S Project IS:

- The Project is a comprehensive redevelopment initiative by Empire State Development (“ESD”) that would catalyze transit-oriented, mixed-use development around Penn Station and generate revenues, including payments in lieu of taxes (“PILOTs”), to help fund two major transportation projects – Penn Station Reconstruction (which will overhaul the existing Penn Station) and the Penn Station Expansion (which will provide additional track and platform capacity at Penn Station) – and other public transit and public realm improvements in the project area.
- On February 18, 2021, ESD’s Board adopted a proposed General Project Plan (“GPP”) for the Project and accepted a Draft Environmental Impact Statement (“DEIS”) prepared pursuant to the State Environmental Quality Review Act (“SEQRA”). Both documents are available for public review on ESD’s website at <https://esd.ny.gov/empire-station-complex>.
- ESD postponed its scheduled May 12th public hearing on the Project GPP and DEIS, to a date to be determined, in order to provide additional public engagement and consideration of the proposed Project prior to conducting a public hearing.
- Following public review of the DEIS and GPP, ESD will issue a Final Environmental Impact Statement (“FEIS”), and its Board will determine whether to approve the FEIS and affirm the GPP. ESD will consider all substantive comments received on the DEIS and GPP and address them in the FEIS and GPP as necessary.
- If the GPP is affirmed following public comment and approval of the FEIS, it would allow ESD to override City zoning for the proposed development sites. ESD’s Design Guidelines would establish enforceable design controls in lieu of zoning, but the City Building Code would continue to apply and be enforced by the City.
- Among the eight development sites included in the Project are three sites between 30th and 31st Streets and 6th and 9th Avenues: Site 1 (part of Block 754), Site 2 (Block 780), and Site 3 (part of Block 806). These 3 sites are analyzed in the DEIS and described in the GPP as a *potential* location for the Penn Station Expansion.
- The DEIS and GPP make clear that ESD would exercise its zoning override powers to enable redevelopment on Sites 1, 2 and 3 *only if* these sites are finally approved as the preferred alternative for Penn Station Expansion through the federal review process described below. If these sites are not selected as the preferred alternative for the Penn Station Expansion, ESD would not take any action to develop or acquire these sites for development.

What ESD'S Project IS NOT:

- Although funding generated by ESD's Project would support the Penn Station Reconstruction and Expansion projects, those projects are *separate* projects that are *not* part of the Empire State Complex Project but rather are being undertaken separately by MTA, NJT and Amtrak (the "Railroads").
- ESD's Project is a *State* project that is undergoing an environmental review under SEQRA, while the Penn Station Reconstruction and Expansion Projects will require *federal* reviews and approvals, including an environmental review of Penn Station Expansion under the National Environmental Policy Act ("NEPA").
- The NEPA process for Penn Station Expansion, which is expected to kick off soon and take approximately 2 years to complete, will *not* include ESD as a lead agency or involved agency because ESD does not have any authority to decide if or where the station expansion will be built.
- The NEPA and federal review processes are anticipated to evaluate alternatives to Penn Station Expansion other than on Blocks 754, 780 and 806 (Sites 1, 2 and 3 of the ESD Project). ESD's GPP would not authorize any ESD-sponsored development on those sites unless and until those sites are approved as the preferred alternative for Penn Station Expansion, the NEPA process has been completed, and the Railroads obtain all other necessary federal approvals to proceed with the Penn Expansion.
- ***ESD's GPP does not and cannot authorize any property acquisition on Blocks 754, 780 and 806 for Penn Station Expansion (or otherwise).***
- If the NEPA and federal approval process result in the selection of Blocks 754, 780 and 806 (Sites 1, 2 and 3) as the sites for Penn Station Expansion, additional State procedures including a public hearing and adoption of findings under the Eminent Domain Procedure Law ("EDPL") would be required before those properties could be acquired. It has not been determined what agency would acquire properties for the Penn Expansion, but MTA or Amtrak seems most likely.
- Regardless of which entity (State or federal) assumes responsibility for property acquisition, all acquisitions and relocations for federally funded projects like the Penn Station Expansion must comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act (the "Uniform Act"). The purpose of the Uniform Act is: 1) to provide just compensation for property acquisition and uniform, fair and equitable treatment of persons who are displaced in connection with federally funded projects; 2) to ensure that relocation assistance is provided to displaced persons and businesses to lessen the emotional and financial impact of displacement; and 3) to ensure that no individual or family is displaced unless decent, safe, and sanitary housing is available within the displaced person's financial means.
- In summary:
 - No final decisions have been made about Penn Station Expansion.
 - ESD's GPP does not authorize acquisition of any property for Penn Station Expansion or other uses.
 - Before any properties are acquired for Penn Station Expansion, there will be ample advance notice to the public, the community will have an opportunity to be heard, and the rights of owners and tenants will be protected under the New York State EDPL and/or the federal Uniform Act.