



To: CEQR Files

From: Naim Rasheed, Assistant Commissioner  
Traffic Engineering & Planning

Re: East 72<sup>nd</sup> Street Reconstruction, Brooklyn  
CEQR No.: 23DOT0012K  
HWK002377 (SEK002377)  
Type II Determination

Date: January 31, 2023

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In accordance with Sections 5.03 and 5.05 of the Rules of Procedure for the City Environmental Quality Review (CEQR) found in Title 62, Chapter 5, the New York City Department of Transportation (NYC DOT) is assuming lead agency status for the above referenced action and determining that it is a Type II action requiring no environmental review.

NYC DOT is proposing street reconstruction along East 72<sup>nd</sup> Street between Avenue L and Royce Place in Brooklyn Community District 18. The project scope of work includes the following:

- Reconstruction of all pedestrian ramps, including any missing pedestrian ramps, to comply with ADA standards;
- Installation of permeable pavers in the roadbed;
- Reconstruction of the medians at the intersection of Avenue M and East 72<sup>nd</sup> Street;
- Trench restoration with full street resurfacing; and
- Installation of new pavement markings, crosswalks and signs.

In addition, the New York City Department of Environmental Protection (DEP), as part of this project, has added Capital Project SEK002377 to include the replacement of sanitary sewers, storm sewers and water mains. The Build year (estimated time of construction) is 2027.

City Environmental Quality Review (CEQR) is New York City's process for implementing the State Environmental Quality Review Act (SEQR), by which agencies of the City of New York review proposed discretionary actions to identify and disclose the potential effects those actions may have on the environment. SEQR permits a local government to promulgate its own procedures provided they are no less protective of the environment, public participation, and judicial review than provided for by the state rules (see 6 NYCRR 617.14(b)).

The New York State Department of Environmental Conservation (NYSDEC) includes in its SEQR regulations a list of actions, identified as Type II actions, that have been determined to not have a significant impact on the environment or that are otherwise precluded from environmental review. As permitted by SEQR, the CEQR Rules of Procedure include a supplemental list of actions that are also classified as Type II (6 NYCRR 617.5(b); 62 Rules of the City of New York 5-05(c)). When an agency finds that an action is Type II, it has no further

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responsibilities under Section 617.6 of Title 6 of New York Codes, Rules and Regulations (6 NYCRR) of the SEQR.

Under SEQR regulations, Section 617.5(c)(1) maintenance or repair involving no substantial changes in an existing structure or facility; and Section 617.5(c)(2) “replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part,” Section 617.5(c)(5) “repaving of existing highways not involving the addition of new travel lanes” and Section 617.5(c)(22) “installation of traffic control devices on existing streets, roads and highways” are classified as Type II actions.

Based on the Type II categories and exemptions set forth above, we have concluded that no further review under SEQR/CEQR is required for this action.

c: D/C E. Beaton, B/C K. Bray, F. Mir, J. Alam, A. Solorzano, S. Ahmed, M. Samuelson-Jaiswal, S. Li, File  
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