

Hudson Tunnel Scoping Summary Report

This document summarizes the scoping process that was undertaken for the Hudson Tunnel Project (the Proposed Action or the Project) in accordance with the National Environmental Policy Act (NEPA), the comments received during the scoping period, and responses to those comments.

1. INTRODUCTION

On May 2, 2016, the Federal Railroad Administration (FRA) announced its intent to prepare an Environmental Impact Statement (EIS) for the Project by publishing a Notice of Intent (NOI) in the Federal Register. Publication of the NOI (included as **Attachment A**) initiated the scoping period for the Project. Scoping is an initial step in the NEPA process where the public and agencies are provided an opportunity to review and comment on the scope of the EIS, including the Proposed Action's purpose and need, alternatives to be studied in the EIS, environmental issues of concern, and the methodologies for the environmental analysis.

The scoping period for the Project was held from May 2 through May 31, 2016. During this time, a Scoping Document was made available, scoping meetings were held, and comments were solicited on the Project's purpose and need, alternatives to be considered, and analyses to be conducted for the Project's EIS. Notices to stakeholders, participating and cooperating agencies, and the public informing them of the scoping period and inviting them to the scoping meetings were sent to the Project mailing list, posted on the Project website, and placed in a number of local Project document repositories in the Project area.

As part of the scoping period, a Scoping Document (included as **Attachment B**) for the Hudson Tunnel Project was made available on the Project website (www.hudsonstunnelproject.com) on April 28, 2016 and placed in the Project's document repositories. **Table 1** lists the names and addresses of the document repositories where the Scoping Document was available. Two scoping meetings were held in the Project area: one on May 17, 2016, in New York City and one on May 19, 2016, in Union City, NJ. Advertisements were run in local newspapers, including English language newspapers and Spanish language newspapers¹ (with Spanish language advertisements). **Table 2** lists the newspapers and publication dates of the Project scoping notices.

¹ Spanish is the second most widely spoken language in the Project area, after English.

Table 1
Project Document Repositories

| Organization | Address | City | State |
|---|----------------------------------|--------------|-------|
| Hoboken City Hall | 94 Washington Street | Hoboken | NJ |
| Hoboken Public Library | 500 Park Avenue | Hoboken | NJ |
| Hudson County Brennan Courthouse Building | 583 Newark Avenue | Jersey City | NJ |
| Jack Brause Library | 11 West 42nd Street, #510 | New York | NY |
| Jersey City - City Office | 2555 John F. Kennedy Blvd. | Jersey City | NJ |
| Jersey City Main Library | 472 Jersey Avenue | Jersey City | NJ |
| Manhattan Community Board 4 | 330 West 42nd Street, 26th Floor | New York | NY |
| Manhattan Community Board 5 | 450 Fashion Avenue, #2109 | New York | NY |
| Mid-Manhattan Library | 455 Fifth Avenue | New York | NY |
| North Bergen Library | 8411 Bergenline Avenue | North Bergen | NJ |
| North Bergen Town Hall | 4233 Kennedy Boulevard | North Bergen | NJ |
| New York Public Library Columbus Branch | 742 Tenth Avenue | New York | NY |
| Secaucus Main Library | 1379 Paterson Plank Road | Secaucus | NJ |
| Town of Secaucus Town Hall | 1203 Paterson Plank Road | Secaucus | NJ |
| Union City Library | 324 43rd Street | Union City | NJ |
| Union City Town Hall | 3715 Palisade Avenue | Union City | NJ |
| Weehawken Town Hall | 400 Park Avenue | Weehawken | NJ |
| Weehawken Township Library | 49 Hauxhurst Avenue | Weehawken | NJ |

Table 2
Project Scoping Notice Publications

| Newspaper | Publication Date |
|--|--|
| <i>The Star Ledger</i> (Hudson County Edition) | 5/15/2016—Sunday Edition |
| <i>Jersey Journal</i> | 5/11/2016—Wednesday Edition |
| <i>Metro NY</i> | 5/16/2016—Monday Edition |
| <i>AM NY</i> | 5/12/2016—Tuesday Edition |
| <i>Hudson Reporter</i> (Bayonne, Hoboken, Jersey City, Union City, West New York, and Weehawken Editions) | 5/11/2016—Wednesday Edition (Bayonne) 5/15/2016—Sunday Edition (Hoboken, Union City, West New York, North Bergen, Jersey City, and Weehawken) |
| <i>El Especialito</i> – Spanish language paper (Hudson County and Manhattan West Side Edition) | 5/13/2016—Friday Edition |

The format of the scoping meetings included the opportunity for public comments to be submitted as follows: 1) by providing written comments/materials to be entered into the meeting record/transcript, and/or 2) by providing oral comments by speaking individually to the stenographer, who recorded the comments for the meeting record/transcript.

Comments received were as follows:

- 27 forms submitted via web
- 5 verbal comments made to stenographers at scoping meetings
- 13 written comments provided in-person to stenographers in writing at scoping meetings
- 14 comment emails
- 32 comment letters
- 5 comment sheets

- 1 voice mail comment

At the May 17, 2016 scoping meeting, the following were in attendance:

- 107 members of the public
- 16 agency officials
- 3 elected officials or their representatives
- 3 press entities

At the May 19, 2016 scoping meeting, the following were in attendance:

- 40 members of the public
- 8 agency officials
- 6 elected officials or their representatives
- 3 press entities

This document summarizes and responds to substantive oral and written comments received during the scoping comment period.

Section 2 identifies the organizations and individuals who provided substantive comments on the Project and its scope, to be considered in the Project's EIS.

Section 3 provides summaries of the comments received and responses to those comments. The comments are organized by the subject or topic addressed by a comment or set of comments; each such section provides summaries of the relevant comment(s) and an explanation of how that issue will be addressed in the EIS. These summaries convey the substance of the comments made, but do not necessarily quote the comments verbatim. These sections are as follows:

- *Section 3.1, "Environmental Review Procedures and Public Outreach."* Comments received relate to the procedures for environmental review, including comments about adding specific agencies to the list of Lead, Cooperating, and Participating agencies; and other comments related to the scoping meetings (the dates chosen, the location, and the noticing). Comments received also related to requests for a Regional Citizens' Liaison Committee.
- *Section 3.2, "Project Definition and Purpose and Need."* Comments received focused on terminology (e.g., tunnel versus tunnels, tubes versus tunnel), clarification of Project elements (e.g., that no new stations are proposed in Manhattan), and general statements about what the goals of the Project should be. Questions were also asked about the difference between the Hudson Tunnel Project and the Gateway Program.
- *Section 3.3, "Project Cost and Funding."* Comments received related to Project cost and funding, focused on high project cost, lack of funding sources, and incorporation of cost-reducing measures in examining the range of alternatives.
- *Section 3.4, "Alternatives."* Comments received related to different Project elements and to alternatives to the Project. Different alternatives comments focused on the tunnel alignment as it relates to Penn Station New York (PSNY), requests for modification of the Hudson Tunnel Project to include different elements, different phasing, or various companion projects. In addition to the responses to these comments, the EIS for the Project will include a more detailed description of the alternatives development and evaluation process conducted for the Project.
- *Section 3.5, "Environmental Analyses (Scope of Work)."* Comments received related to the scope of the technical analyses to be undertaken in the EIS. Comments related to the study area for the analysis and the methodologies to be used, including how the analyses would account for the larger Gateway Program whether the analyses would

follow the methodologies recommended in New York City's *City Environmental Quality Review (CEQR) Technical Manual*, and issues of concern related to natural resources, including the Hudson River.

- *Section 3.6, "Project Schedule."* Comments received related to the Project schedule—including the schedule for environmental review and for Project construction. Commenters focused on the importance of the Project and the need to implement it quickly.
- *Section 3.7, "General Support."* Comments related to statements of support for the Hudson Tunnel Project.

2. LIST OF COMMENTERS

2.1. AGENCIES

1. W.M. Grossman, Lieutenant Commander; Chief, Waterways Management Division U.S. Coast Guard, letter dated May 31, 2016 (*Grossman-USCG*)
2. Grace Musumeci, Chief, Environmental Review Section, United States Environmental Protection Agency, letter dated May 26, 2016 (*Musumeci-EPA*)
3. James Redeker, Commissioner, State of Connecticut Department of Transportation, letter dated May 16, 2016 (*Redeker-CTDOT*)
4. Gina Santucci, Environmental Review Coordinator, New York City Landmarks Preservation Commission, letter dated May 12, 2016 (*Santucci-LPC*)
5. Lisa Schreibman, Director, Strategic and Operations Planning, MTA—New York City Transit, two web forms received May 31, 2016 (*Schreibman-MTA-NYCT*)

2.2. ELECTED OFFICIALS (OR THEIR REPRESENTATIVES)

6. Esther Brunner, Deputy Director for Environmental Coordination, New York City Mayor's Office of Sustainability, letter dated June 3, 2016 (*Brunner-MOS*)
7. Edwin J. Day, County Executive, Rockland County, letter dated May 9, 2016 (*Day-Rockland County Executive*)
8. Steven M. Fulop, Mayor, City of Jersey City, letter dated July 21, 2016 (*Fulop-Mayor Jersey City*)
9. Brad Hoylman, Senator, New York State Senate, District 27, letter dated June 1, 2016 (*Hoylman-NY Senate*)
10. Gordon M. Johnson, Deputy Speaker, Assemblyman, District 37, New Jersey Legislature, letter dated May 30, 2016 (*Johnson-NJ Assembly*)
11. James Skoufis, Assemblymember, New York State Assembly, District 99, voicemail received May 5, 2016 (*Skoufis-NY Assembly*)
12. Domenick Stampone, Mayor, Borough of Haledon, letter dated May 11, 2016 (*Stampone-Mayor Haledon*)
13. Loretta Weinberg, Majority Leader, Senator, District 37, New Jersey Legislature, letter dated May 30, 2016 (*Weinberg-NJ Senate*)
14. Kenneth P. Zebrowski, Assemblymember, New York State Assembly, District 96, letter dated June 15, 2016 (*Zebrowski-NY Assembly*)
15. Dawn Zimmer, Mayor, Hoboken, letter dated May 31, 2016 (*Zimmer-Mayor Hoboken*)
16. New York City and New York State elected officials—including David G. Greenfield, Councilmember, New York City Council, 44th District; Martin J. Golden, Senator, New York State Senate, 22nd District; Helene E. Weinstein, Assemblymember, New

York State Assembly, 41st District; Dov Hikind, Assemblymember, New York State Assembly, 48th District; Ben Kallos, Councilmember, New York City Council, 5th District; Donovan Richards Jr., Councilmember, New York City Council, 31st District; Vincent J. Gentile, Councilmember, New York City Council, 43rd District; Simcha Felder, Senator, New York State Senate, 17th District; Diane J. Savino, Senator, New York State Senate, 23rd District; James F. Brennan, Assemblymember, New York State Assembly, 44th District; Peter J. Abbate, Jr., Assemblymember, New York State Assembly, 49th District; Peter Koo, Councilmember, New York City Council, 20th District; and Rafael L. Espinal, Jr., Councilmember, New York City Council, 37th District—letter dated September 16, 2016 (*New York City and State Elected Officials*)

2.3. COMMUNITY BOARD

17. Manhattan Community Board 4, draft Resolution submitted May 31, 2016 (*CB 4 Manhattan*)

2.4. ORGANIZATIONS AND BUSINESSES

18. David Peter Alan, Chair, Lackawanna Coalition, verbal comments (written) received May 17, 2016; verbal comments received May 19, 2016 (*Alan-Lackawanna Coalition*)
19. Dan Biederman, President, 34th Street Partnership, email dated June 3, 2016 (*Biederman-34th St Partnership*)
20. William B. Galligan, Executive Director, East of Hudson Rail Freight Task Force, email dated June 1, 2016 (*Galligan-East Hudson Task Force*)
21. Tim Gordon, Principal, Meyers Parking, Inc., letter dated May 31, 2016 (*Gordon-Meyers Parking*)
22. Jerome Gottesman, Chairman, Edison Properties, letter dated May 26, 2016 (*Gottesman-Edison Properties*)
23. Jonathan Gouveia, Senior Director, Planning and Infrastructure, The Municipal Art Society of New York, letter dated May 31, 2016 (*Gouveia-MASNYC*)
24. George Haikalis, President, Institute for Rational Urban Mobility, Inc. (IRUM), I comments dated May 17, 2016; email dated May 24, 2016 (*Haikalis-IRUM*)
25. Chip Hallock, President & CEO, Newark Regional Business Partnership, letter dated May 16, 2016 (*Hallock-NRBP*)
26. Dennis Hart, Utility and Transportation Contractors Association of New Jersey, comments dated May 19, 2016 (*Hart-UTCA*)
27. Andrew S. Hollweck, Senior Vice President, New York Building Congress, comments dated May 17, 2016 (*Hollweck-NYBC*)
28. James Kirkos, Chief Executive Officer, Meadowlands Regional Chamber, letter dated May 25, 2016 (*Kirkos-MRC*)
29. Laborers' International Union of America (LIUNA), comments dated May 19, 2016 (*LIUNA*)
30. Debbie Mans, Executive Director, NY/NJ Baykeeper, email dated May 31, 2016 (*Mans-NY NJ Baykeeper*)
31. Jim Mathews, President & CEO, National Association of Railroad Passengers, web form received May 31, 2016; letter dated May 31, 2016 (*Mathews-NARP*)
32. Markian Melnyk, President, Atlantic Grid Development, LLC, letter dated May 23, 2016 (*Melnyk-AGD*)
33. Albert L. Papp, Jr., Director, New Jersey Association of Railroad Passengers, letter dated May 24, 2016 (*Papp-NJARP*)

34. John Patton, Local 147, comment sheet dated May 17, 2016 (*Patton-Local 147*)
35. Angela Pinsky, Executive Director, Association for a Better New York, verbal comments (written) received May 17, 2016 (*Pinsky-ABNY*)
36. James P. Redeker, Chair, Northeast Corridor Commission, letter dated May 31, 2016 (*Redeker-NCC*)
37. Richard Barone, Vice President for Transportation, Regional Plan Association, comments dated May 17, 2016 (*Barone-RPA*)
38. James T.B. Tripp, Senior Counsel, Environmental Defense Fund, letter dated May 31, 2016 (*Tripp-EDF*)
39. Kathryn S. Wylde, Partnership for New York City, letter dated May 17, 2016 (*Wylde-NYC Partnership*)

2.5. GENERAL PUBLIC

40. Jonathan Adler, web form received May 27, 2016 (*Adler*)
41. Megan Barry, web form received May 16, 2016 (*Barry*)
42. Nihal Bhujle, web form received June 9, 2016 (*Bhujle*)
43. Ramon Carreras, email dated May 31, 2016 (*Carreras*)
44. Joseph M. Clift, written comments received May 17, 2016; email dated May 31, 2016; verbal comments received May 17, 2016 (*Clift*)
45. Dr. Robert Daniel, web form received May 12, 2016 (*Daniel*)
46. Peggy Darlington, email dated May 17, 2016 (*Darlington*)
47. Bruce Hain, web form received May 27, 2016; email dated May 31, 2016 (*Hain*)
48. Henry Hedaya, Kids Cuts 72 LLC, web form received May 26, 2016 (*Hedaya-Kids Cuts*)
49. Sebastian Jaramillo, comment sheet dated May 19, 2016 (*Jaramillo*)
50. Nayden Kambouchev, email dated May 18, 2016 (*Kambouchev*)
51. Alice F. LaBrie, comment sheet dated May 18, 2016 (*La Brie*)
52. Mark Lacari, Jr., web form received May 16, 2016 (*Lacari*)
53. Pierce Marston, web form received May 31, 2016 (*Marston*)
54. John F. McHugh, written comments received May 17, 2016 (*McHugh*)
55. Aileen Mishkin, email dated May 18, 2016 (*Mishkin*)
56. Paul Payton, written comments received May 19, 2016 (*Payton*)
57. Jean Publiee, web form received May 16, 2016 (*Publiee*)
58. Arnold Reinhold, email dated May 27, 2016 (*Reinhold*)
59. Joseph Sanderson, web form received April 28, 2016 (*Sanderson*)
60. Alicia Santamaria, comment sheet dated May 19, 2016 (*Santamaria*)
61. Joe Sivo, verbal comments received May 19, 2016 (*Sivo*)
62. Carolyn Smith, web form received May 13, 2016 (*Smith*)
63. Scott Spencer, web form received May 31, 2016; emails dated May 31, 2016; verbal comments received May 17, 2016
64. Adrian Untermeyer, written comments received May 17, 2016 (*Untermeyer*)
65. J. William Vigrass, web form received May 26, 2016; letter dated May 26, 2016 (*Vigrass*)
66. Christopher Wallgren, web form received May 14, 2016 (*Wallgren*)
67. Linden Wallner, email dated May 27, 2016 (*Wallner*)

3. RESPONSES TO COMMENTS

3.1. ENVIRONMENTAL REVIEW PROCEDURES AND PUBLIC OUTREACH

Comment 1: Table 1, “List of Lead, Cooperating, and Participating Agencies” in the Scoping Document does not list MTA. As there are potential effects of the Project on MTA services—subway, bus, commuter rail—MTA should be included as a participating agency for the Project. (*Schreibman-MTA-NYCT*)

As NJ TRANSIT operates rail service in New York under contract with MTA Metro-North, MTA and Metro-North should be included as a participating agency in the Project. (*Day-Rockland County Executive*)

Response: In response to this request, MTA has been invited to be a participating agency for the Project.

Comment 2: Please include the New York City Mayor’s Office of Sustainability (NYCMOS) as a participating agency for the Project. The Project has potential for local impacts, the review, disclosure, and mitigation of which would be coordinated by NYCMOS. Please note that at a minimum the following New York City Agencies will participate due to their purview over the Manhattan areas affected by the proposed Project: New York City Department of City Planning (NYCDCP), New York City Department of Environmental Protection (NYCDEP), New York City Department of Transportation (NYCDOT), New York City Department of Parks and Recreation (NYCDPR), the Mayor’s Office of Recovery and Resiliency (ORR), and the Mayor’s Office of Capital Projects Development (MOCPD). (*Brunner-MOS*)

Response: Each of the New York City agencies identified in the comment has been invited to serve as a participating agency for the Project. NJ TRANSIT and FRA will continue to coordinate environmental review of the Hudson Tunnel Project with these agencies, with NYCMOS as the main point of contact.

Comment 3: EPA recommends that FRA contact the Shinnecock Nation on Long Island to determine the Nation’s possible interest in the area of the proposed tunnel. (*Musumeci-EPA*)

Response: FRA has initiated government-to-government consultation with a number of federally recognized Native American tribes as part of the consultation process being conducted in accordance with Section 106 of the National Historic Preservation Act, including the Shinnecock Nation.

Comment 4: The Hudson Tunnel Project’s public outreach in advance of the scoping meetings was very poor. NJ TRANSIT provided no publicity for the Hudson Tunnel Project scoping meetings, such as alerting the public with seat flyers, press releases, and clear alerts on the agency’s website. There is no indication of this Project on the NJ TRANSIT or Amtrak website or any notice of the Scoping meetings. There is also nothing upfront on FRA’s website. (*Clift*)

IRUM strongly urges the U.S. Department of Transportation (USDOT) to extend the comment period for at least another 30 days to allow affected citizens and local units of government to carefully consider other options. (*Haikalis-IRUM*)

I request that the scoping period be extended to allow another scoping meeting at a New Jersey location better served by transit. A location much more accessible by public transportation should have been chosen, such as in Newark at NJ TRANSIT headquarters or at the North Jersey Transportation Planning Authority offices. The selection of this location was done to discourage people from coming and making their views known; this is in contrast to the hearing in New York City, which was very convenient to transit. (*Alan-Lackawanna Coalition, Cliff*)

The Scoping meetings for the Hudson Tunnel Project were scheduled on dates that conflicted with two other regional transportation project public meetings: the New York Metropolitan Transportation Council's (NYMTC) Rockland County Public Workshop for the Regional Transportation Plan and the New York State Department of Transportation (NYSDOT) open house for the New NY Bridge's Lower Hudson Transit Link project. As both NYMTC and NYSDOT are participating agencies in your project, it would make sense that these dates should have been avoided in scheduling the two Scoping meetings for the Hudson Tunnel Project. (*Rockland County Executive*)

A scoping meeting should be held in Rockland or Orange Counties, New York - the two New York communities on the west side of the Hudson River that are served by NJ TRANSIT. (*Day-Rockland County Executive*)

A Rockland County location should be established as a repository for the Hudson Tunnel Project documents, as the nearest repository is more than 25 miles away from Rockland County. (*Day-Rockland County Executive*)

Response:

Although NEPA does not explicitly require that a scoping meeting be held, scoping meetings were held for this Project in New York City and New Jersey on May 17, 2016 and May 19, 2016, respectively. Notice of the scoping meetings was provided on the Project website (www.hudsonstunnelproject.com) and in newspapers (the Star Ledger, the Hudson Reporter [Bayonne, Hoboken, Jersey City, North Bergen, Secaucus, Union City, Weehawken, West New York zones], the *Jersey Journal*, *AM New York*, *Metro New York*, and *El Especialito*, a Spanish language paper [west side of New York and Hudson County New Jersey editions]). In addition, an email notice was sent on May 2, 2016, to over 500 contacts to inform people about the public scoping meetings and letters were sent to elected officials and other potentially interested parties for whom email addresses were not available. The Project's website, which provides information about the Project, including the Scoping Document, was active when the scoping period began (on May 2, 2016, when a Notice of Intent was published in the Federal Register). FRA issued a Press Release on May 16, 2016 announcing the scoping sessions. Amtrak sent an email "blast" announcing the scoping sessions to a public contact list. In addition, NJ TRANSIT and FRA posted notices about the scoping sessions through their social media channels (e.g., Facebook, Twitter).

The meeting locations and dates were selected based on the availability of suitable, ADA-accessible venues within the areas of New Jersey and New York

City that would be likely to be directly affected by the construction of the proposed Hudson Tunnel Project. Similarly, the repositories where paper copies of the Scoping Document were available for review were selected for locations within or close to the area where Project construction would occur. Because the Proposed Action would not result in changes to future rail service in comparison to the No Action alternative (see response to Comment 12 below), its effects would be limited to the area immediate to the site of the new tunnel, where construction would occur and where permanent structures would be placed. For this reason, FRA and NJ TRANSIT determined that meeting locations and document repository locations close to the Project location were most suitable.

As noted by the commenter, while the location in New Jersey was not directly accessible by rail (although it was convenient to a number of bus routes), the New York City location was accessible by rail, so people wishing to travel to a meeting by rail were able to do so. For interested citizens and organizations who could not attend the meetings in person or travel to one of the document repositories to review the Scoping Document, all Project materials are also available on the Project website; the comment period remained open through the end of May 2016 for submission of comments by mail, email, or through the Project website, and late comments were accepted through the end of July 2016.

NJ TRANSIT's website (www.njtransit.com) includes a link to the Project website. Amtrak's website includes information on the Project as well as a link to the Project website in the same place as the information on other Northeast Corridor improvement projects (access directly via the following link: <http://www./nec.amtrak.com/projects>). FRA's website also includes information about the Project (access directly via the following link: <http://www.fra.dot.gov/Page/P0937>).

Regarding the length of the scoping comment period, there is no specified time period in regulations. Scoping comment periods for NEPA projects are often 30 days, and for this Project, the comment period was about 30 days (from May 2 through May 31, 2016). Comments received after this date through the end of July were also considered. Please note that scoping is the first step in the environmental review process and there will be additional opportunities for public input and comment as project documents are developed and the design evolves. Given the critical importance of repairing the existing North River Tunnel as soon as possible, all steps in the environmental review process, including scoping, are being completed under an expedited schedule while still allowing for a thorough environmental review.

Comment 5: A Regional Citizens' Liaison Committee (RCLC) should be created for the entire Gateway Program immediately, covering all elements of Gateway, beginning with the Hudson Tunnel Project. (*Clift, Zebrowski-NY Assembly*)

Without an RCLC, citizens may be voiceless in a process that impacts them in a great way. (*Zebrowski-NY Assembly*)

Create a public involvement process in line with the stated goals of the Public Involvement Plan for this EIS found on page 13 of the April 2016 Scoping Document. RCLCs for both the Access to the Region's Core (ARC) and Portal

Bridge Capacity Projects provided an avenue for two-way communications between NJ TRANSIT and interested parties, including rail advocates. The information gained through this process enabled rail advocates to alert decision makers to design flaws and budget problems and forced project planners to address issues that would otherwise have been ignored. The RCLCs also provided a very useful additional source of information for the general public and the reporting media, enabling increased coverage of these key projects. (*Clift*)

Without an RCLC, the required “public participation” process would have no meaning. (*Alan-Lackawanna Coalition*)

Response: The Hudson Tunnel Project is a critical resiliency project that would allow Amtrak and NJ TRANSIT to continue to provide reliable train service well into the future. As discussed in response to Comment 12 below, on its own, the Project would not result in a capacity increase on the Northeast Corridor (NEC) or notable changes to future service in comparison to the No Action Alternative. The Hudson Tunnel Project will be designed so as not to preclude other future projects to expand capacity in the area and may ultimately be an element of a future, larger program to expand rail capacity. By contrast, the Gateway Program is a long-term plan to improve rail service along the NEC in the area between Newark, New Jersey, and PSNY and meet the demand for increasing ridership. For this reason, an RCLC is not proposed for the Hudson Tunnel Project itself. The Project will include public outreach and opportunities for public involvement, including briefings for local government entities and stakeholders to provide information, answer questions, and receive feedback. In addition, the lead agencies will prepare Project newsletters and fact sheets, and hold public information session and public meetings to provide information about the status of the Project and solicit feedback at key Project milestones.

Comment 6: EPA recommends that both the Access to the Region's Core (ARC) Project Final EIS and the Gateway Feasibility Study be placed on the new Hudson Tunnel Project website as soon as possible, with an explanation of how those projects relate to this project. (*Musumeci-EPA*)

Response: A link to information about the Gateway Program has been provided on the Project website under the “Library” tag. Information on how the current Project relates to the previous ARC project and the Gateway Program is provided on the Project website under “FAQ”. The lead agencies believe that providing a link to the ARC project documents may lead to confusion, since the current Project is not the same as the ARC project.

3.2. PROJECT DEFINITION AND PURPOSE AND NEED

Comment 7: Who will actually own and be responsible for the new tunnel? Existing tunnel and right-of-way is owned by Amtrak but NJ TRANSIT is leading process as well as uses the tunnel much more than Amtrak. If not decided early on, the Project will see enormous increased costs just by having too many individuals involved for commenting and management. (*Adler*)

Response: Amtrak owns, maintains, and operates the existing NEC tunnel beneath the Hudson River, known as the North River Tunnel. The North River Tunnel is a critical component of the NEC. As the nation’s intercity passenger rail operator,

Amtrak operates over the entire Northeast Corridor, providing regional service, long distance service, and high-speed Acela Express service. Amtrak owns the majority of the NEC, including the existing North River Tunnel. Ownership of the proposed new tunnel has yet to be determined.

As a state transit agency, NJ TRANSIT is eligible to serve as Hudson Tunnel Project sponsor for the EIS prepared in accordance with the NEPA process, whereas Amtrak is not, given its status as a private, for-profit organization. NJ TRANSIT also has a long history of managing EIS and other NEPA documents for major rail investment projects. Amtrak is managing the Preliminary Engineering required for the Hudson Tunnel Project, including the design for construction of the new Hudson River Tunnel and the design of the rehabilitation of the existing North River Tunnel. The Preliminary Engineering effort will be conducted in coordination with the EIS.

Comment 8: The Scoping Document and subsequent EIS need to be clear and consistent throughout in their usage of the terms "tunnel" and "tubes." Explain how these terms are used within the scope of this Project; if used interchangeably, this may cause confusion in the level of environmental impacts expected. For example, is the tunnel boring machine being used in one direction for one tube or for two tubes which constitute one tunnel? (*Musumeci-EPA*)

The Project should not be called "the Hudson Tunnel Project," it is the Hudson Tunnels Project. There are two tunnels they're planning to build. (*Cliff*)

Response: Future documentation will clarify the terms "tunnel" and "tubes." The proposed new rail tunnel, like the existing North River Tunnel, would consist of two separate single-track tubes, which are collectively referred to as one tunnel. Cross passages connecting the two separate track enclosures (or "tubes") would allow passengers to walk from one track to the other in the event of an emergency evacuation. Each new single-track tube would be bored separately by a tunnel boring machine. Similarly, the Lincoln Tunnel and Holland Tunnel, which provide Hudson River crossings for roadway vehicles, each actually consist of multiple, separate tubes (three for the Lincoln Tunnel and two for the Holland Tunnel) that are collectively considered to constitute one tunnel.

Comment 9: To unlock the full potential of the new tunnels and better serve commuters and contain costs, RPA recommends that the Hudson Tunnel Project scope incorporate the following operational and design elements: The alignment of the new tunnels should prioritize the needs of commuters, improving connections between rail and subway platforms at PSNY—the tunnels should be sited closer to subway stations. (*Barone-RPA*)

Response: As outlined in the April 2016 Scoping Document, the Project is intended to provide a new two-track tunnel that will maintain NEC traffic and allow for the off-line rehabilitation of the existing North River Tunnel. The Project would terminate at the PSNY complex in Manhattan, and would not include any rail and subway connections or improvements to existing connections. A key Hudson Tunnel Project goal is not precluding future expansion projects.

Comment 10: Include or change the Scope of Work as follows:

Change Goal #4:

- Change “Do not preclude future trans-Hudson rail capacity expansion projects” to “Maximize the opportunity to build cost-effective trans-Hudson rail capacity expansion and service quality improvement projects.”
- Change “Allow for connections to future capacity expansion projects” to “Allow for the most-cost effective connections possible to future rail capacity expansion and service quality improvement projects”

Add a sixth Goal:

- Maximize the opportunity to add peak hour trans-Hudson train capacity in increments by providing an alignment that makes possible building a series of smaller scope projects, each adding some train capacity. (*Cliff*)

Response: Given the critical need to complete the Hudson Tunnel Project as soon as possible to address the ongoing deterioration of the North River Tunnel, the Project sponsors believe that the Hudson Tunnel Project must move forward independently of other possible future expansion projects. The suggested revisions would require that the Hudson Tunnel Project develop a range of alternative expansion scenarios, which are outside the scope of the Project itself. Rather, the existing goals and objectives for this Project allow it to move forward independently without adversely affecting the opportunity to build future cost-effective rail capacity expansion and service quality improvement projects.

Comment 11: Please include in the Scoping Document that no stops are planned along West 33rd or 34th Streets between Eighth Avenue and Twelfth Avenue. (*Brunner-MOS*)

Response: That is correct. As described in the April 2016 Scoping Document, the new tunnel to be constructed would extend from a point just east of Secaucus Junction Station in Secaucus, New Jersey, to the existing tracks that lead into PSNY in Manhattan. Within that area, the Project would include a new tunnel, new track connections at either end, and new ventilation structures. No new stations or station access are planned in Manhattan.

Comment 12: What is the difference between the Hudson Tunnel Project and the Gateway Program? Will either project construct any new tunnels under 34th Street east to Sixth Avenue to expand entrances to Penn Station or is the plan just to expand Penn Station west into the Farley Post Office? (*Hedaya-Kids Cuts*)

Response: The Hudson Tunnel Project would create a new rail crossing of the Hudson River to be used by Amtrak and NJ TRANSIT trains. Once trains have shifted to the new crossing, the existing tunnel, which was damaged during Superstorm Sandy, can be repaired. The purpose of the Project is to allow this critical repair while maintaining uninterrupted commuter rail service between New Jersey and New York and intercity NEC rail service. When completed, the Project would address a critical infrastructure need and would also strengthen the resiliency of the NEC to provide reliable service by providing redundant capability at the critical Hudson River crossing. The Hudson Tunnel Project would connect to the existing tracks leading into PSNY in Manhattan and would not include any changes to PSNY itself, although it would include track connections from the

new tunnel to existing tracks serving PSNY. The Hudson Tunnel Project would not involve the construction of any tunnels under 34th Street east to Sixth Avenue.

While the Project addresses maintenance and resiliency of the NEC Hudson River crossing, it would not on its own increase rail capacity on the NEC into and out of PSNY. At the same time, the Project would not preclude other future projects to expand rail capacity in the area. Accordingly, while the Project may also be an element of a future, larger program to expand rail capacity, it would meet an urgent existing need and will be evaluated as a separate project from any larger initiative. Ultimately, an increase in service between Newark Penn Station and PSNY cannot be realized until other substantial infrastructure capacity improvements are built in addition to a new Hudson River rail tunnel. These improvements will be the subject of one or more separate design, engineering, and appropriate environmental reviews.

By contrast, the Gateway Program is a long-term plan to improve rail service along the NEC in the area between Newark, New Jersey, and PSNY and meet the demand for increasing ridership. When implemented in combination with the Hudson Tunnel Project, the full Gateway Program will create new track, tunnel, bridge, and station capacity that will allow for the potential to double the number of passenger trains crossing under the Hudson River. These additional Gateway Program elements include the expansion of PSNY, the nation's busiest train station; the replacement of the NEC's Portal Bridge; reconfiguration of the Secaucus Junction Station in Secaucus and construction of the "Bergen Loop" tracks; as well as updates to, and modernization of, existing infrastructure, such as the electrical system that supplies power to the 450 daily trains using this segment of the NEC.

Specific plans for expanded Penn Station capacity as part of the Gateway Program have not yet been developed.

3.3. PROJECT COST AND FUNDING

Comment 13: I oppose spending taxpayer dollars for this tunnel. Rather than wasting tax dollars, fix the old tunnels. There is no money for this project. It needs to be put off. (*Publiee*)

Response: The proposed Project is a critical project required to meet the urgent need to repair the existing rail tunnel beneath the Hudson River. The existing rail tunnel beneath the Hudson River cannot be expeditiously or completely rehabilitated without taking it out of service. To do so without having a new tunnel to carry the existing rail traffic would severely reduce the number of trains that could serve PSNY. Because of the importance of the North River Tunnel to essential commuter and intercity rail service between New Jersey and New York City, rehabilitation of the existing North River Tunnel needs to be accomplished without unacceptable reductions in weekday service. Therefore, repairing the existing tunnel without a new tunnel in place to carry train service is not a reasonable alternative.

Comment 14: What are potential funding mechanisms to help pay for actual construction of the Hudson Tunnel Project? (*Wallner*)

Response: The funding sources for the Hudson Tunnel Project are still being determined and could include a combination of federal, state, local, and possibly private funding.

Comment 15: All alternatives studied in the EIS should consider constructability issues and aim to create a work site, timeline, and project design that is as efficient and cost-effective as possible. Project design and delivery alternatives that will lower the capital costs of the Project should be explored. Such alternatives may include assessment of the costs and benefits of shorter full service closures at work sites compared to extended partial closures. The means of accommodating construction work windows by providing greater flexibility in existing service plans should be examined. (*Barone-RPA*)

Response: Any alternative chosen for advancement in the EIS will consider the issues of constructability and cost-effectiveness. Because this is a critical infrastructure project that has a primary goal of repairing the existing North River Tunnel damaged by Superstorm Sandy while maintaining uninterrupted NEC service, expediting the Project timeline is also of primary importance. As envisioned, the Project would require very few short-term rail service interruptions, as the majority of the work would occur off-line for construction of the new tunnel, and the rehabilitation of the existing tunnel would not commence until the new tunnel is placed into service. The Project goals and objectives have been revised to reflect the fact that it is important to develop the Project in a cost-effective manner.

3.4. ALTERNATIVES

Comment 16: In examining the No Action (No Build) Alternative, the Northeast Corridor Commission encourages FRA and NJ TRANSIT to quantify and underscore the negative impacts of not proceeding with the proposed investment program. The NEC operates as a system where delays in one location have ripple effects impacting commuter and intercity rail passengers throughout the network. Nowhere is this vulnerability more real than in the Hudson River Tunnel, the NEC's most densely traveled stretch with up to 24 trains per hour on a single peak-direction track. Failure to invest in a new crossing and rehabilitate the existing tunnel would further reduce service reliability on the NEC where delays due to infrastructure condition and rail congestion already cost the U.S. approximately \$500 million annually in lost productivity. Potential capacity reductions would push additional travelers onto the already congested highway, transit, and aviation networks, resulting in overcrowding and delays on those modes and subsequent lost productivity. (*Redeker-NCC*)

Response: Comment noted. The EIS will discuss the effects of not proceeding with the Hudson Tunnel Project in its evaluation of the No Action Alternative.

Comment 17: We suggest that the EIS evaluate the consequences of curtailment or disruption of use of the existing tunnel before the Hudson Tunnel Project becomes operational. This is not an assessment of the Future Without Action. It would be an assessment of the consequences of any kind of delay in completing the Project. The EIS should consider as an alternative all of the potential but reasonable actions that could be taken to accelerate completion of planning and

design work and initiation and then completion of construction compared to the schedule contemplated. (*Tripp-EDF*)

Response: As noted in the Project's April 2016 Scoping Document, one of the goals of the Project is to "Maintain uninterrupted existing NEC service, capacity, and functionality by ensuring North River Tunnel rehabilitation occurs as soon as possible." Thus, the schedule for completion of the Project will be one of the factors considered when evaluating potential alternatives for the Project. For more comments regarding expedited preparation of the Project's planning, please see Section 3.6.

Comment 18: The Proposed Action must ensure that the Project endpoint, or "terminus," meet the existing rail complex at PSNY to allow connections to station expansion projects in the area of PSNY. (*Daniel*)

The City of New York emphasizes the importance of Goal 4 as stated in the Scoping Document, which is to ensure that the proposed Project not preclude future trans-Hudson rail capacity expansion projects. In so doing, this Project design and plan should not preclude a range of alternatives for potential station expansion projects in the area of PSNY. Among these options may be an expansion to the south of the existing station (located generally under Block 780), an expansion beneath the existing station, or beneath 34th Street. It is our understanding that any potential future PSNY station expansion would be subject to a full public planning and environmental review process. (*Brunner-MOS*)

Please describe how the proposed Project relates to the tunnel casing work evaluated in the NEPA analysis for the Western Rail Yard EA in August 2014 (Supplemental Environmental Assessment for Construction of a Concrete Casing Extension on the Hudson Yards, New York, NY; by Amtrak and the FRA). (*Brunner-MOS*)

Tunnel alignments that are evaluated should not be limited to only alignments that support existing tunnel boxes constructed as part of the Hudson Yards development and the Block 780 proposal. All feasible alternatives must be explored. (*Barone-RPA*)

Design of passenger areas (Penn South or other) should be incorporated into the plans for the tunnel and track level. Although the rail deterioration of the North River tunnels calls for expediency, the alignment of the tunnels will dictate what capacity improvements are eventually implemented at Penn Station. Ignoring this fact will limit the options available at Penn Station and could result in a subpar outcome for commuters. The tunnel alternatives should be paired with various station options, including, but not limited to the existing Amtrak Block 780 concept. (*Barone-RPA*)

Although the Hudson River Project is primarily focused on restoring the North River tunnels, tunnel alignment alternatives must incorporate Governor Cuomo's planned improvements to the Empire Station Complex, while not foreclosing opportunities for additional and more substantial transit capacity, life safety, circulation and public space improvements in the future. (*Gouveia-MASNYC*)

MAS understands that in an effort to expedite the construction of the tunnels, other elements of Amtrak's Gateway Program, including the expansion of Penn Station south to Manhattan's Block 780, are not included in the scope of the current Project. However, in order to maximize the return on the proposed investments, the EIS should evaluate the proposed tunnel and existing tunnel repairs in coordination with platform area enlargements and improvements anticipated for the planned expansion of Penn Station or Amtrak's Block 780 project. (*Gouveia-MASNYC*)

Response: The Hudson Tunnel Project's eastern terminus would be the existing tracks leading into PSNY in Manhattan. No changes east of that point, including at the station's passenger areas, platforms, or tracks, will be included in this Project. As noted in the Project's Scoping Document and by some of the commenters, one of the goals of the Project is that it not preclude future expansion projects in the vicinity of PSNY. With this important consideration in mind, the Hudson Tunnel Project will be designed to allow for connecting with a range of potential station expansion projects.

Given the critical need to complete the Hudson Tunnel Project as soon as possible to address the ongoing deterioration of the North River Tunnel, the Project sponsors believe that the Hudson Tunnel Project must move forward independently of other possible future expansion projects. The suggested revisions would require that the Hudson Tunnel Project develop a range of alternative expansion scenarios, which are outside the scope of the Project itself. Rather, the existing goals and objectives for this Project allow it to move forward independently without adversely affecting future expansion projects.

As described in the Project's Scoping Document, the Project must connect to the existing tracks that lead into PSNY. This connection can only be made at the southwestern end of PSNY, because areas farther north are occupied by the existing tracks from the North River Tunnel, Amtrak's Empire Line (which heads north to Albany), and tracks connecting to LIRR's West Side Yard. To make this new connection, the new tunnel must connect to the right-of-way being preserved by Amtrak through the John D. Caemmerer Yard (Western and East Rail Yards), which provides the only feasible route for the new tracks to connect to the existing tracks at PSNY beneath the Hudson Yards overbuild development. If any other alignment were available, it would require extensive acquisition of private property and disruption to existing land uses.

Comment 19: Expanding Penn Station to the south would result in serious adverse impacts, with its substantial displacement of thousands of employees in dozens of structures that would have to be demolished in the blocks south of Penn Station. (*Haikalis-IRUM*)

Response: Comment noted. The Hudson Tunnel Project's eastern terminus would be the existing PSNY complex in Manhattan. No changes east of that point, including any expansion to PSNY, will be considered as part of this Project.

Comment 20: We are commenting on behalf of the property owners of approximately 40 percent of the full block bordered by Seventh and Eighth Avenue between 30th and 31st Streets, the proposed location of the Penn Station South expansion. The properties include an active Catholic church, a church office building, and a

parking garage servicing many individuals and businesses in the area as well as Madison Square Garden events.

The EIS must consider the consequences of the Gateway Program on zoning, land use, and urban policy in the areas immediately impacted by the construction and operation of the Gateway terminal station, including the impacts caused by the uncertainty in schedule of the Gateway Program. This analysis is consistent with Goal 5 identified in the Scoping Document, namely to "[m]inimize impacts on the natural and built environment" and to "[s]trive for consistency with local plans and policies".

If built, the Gateway Program will end in a station located between West 30th Street and West 31st Street (the "Station Block"), immediately south of and connected to the Penn Station terminal, and accordingly the Station block is likely to experience the most impacts from the Project, both during and after construction. Penn Station is the most active transportation complex in New York City, and the blocks surrounding Penn Station are ideally situated for high density transit-oriented development. However, the current zoning for the Station Block is obsolete and is ripe for a rezoning. The Station Block should have a density comparable to the surrounding properties today, and the EIS must consider how and whether the Gateway Program is interfering with the appropriate zoning and development of the Station Block. (*Gordon-Meyers Parking*)

Response: Comment noted. The Hudson Tunnel Project would create a new Hudson River rail tunnel to be used by Amtrak and NJ TRANSIT trains. Once trains have shifted to the new tunnel, the existing tunnel, which was damaged during Superstorm Sandy, can be repaired. The purpose of the Project is to allow this critical repair while maintaining uninterrupted commuter rail service between New Jersey and New York and intercity NEC rail service. The Hudson Tunnel Project's eastern terminus would be the existing tracks leading into PSNY in Manhattan. No changes east of that point, including any expansion to PSNY, will be considered as part of this Project. By contrast, the Gateway Program is a long-term plan to improve rail service along the NEC in the area between Newark, New Jersey, and PSNY and meet the demand for increasing ridership. Any expansion to PSNY capacity would undergo its own separate environmental review in accordance with applicable federal and state regulations.

Comment 21: The EIS should consider whether the Build alternatives would be compatible with future through-running of NJ TRANSIT trains onto the MTA's Long Island Rail Road (LIRR) and Metro-North Penn Station Access to create a regional rail network and mitigate terminal capacity problems. (*Sanderson*)

Manhattan terminal options should be considered in this EIS Scoping process, including the direct Penn Station-Grand Central Terminal connection, studied in detail in the ARC Major Investment Study (MIS). The full details of all options studied in the ARC project should be made available to the public as part of the scope of this EIS. Linking west of Hudson commuters and employees with the concentration of office buildings in East Midtown would make the new tunnel much more useful. (*Haikalis-IRUM*)

To unlock the full potential of the new tunnels, better serve commuters and contain costs, RPA recommends that the Hudson Tunnel Project scope incorporate tunnel alignments that improve rail to local transit (subway/bus) connections and accommodate future through-running service, providing direct commuter rail connections between New Jersey, New York City, Long Island, the Hudson Valley and Connecticut. Alignments that promote through-running of commuter rail services and more direct connections to urban transit should be evaluated, even if those alignments don't "align" with current Block 780 proposal. (*Barone-RPA*)

What steps are being taken to include potential future connections to Grand Central Terminal (either to Metro-North or East Side Access)? (*Marston*)

We are concerned that the proposed stub-end "Penn South" terminal would preclude the long-term objective of extending NJ TRANSIT service from Penn Station to Grand Central Terminal, by substituting a less-beneficial use for the money spent on additional capacity. (*Alan-Lackawanna Coalition*)

Although the primary purpose is to rehabilitate the existing Hudson River tunnels, the Project is undeniably connected a number of long-range infrastructural improvements that would affect area transportation for generations. The EIS needs to evaluate tunnel alignments that provide optimal connections to local subway and bus lines, while also accommodating potential through-running service for commuter rail lines (i.e., NJ TRANSIT and LIRR). (*Gouveia-MASNYC*)

The Hudson Tunnel Project needs to be built with the potential for additional through service, not to terminate in a stub in Macy's basement like the previous ARC project. (*Payton*)

Running commuter trains between Long Island and New Jersey, rather than terminating them at Penn Station, could double capacity while opening up jobs to those on both sides of Manhattan. (*Untermeyer*)

Response: The Hudson Tunnel Project would create a new Hudson River rail tunnel to be used by Amtrak and NJ TRANSIT trains. Once trains have shifted to the new tunnel, the existing tunnel, which was damaged during Superstorm Sandy, can be repaired. The purpose of the Project is to allow this critical repair while maintaining uninterrupted commuter rail service between New Jersey and New York and intercity NEC rail service. The Hudson Tunnel Project's eastern terminus would be the existing tracks leading into PSNY in Manhattan. No changes east of that point, including any expansion to PSNY, will be included in this Project. One of the goals of the Hudson Tunnel Project is to not preclude future expansion projects, such as those described in the comment.

Comment 22: Commuters and long-distance travelers deserve the reliability and potential for service expansion that the Project would provide. However, the PSNY complex is adversely affected by a lack of coordination between the railroads that operate there and even with new tunnels, the LIRR, NJ TRANSIT, and Amtrak will still use the same tracks, cramped platforms, and infrastructure. As such, I urge the railroads, our elected officials, and the general public to use this project as an opportunity to promote the type of cooperation and integration that our current system lacks. Coordinated communications and ticketing should be

considered. Collaboration on the environmental scoping process is an encouraging first step, and should serve as a blueprint as work continues. (*Untermeyer*)

MAS has long called on elected officials to develop a long-term vision for both trans-Hudson transportation capacity and a forward looking vision for West Midtown. We therefore request that the EIS carefully and comprehensively evaluate how best to coordinate the Project with other related planning efforts, including the Empire State Complex proposal, the Penn Station South Project (Block 780), and the Port Authority Bus Terminal Master Plan. (*Gouveia-MASNYC*)

Response: The Project partners are pursuing a Gateway Development Corporation to effect the execution of the Hudson Tunnel Project. The purpose of this corporation is to ensure continued coordination among the various Project partners during development of the Project. NJ TRANSIT and FRA, along with Amtrak, PANYNJ, and other agency partners are committed to continued coordination and cooperation for the Hudson Tunnel Project. In addition, the FRA's role in coordination of long-term planning for the NEC will provide a continued opportunity for ongoing coordination and planning. Amtrak, NJ TRANSIT, and MTA LIRR regularly coordinate regarding both current and future operations at PSNY.

Comment 23: The Proposed Action must ensure that the Project's endpoint, or "terminus," meets the interlocking near Secaucus Junction Station to allow connections to future expansion projects. (*Daniel*)

Response: As described in the April 2016 Scoping Document, the Project's western terminus is the interlocking just east of Secaucus Junction Station. One of the goals of the Project is to not preclude future expansion projects.

Comment 24: We agree with the priority given the Hudson Tunnel Project within the larger Gateway Program. As the broader Gateway Program continues, we cannot neglect other aspects of Gateway that are critical for New Jersey and the Meadowlands. These include: an Amtrak stop at the Secaucus Junction Station, the Bergen Loop, and completion of the Portal Bridge replacement. (*Kirkos-MRC*)

Full consideration should be given to all options, including the economic impact of postponing, or even eliminating the replacement of the Portal Bridge. (*Haikalis-IRUM*)

Response: Comment noted. As acknowledged by the commenter, the Hudson Tunnel Project has the specific goal of allowing expedited rehabilitation of the existing NEC rail tunnel beneath the Hudson River; no changes are proposed at Secaucus Junction Station, and the station is outside of the Project area. While the Proposed Action may also be an element of a future, larger program to expand rail capacity, it would meet an urgent existing need and will be evaluated as a separate project from any larger initiative. According to the Gateway Partners' Memorandum of Understanding, the Bergen Loop will be included in the Gateway Program and will be the subject of a separate environmental review from the Hudson Tunnel Project (see response to

Comment 12). Changes to service at Secaucus Junction Station may also be included as part of the Gateway Program. The Portal Bridge project is a separate critical infrastructure repair project. It has already undergone its own separate environmental review and approval process. Any decision related to the Portal Bridge Project is independent of decisions related to the Hudson Tunnel Project.

Comment 25: As currently proposed, the Gateway Tunnel Project does not include the much needed "Bergen Loop," which was part of the cancelled ARC project. The "Bergen Loop" would have created one-seat train service from the Pascack Valley, Main, and Bergen Lines into PSNY. The "Bergen Loop" is critically important to the long-term economic viability of Passaic County and North Jersey. To not include this important component in the final Project design would be a lost opportunity. Inclusion of the "Bergen Loop" into the Gateway Tunnel Project will drive our local economy by providing North Jersey commuters with a convenient link into New York City, creating jobs, and raising property values. For this reason, I support the inclusion of the "Bergen Loop" into the Gateway Tunnel Project. (*Stampone-Mayor Haledon*)

The loop at Secaucus Junction Station is a critical component for me and my district so I would like to know if this is included in the Project or not. (*Skoufis-NY Assembly*)

Response: Please see the response to Comment 12, which explains the difference between the Hudson Tunnel Project and the larger Gateway Program. The Hudson Tunnel Project has the specific goal of allowing expedited rehabilitation of the existing NEC rail tunnel beneath the Hudson River. The only components it includes are those related to a new rail tunnel and rehabilitation of the existing tunnel. While the Proposed Action may also be an element of a future, larger program to expand rail capacity, it would meet an urgent existing need and will be evaluated as a separate project from any larger initiative. See the response to Comment 24 above regarding the Bergen Loop.

Comment 26: Any Build Alternatives considered should be designed in a manner not precluding future expansion projects. Please plan and design any and all infrastructure including bridges being built for this project at Secaucus Junction Station in a manner that does not preclude the addition of bypass tracks both to the south and the north of the station. The EIS should evaluate improvements to the existing operational chokepoint at Secaucus Junction Station, where three single-track bridges cross the Norfolk Southern yard east of Secaucus Junction Station to provide access to the four tracks at the station. Unless these bridges are reconstructed, the result will be a three-track chokepoint between the four-track station and a four-track railroad from east of the bridges to PSNY. (*Kambouchev*)

Response: As noted in the April 2016 Scoping Document, one of the goals of the Project is to not preclude future expansion projects. While the scope of the Hudson Tunnel Project does not include this segment of the NEC or the Secaucus Junction Station, the Project would not affect or preclude improvements here at a later date as a separate project.

Comment 27: I support improving the resiliency of the NEC by constructing two new rail tubes to maintain rail service while repairs are made to the North River Tunnel, however I disagree that the Proposed Action should be considered independently of other measures to improve resiliency of the system. The stated Project Purpose includes strengthen[ing] the NEC's resiliency to support reliable service by providing redundant capability under the Hudson River. This redundant capability could be dramatically augmented by adding a new NEC station in northern Hoboken, or a nearby area, at a site which will already require significant construction due to the need to construct a proposed ventilation shaft. A station in north Hoboken could connect to the existing Hudson-Bergen Light Rail line, which in turn connects to the PATH, NY Waterway ferries, and other transit options. This would greatly enhance the resiliency of the regional transportation network to the inevitable service disruptions, infrastructure challenges and population growth we are facing today and in the near future. In addition, it would provide expanded transportation options for the densely-populated Hudson River communities from Bayonne to North Bergen. This project should contemplate and include in the alternatives analysis a new station at the site of the proposed ventilation shaft in northern Hoboken or a surrounding location. (*Zimmer-Mayor Hoboken*)

I urge FRA and NJ TRANSIT to strongly consider including an added station in Hoboken or the surrounding area; this would improve the regional transportation network's resiliency in both the short and long terms and would meet the Project's primary objectives of strengthening the NEC's resiliency and enhancing operational flexibility. An added station should connect with the Hudson-Bergen Light Rail network and would thus take pressure off the PATH system. (*Fulop-Mayor Jersey City*)

Response: As described in the April 2016 Scoping Document, the purpose of the Project is to preserve the current functionality of Amtrak's NEC service and NJ TRANSIT's commuter rail service between New Jersey and PSNY by repairing the deteriorating North River Tunnel; and to strengthen the NEC's resiliency to support reliable service by providing redundant capability under the Hudson River for Amtrak and NJ TRANSIT NEC trains between New Jersey and the existing PSNY. An additional station along the tunnel route would be counter to that purpose and need. By adding time for stopped trains within the tunnel, this alternative would reduce the capacity of the tunnel to process trains and would therefore reduce the capacity of the NEC into and out of Manhattan so that it could not support the peak hour train operation of 24 trains per hour. This is not consistent with the purpose and need for the Project. Such a station would add substantially to the Project cost, which is not consistent with Project goals. In addition, once the new tunnel and rehabilitation of the existing tunnel are both complete and trains into and out of PSNY are operating using four tracks under the Hudson River, the need to stop certain trains at a new station stop along the tunnel route would greatly reduce the operational flexibility and redundancy of the new system, because trains headed to and from that station stop would have to use the new tunnel and would not have the option of using the existing tunnel, which does not have a stop in the same location. Finally, a new station stop along the tunnel route would also add to the travel time for thousands of rail passengers each day who are making trips by rail to and from New York City

from destinations farther than Hoboken, which is not consistent with goals and objectives for the Project.

Comment 28: The EIS should look at the ARC DEIS routing, which put two additional tracks right on the NEC west of the tunnel portal—one on the south side of the NEC and the other on the north side. This was accomplished by including a “duck-under” for the northern of the two tracks coming out of the tunnel. The two new tracks were to serve as new local tracks on the NEC. A single four-track corridor is far more flexible, more capable, and higher capacity than two separate two-track railways. Upgrading a two-track railroad into a four-track railroad can be done in a series of smaller scope projects that each provide an incremental increase in trains capacity, reliability and/or redundancy. (*Clift*)

Why are you only building two more tracks? You are going to be mobilizing for a once-in-a-lifetime civil engineering effort, all you'll be doing is guaranteeing the exact same capacity for over a decade, given that the old tubes will be shut down for upgrades? Why not build four tracks? (*Wallgren*)

Response: The Hudson Tunnel Project differs from the approved ARC project, which, as noted by the commenter, would have provided two separate two-track routes on the NEC approaching the two tunnels (the North River Tunnel and the new ARC tunnel). The Hudson Tunnel Project proposes to add two new tracks to the NEC east of Secaucus Junction Station, connected to the NEC via an interlocking that provides flexibility for trains entering and exiting either tunnel.

The Project would add two new tracks in a new tunnel beneath the Hudson River to preserve the functionality of the existing NEC connecting to PSNY. Once the rehabilitation of the existing North River Tunnel is complete (estimated to take approximately three years), both tunnels would be available, resulting in four tracks beneath the Hudson River rather than two. This would strengthen the reliability of rail service on the NEC by providing redundant capability at the critical Hudson River crossing to reduce commuter and intercity rail delays caused by unanticipated events or routine maintenance. The lack of redundant capability across the Hudson River today means that any service outage, either unplanned or for planned maintenance, results in substantial reductions to NEC reliability and on-time performance. Once the Project is constructed, maintenance can take place without these service disruptions.

As described in response to Comment 8, the proposed new rail tunnel, like the existing North River Tunnel, would actually consist of two separate single-track tunnels, or “tubes.” Each new single-track tube would be bored separately by a tunnel boring machine. Each tube would be sized as needed to accommodate a single track, and therefore any alternative that adds additional tracks (for example, to build four new tracks instead of two) would require additional single-track tunnels bored under the Hudson River. Larger tunnels big enough to accommodate two tracks cannot be constructed at a depth appropriate to meet the existing tracks of the PSNY complex. A larger tunnel would have to be deeper, in order to provide adequate cover above the tunnel to maintain tunnel stability. However, a deeper tunnel could not meet the existing tracks that connect to PSNY while maintaining the shallow grade (no more than 2.1 percent) required for passenger train operations. These issues in turn would

mean that the resulting tunnel would not meet the purpose and need for the Project.

Comment 29: The EIS should consider phasing of construction for the tunnels, if such action will accelerate completion of the tunnel and allow for one of the existing, compromised tunnels to be taken offline and repaired more rapidly. This action should be considered only if there are appreciable benefits to be gained. (*Hollweck-NYBC*)

The evaluation of alignments should include an analysis of the cost and independent utility of building both tubes as a single project and building the two tunnel tubes as separate projects. With scarce capital funds, it would make good sense to build only one new tunnel tube initially and spend the cost of the second on improvements to the west that add peak hour train capacity, provided that one tube connected to a two-track tunnel box that begins at Twelfth Avenue in Manhattan would provide sufficient peak-hour train capacity to allow one of the existing tubes to be taken out of service for rehabilitation, then the other. (*Clift*)

Response: As noted in response to Comment 8 above, the proposed new rail tunnel, like the existing North River Tunnel, would consist of two separate single-track tubes, which are collectively referred to as one tunnel. Cross passages connecting the two separate track enclosures (or “tubes”) would allow passengers to walk from one track to the other in the event of an emergency evacuation. Each new single-track tube would be bored separately by a tunnel boring machine. If the Project included only one new track beneath the Hudson River, this would result in a total of only three tracks on the NEC beneath the river, which would not meet the purpose and need for the Project. One new track would not provide sufficient peak-hour train capacity to allow one of the existing tracks to be taken out of service for rehabilitation. In this alternative, while one tube of the North River Tunnel is closed for rehabilitation, train traffic could move from that tube to the new single track of the new tunnel. However, since the North River Tunnel and tracks frequently require unplanned maintenance to address ongoing deterioration, having no second new tube to handle the rest of the train traffic from the North River Tunnel would mean that this alternative would not allow reliable service.

Additionally, a single new tube would not meet the requirements of the National Fire Protection Association (NFPA) Standard 130 related to fire life-safety requirements for new transit systems, because it would not provide adequate safe havens for passengers in the event of an emergency in the new tunnel. These can only be provided by cross passageways to an adjacent tunnel tube. In contrast, the proposed Project’s two tubes would be connected by cross passages, which would allow passengers to move to the second tube in the event of an emergency. Further, phasing the construction of the second tube at a later date would still require installations within access facilities/shaft to be constructed for two tubes. Actual construction of the second tube and its enclosure would require interrupting operation of the first tube to make required connections to track and support systems. The Project would need a new access point for tunneling operations as the initial shafts will have been outfitted with required railroad systems.

Comment 30: To unlock the full potential of the new tunnels, better serve commuters and contain costs, the Hudson Tunnel Project should accommodate future freight-passenger mixed operations. The study should determine the height, width and grade requirements necessary to allow for the future operation of freight rail, double-stack containers (20'2" clearance, with buffer likely closer to 22') through the tunnels during off-peak/overnight periods, and how they can be accommodated. Once the two new tunnels are completed and the North River tunnels are rehabilitated, there will be sufficient capacity to support overnight freight service. Running freight through Gateway may be a far more efficient means of moving long-haul intermodal and bulk commodities from New Jersey to geographic Long Island than existing truck and rail options. Overnight freight service would utilize idle rail capacity, reduce roadway congestion and contribute revenue through track access fees paid by the private railroads. (*Barone-RPA*)

The Hudson Tunnel Project should be designed to be used jointly by passenger and freight trains. The Hudson Tunnel Project should be designed to have clearances that accommodate double stack container cars. At a future date, the new tunnel must continue across Manhattan and under the East River to connect logically to the rail system on Long Island. The line to Newark must just also connect to the existing Iron Bound freight line just across the Passaic River. The provision of freight-passenger mixed operations would have a lower investment cost than a long underwater tunnel from Jersey City to Brooklyn and related infrastructure improvements on the Bay Ridge Line. A joint facility using more of that capacity will generate far greater public benefits per dollar invested. Including freight movement in the Hudson Tunnel Project would reduce air pollution effects on residents adjacent to highways connecting to the George Washington Bridge and at other locations. It would also reduce reliance on the George Washington Bridge and provide an alternative means of moving supplies to the region should existing routes be compromised. The Hudson Tunnel Project EIS should include a comparison of the construction cost, operating cost, income, environmental impact, and potential for emergency response of the Hudson Tunnel Project as proposed and a tunnel that could be used both by passenger and freight trains. The need to repair and expand the existing and vital cross Hudson rail passenger tunnels will preclude the building of a standalone all freight tunnel between New Jersey and New York until after the full Gateway Program is completed. (*Galligan-East Hudson Task Force*)

What steps are being taken to include potential future use by freight rail? (*Marston*)

A two-track tunnel has a huge capacity, well able to handle passengers and freight. Either a freight or passenger tunnel will sit nearly empty and lightly used for nearly half a day. A joint facility using more of that capacity will generate far greater public benefits per dollar invested. In addition, freight trains using the tunnel would be electric, eliminating all local pollution now generated by a minimum of the 1,400 trucks a day the Tier 1 study finds would be rerouted from highway to rail by a tunnel. (*McHugh*)

Consideration should be given to the potential for accommodation of possible future off-hour freight service options which could help remove trucks from New York City streets and highways and support more environmentally friendly rail

and intermodal goods movement. Towards this end, the tunnel purpose and need should consider a tunnel that accommodates vertical clearance for rail freight and the possibility of through service for trains that includes service either to meet a New York State standard size clear opening of 23 feet or height profiles of future train equipment that could operate on the NEC through the Hudson River tunnels and over the Hell's Gate to enable the possibility of congestion relief on the regional highway and city road network. (*Brunner-MOS*)

The Gateway Tunnel presents a unique opportunity for our region to catch up with the nation in the share of our freight shipped by rail. A new freight-capable tunnel beneath the Hudson River would improve the quality of our air, the congestion and safety of our roads, the resilience of our infrastructure and our prospects for job growth. We therefore respectfully request that you incorporate mixed freight and passenger rail operations into the scope of the Project. Given the rarity with which such enormous and complex projects are undertaken, it is critical that we take full advantage of the possibility now before us; we do not anticipate seeing it again in our lifetimes. Operating freight trains through the Gateway Tunnel could even help defray the Project's daunting costs. (*New York City and State Elected Officials*)

Response: A shared passenger rail and freight tunnel beneath the Hudson River would not meet the purpose of the Hudson Tunnel Project, which is related to passenger service rather than freight service, and in fact would be in conflict with the purpose and need, as follows:

- The new tunnel included in the Hudson Tunnel Project must connect to existing tracks leading into PSNY, which requires the tunnel to be relatively shallow beneath the Hudson River and its navigation channel to allow a connection to the existing tracks that lead into PSNY while maintaining a grade appropriate for passenger trains (no more than 2.1 percent grade). A tunnel that accommodates freight trains would have to be larger in diameter than a passenger tunnel, which would require a deeper depth under the Hudson River for tunnel stability. However, it would also require a shallower grade to accommodate freight trains, making it impossible to pass beneath the navigation channel of the Hudson River and connect to the existing tracks at PSNY while maintaining the appropriately shallow grade required for freight trains. The following points illustrate this problem:
 - The proposed new passenger rail tunnel would have an inside diameter of approximately 25 feet and an outer diameter of approximately 28 feet to provide appropriate clearances for Amtrak and NJ TRANSIT passenger trains and enough space for bench walls (in which certain utilities are located), overhead contact system (to provide electric power to the trains), and emergency evacuation paths.
 - To maintain soil stability, a minimum of half the tunnel diameter (or 14 feet) should be provided above the crown of the tunnel. However, to provide a tunnel that connects to PSNY's existing approach tracks, the passenger tunnel must be fairly shallow in the river. In a small area of the Hudson River near the Manhattan shoreline, less cover is available above the tunnel, which requires ground improvement in this portion of the river bottom.

- To accommodate freight trains, the tunnel would have to be larger in diameter and also have a shallower grade (no more than 1 percent slope). To accommodate freight trains with double-stacked containers, which are typical on the nation's freight system today, the tunnel's interior diameter would have to be increased to approximately 30 feet, for a total tunnel diameter of approximately 33 feet. This size tunnel cannot be built beneath the Hudson River in a way that maintains tunnel stability with appropriate cover above the tunnel and connections to the tracks at PSNY while maintaining an appropriate grade.
- Physical clearance challenges east of the tunnel through Manhattan, at and through PSNY, under the East River to Queens, and west of the tunnel in New Jersey could not accommodate freight movement or would add additional complexity, require additional coordination with third parties, and add potentially prohibitive costs to the Project, as outlined below:
 - PSNY does not have the ability to accommodate freight trains due to its horizontal and vertical clearance restrictions to accommodate any freight car other than completely obsolete designs no longer in service (AAR Plate B).
 - The existing East River tunnel connecting PSNY to Queens limits equipment height to 14 feet 6 inches from top of rail, much less than virtually any freight car design. By comparison, the standard double-stack freight requires either 20 feet 6 inches or 21 feet depending upon whether it conforms to East Coast or national standards.
 - West of PSNY in Manhattan, an even more significant clearance restriction is the existing overhead bridges at Ninth, Eighth, and Seventh Avenues.
 - West of the tunnel portal in New Jersey, passing beneath Tonnelle Avenue on the way to and from the tunnel portal would be a major obstacle, given the tight clearance there. Raising Tonnelle Avenue would require extensive grade changes on heavily trafficked Routes 1 and 9, and lowering the alignment below Tonnelle Avenue would mean that the Project's bridge over the adjacent New York Susquehanna and Western/Conrail freight lines would have to be lower, which would result in clearance conflicts for that freight rail line.
 - Only an entirely new alignment from New Jersey to Queens, completely clear from PSNY, could accommodate freight operations.
- PSNY cannot accept diesel-powered trains. Regarding the possibility of using electric power for freight trains, the current state of the industry standard for freight movement in the United States is based on the use of diesel locomotives, not electric ones. If freight trains were to use electric locomotives in order to use the new tunnel, rail yards on either side of the tunnel would have to be developed that would accommodate switching of diesel-powered locomotives to electrically powered units—an inherently expensive and inefficient operation.
- The proposed passenger tunnel would not have excess capacity that could readily be used for freight service. Given the heavy utilization of the NEC's Hudson River crossing and PSNY by passenger trains (typically from 5 AM

to 2 AM), very limited time windows would be available for freight trains. Freight service could only use the new tunnel at night, to avoid interfering with normal passenger rail service to and from PSNY. Given these constraints, no more than one to two freight trains per night could operate.

- Use of the tunnel for freight trains would require much larger ventilation capacity and fan plant size to account for the greater fire heat release rate of a freight train in comparison to a passenger train. This would likely require more property acquisition to accommodate the Project's fan plants on either side of the tunnel, with greater fan noise that could be a concern to surrounding land uses during periodic scheduled maintenance and testing.
- Freight trains require much longer distances to slow down and stop than passenger trains (about 4.5 to 5 times longer, depending on train speed). The tunnel's signal system would have to be designed with much longer signal blocks to accommodate this distance, which would greatly reduce the capacity of the tunnel to accommodate passenger trains. A conceptual solution to avoid such a reduction in capacity would be to install a separate freight signaling system to be used only during the limited window for freight operations. However, the need to install and maintain two signal systems instead of one could lead to added operational issues, especially concerning enforcement of Positive Train Control (PTC) requirements, and potential confusion by train operators, resulting in safety concerns.

Comment 31: Recognition should be given to freight traditionally carried by Amtrak and predecessor railroads, such as package express type freight. The Project should consider that this type of freight has been carried in the recent past on Amtrak passenger trains and the Project should not preclude this form of freight handling capacity in the future, particularly as we are seeking to reduce PM_{2.5} and other emissions attributable in part to truck traffic. (*Brunner-MOS*)

Response: The purpose of the Project is to allow continued, uninterrupted operation of Amtrak and NJ TRANSIT service between New Jersey and New York City while and after the existing North River Tunnel is repaired. Amtrak's specific operations, including whether or not Amtrak trains carry package freight, would be unaffected by the Project.

Comment 32: I support the decision to separate the construction of a new rail tunnel under the Hudson River from the broader question of increasing trans-Hudson rail capacity, due to the need for prompt repairs to the existing hurricane-damaged tunnels. However it is disheartening to realize, given the time scale of the Hudson Tunnel Project, including the reconstruction of the existing tunnels, that there will likely be no increase trans-Hudson passenger rail capacity until the 2040s. By then real estate prices in Manhattan may so high as to preclude expanding capacity via the proposed Penn Station South component of the Gateway plan. I would therefore suggest that Goal 4 for the Project, which calls for not precluding future trans-Hudson rail capacity expansion projects, be expanded to at least consider the possibility of using some of the four-tube tunnel capacity that will available after completion of the Hudson Tunnel Project to extend the No. 7 subway line to the Secaucus Junction Station in Secaucus. Such an extension could allow expanded service from New Jersey to Manhattan

without massive new station construction and would gain access to the east side of Manhattan for New Jersey commuters. The study should also consider the possibility that by 2040 computerized train control technology may have matured to the point where subway and commuter rail train sets can safely share track, something that FRA regulations prohibit today. I am not suggesting a commitment to build the 7 Line extension, merely that the EIS should consider what would be involved in preserving the option to build it and the environmental cost of precluding that option given the potential difficulty in expanding Penn Station capacity in the future. (*Reinhold*)

In 2011, the City of New York convened a bi-state, multi-agency group to study the feasibility of extending the No. 7 Subway to Secaucus, New Jersey through a new tunnel under the Hudson River connecting it to a new terminal at the Secaucus Junction Station in Secaucus. This new trans-Hudson connection would provide direct connections for thousands of New Jersey commuters to the fastest growing employment centers in Manhattan—Hudson Yards and the Grand Central area—and give Queens riders direct access to New Jersey as well. The study concluded that the No. 7 extension was physically and operationally feasible. Edison Properties firmly supports the Hudson Tunnel Project as described in the EIS Scoping Document and views the extension of the No. 7 to Secaucus Junction Station as a companion project that, along with the Tunnel Project and the Secaucus Loop element of the Gateway Program, would contribute significantly to a long term solution to the trans-Hudson commuter capacity crisis facing the region. We believe that Hudson Tunnel Project EIS presents an opportunity to explore an engineering solution that links the two projects and we would like you to consider including the study of an alternative that uses one tunnel structure to accommodate both the NEC and the No. 7 line extension. (*Gottesman-Edison Properties*)

Response: The Hudson Tunnel Project is intended to provide an additional tunnel adjacent to the existing North River Tunnel in order to maintain Amtrak and NJ TRANSIT operations in and out of PSNY during repair of the existing North River Tunnel. It will also provide future flexibility in maintaining train operations. Increasing opportunities for commuting to and from New York is not part of the Hudson Tunnel Project scope. Consideration of the No. 7 extension and/or other capacity expansion elements between New Jersey and New York are beyond the scope of this Project and do not meet the Project purpose and need. There would be significant and potentially insurmountable physical challenges with attempting to design a connection between the existing No. 7 subway line terminus and the new Hudson Tunnel. The Hudson Tunnel will be designed and built to not preclude multiple options for expanding commuter rail access into Manhattan, which would be studied separately. Please see the response to Comment 28.

Comment 33: Our company is developing the Atlantic Wind Connection (AWC) project—a high capacity submarine cable transmission system that will foster significant offshore wind energy development in the mid-Atlantic region. AWC would make it possible to transmit clean energy to market centers including northern New Jersey and New York; connecting the large clean energy resources offshore with large energy loads. The Hudson Tunnel Project would provide a low-cost, low-impact way to improve electrical connectivity between the two states. This

would make the region more resilient to future climate change and other threats to the power grid. Power cables installed in conduits in the tunnel would have a small footprint and cable technology is well developed and safe. Co-locating power cables in the tunnel would be less costly than boring holes for cable conduit and plowing cable trenches in the riverbed as now happens when building new electric circuits across the Hudson. And adding a circuit to a tunnel built for another primary purpose, rail in this case, avoids the environmental impact of a stand-alone cable construction project. Finally, developing ancillary uses for the tunnel right of way—such as electric transmission—can be good for the tunnel’s primary users, the riders of Amtrak and NJ TRANSIT trains. The transmission system owner could pay the tunnel owner the up-front cost of accommodating cable in the tunnels (e.g., the cost of laying conduit in the tunnel), and the tunnel owner could also earn a regular, recurring payment (i.e., rent) for the use of tunnel space. This additional income could help offset some of the Hudson Tunnel Project’s cost and lower the cost burden that riders must shoulder. We request that the environmental analysis and design for the Hudson Tunnel Project consider the possibility of accommodating a trans-Hudson cable system such as ours. (*Melnyk-AGD*)

Response: The Hudson Tunnel Project is being designed to not preclude third-party transmission lines within the configuration of the tunnels. During earlier studies, Amtrak investigated the feasibility of providing conduits through the Hudson Tunnel for a third-party power supplier’s use in delivering additional power between New Jersey and New York. Space will be available within the tunnel cross-section to install conduits for future use. However, before any decision regarding acceptance of third-party transmission lines can be reached, the potential impacts of maintaining that line to railroad operations once the new tunnel is constructed need to be understood.

Comment 34: Please add a bike route. (*Jaramillo*) I suggest a bike lane should be added, along with a walkway. (*Santamaria*)

Response: Inclusion of a bike lane to the rail tunnel does not support the Project purpose and need, which is to rehabilitate the damaged North River Tunnel by constructing a new rail tunnel to accommodate existing NEC passenger rail traffic to allow the existing tunnel to be taken out of service to be rehabilitated. The result will be two tunnels (four tracks) that will provide redundancy for future maintenance and operational flexibility. The new rail tunnel cannot accommodate a bike route or a walkway without a number of significant engineering effects. Most notably, the addition of a bike lane would require a substantial increase in the diameter of the tunnel, which would therefore require that the tunnel alignment be lower beneath the Hudson River in order to provide enough soil above the tunnel for a stable structure (since a larger tunnel requires greater cover above it for stability). With a lower tunnel, however, the tunnel alignment could not meet the existing tracks that connect to PSNY. Therefore, the resulting tunnel would not meet the purpose and need for the Project. In addition, providing pedestrian or bicycle access to a rail tunnel would raise safety issues for the bicyclists and pedestrians and security issues for the tunnel infrastructure itself. Therefore, the addition of a bike route or walkway is both contrary to the Project’s purpose and need, and is not feasible.

Comment 35: I am requesting that the Empire State Gateway (ESG), which is comprised of twin, multi-span suspension and cable-stay bridges connecting New Jersey, Manhattan and Queens, be considered as an alternative to the proposed Hudson Tunnel Project. This project would use the air rights above I-495 in New Jersey, cross the Hudson and East Rivers at least 212 feet above high tide, cross at least 120 feet above the streets of Midtown using the air rights of 38th and 39th Streets, and then reconnect with I-495, Sunnyside Yard and the Hell Gate Bridge in Queens, completely separating the NEC and NJ TRANSIT trains from the LIRR. The twin bridges, one for eastbound traffic and the other for westbound traffic, would each have three levels, providing a total of four tracks for Amtrak and NJ TRANSIT, four bus lanes (to remove buses from I-495 and the Lincoln Tunnel), two rights-of-way for the New York-Washington Maglev project, and a utility conduit for water, gas, power, and telecommunications. The highest level would be a skyline trail for pedestrians and bikes. Trains would be served by a new ESG station that should be located in midtown between 38th and 39th Streets and fairly equidistant between Grand Central Terminal and PSNY. This project would have greater multimodal transportation capacity than the Hudson Tunnel Project at approximately the same cost. In addition, unlike the Hudson Tunnel Project, the ESG project would not be limited by capacity constraints at PSNY and in the East River Tunnel and would allow the NEC to be separated from LIRR, reducing train congestion.

The ESG project would generate new TOD real estate projects and increase property values by 5 to 10 percent, it would also generate revenue from utility easements and user fees. With TOD real estate connections and a wide range of user fees, this project would generate multiple revenue streams and transit capacity for the next 100-200 years. By maximizing opportunities for private investment, the funding for this project is more secure than for the publicly financed Hudson Tunnel Project and public funding can be freed for other projects instead.

This project can be built in less time than the Hudson Tunnel Project, because the prefabricated technology of the ESG bridges would allow one of the twin bridges to be completed within 60 months of groundbreaking, placing two tracks and a new Midtown station in service. Unlike a tunnel, the ESG twin bridges would not be subject to flooding in severe storms. (*Spencer, Vigrass*)

Response: This alternative would not meet the purpose and need of the Project, which is to preserve the current functionality of Amtrak's NEC service and NJ TRANSIT's commuter rail service between New Jersey and PSNY by repairing the deteriorating North River Tunnel, and to strengthen the NEC's resiliency to support reliable service by providing redundant capability under the Hudson River for Amtrak and NJ TRANSIT NEC trains between New Jersey and the existing PSNY. The suggested alternative would not allow trains to reach PSNY.

Comment 36: We fully support initiatives to expand Hudson River passenger and freight rail tunnel capacity. However, we find the current Scoping Document "segmented" and seriously flawed and suggest that the geographic scope be expanded to include the full range of options from the City of Newark to the City of New York, including consideration of options that would route new Hudson River tunnels by way of the Hoboken Terminal area. (*Haikalis-IRUM*)

The EIS should include consideration of other alignments, such as the Hoboken Alignment, to ensure that changing demographics and scarcity of investment funds are brought into proper perspective. The alignment selected for study has its origins more than 25 years ago, it may be outdated. (*Galligan-East Hudson Task Force*)

Response: The purpose of the Project is to preserve the current functionality of Amtrak's NEC service and NJ TRANSIT's commuter rail service between New Jersey and PSNY by repairing the deteriorating North River Tunnel; and to strengthen the NEC's resiliency to support reliable service by providing redundant capability under the Hudson River for Amtrak and NJ TRANSIT NEC trains between New Jersey and the existing PSNY. The purpose of the Project is not, as cited by the commenter, to expand Hudson River passenger and freight rail capacity (see the response to Comment 30 below). Improvements included in the Proposed Action must be achieved while maintaining uninterrupted commuter and intercity rail service and by optimizing the use of existing infrastructure. To meet this purpose, any Build alternatives for the Project would need to connect to the NEC in New Jersey on the west and to the existing tracks leading into PSNY on the east. An alternative that passes near the Hoboken Terminal, would be substantially longer (with proportionally greater cost) than alternatives that go more directly between the NEC alignment near Secaucus and PSNY. Please also see the response to Comments 24, 25, 26, and 27 and 37.

Comment 37: I recommend a Build alternative for the Project with a number of new features. Specifically, the Morris & Essex Line should continue east on a tangent where the line currently turns south before crossing the Lower Hackensack Bridge, continuing over a new bridge and through a new station south of Secaucus Junction Station and then entering a tunnel directly east of the station, proceeding to Manhattan. In this way the two rail hubs in Manhattan would each have a dedicated station in the Meadowlands providing full connectivity: the existing Secaucus Junction Station, allowing transfer within the station, and a new Jersey Junction station providing four-way connectivity, with local service and parking for Jersey City passengers. A one-seat-ride for lines to the north would be provided by the interchange at "Jersey Junction." The new line would save four-fifths of a mile versus the existing one, and about a mile versus the current Hudson Tunnel Project plan. The tunnel envisioned here would be of the two-track single-tube variety, allowing nighttime double stack freight to use a center track straddling the other two. Having direct freight access to Manhattan, and eventually on to Brooklyn, Staten Island and Bayonne, would solve a lot of problems, making the single-tube dual-purpose investment well worth the cost, though the connection in Manhattan is not simple.

Additional improvements on the existing plan include:

- 1) A 59th Street work-around for the East Side Access Project with a station at Columbus Circle, allowing for high volume interchangeability of equipment between Long Island and points west by way of the 63rd Street Tunnel. Considerable unbuilt space in the area of 59th & 5th provides a fortuitous opening for smooth connection to the Grand Central line located under Park Avenue.

- 2) The logical expectation given the goals of the original ARC Project: a 45th Street line, 6.5 miles long, serving Grand Central Terminal and the new "Olympic Village" in Queens, allowing for high volume interchangeability of equipment between Long Island and points west.
- 3) Jersey Junction-to-Penn Station and Penn Station North. (It's necessary to know, when planning the first tunnel, that a second one is likely to follow at some point.)

The trans-Hudson tunnel contemplated here would be connected to a West Side Line running beneath the West Street-Hudson River Greenway. As cut-and-cover operations go this one would be comparatively simple. As the West Side's main artery, this boulevard is begging for a four-track line. Branching from the Empire Line under Riverside Park, the West Side Line would have ten passenger stations located between 65th Street and the Financial District: Trump Place, Ocean Terminal North, Ocean Terminal South, Javits Center, 23rd Street, 14th Street, Christopher Street, Canal Street (perhaps emerging for air here) then a possible high volume Ferry Terminal, and Financial District. In addition, the requisite Multimodal Goods (and Recycling) Transfer Facility would need to be located somewhere diplomatically along the North River Waterfront. Thus at last would be avoided the 275-mile-round-trip to Selkirk, with potential for a first rate high volume facility. (*Hain*)

Response: This alternative would not meet the Project's goals and objectives, which include maintaining uninterrupted NEC service, capacity, and functionality by ensuring the North River Tunnel rehabilitation occurs as soon as possible (Goal 2); strengthening the NEC's resiliency to provide reliable service across the Hudson River, facilitating long-term infrastructure maintenance and enhancing operational flexibility; and minimizing impacts on the natural and built environment (Goal 5). The trans-Hudson component of this alternative would involve construction of substantially longer sections of new surface track (including the need for two new movable bridges—one across the Passaic River and one across the Hackensack River) and a substantially longer tunnel section, which together would add to the cost and construction time relative to a trans-Hudson tunnel that is close to the existing alignment. In addition, this alternative would not allow operational flexibility for Amtrak and NJ TRANSIT, since it would not provide new tracks and a new tunnel within close proximity to the existing NEC. The much greater construction required for this alternative would also have correspondingly greater impacts associated with the construction activities. Regarding the possibility of a shared passenger and freight tunnel, see response to Comment 30.

3.5. ENVIRONMENTAL ANALYSES (SCOPE OF WORK)

Comment 38: The study area in New York is limited to Eighth Avenue to the east from 34th Street to the north to 30th Street to the south, widening to 25th Street west of Tenth Avenue. We note that the study area is much more comprehensive in New Jersey. (*CB 4 Manhattan*)

Response: Please note that the maps in the April 2016 Scoping Document showing the Project area did not depict specific study areas for analysis in the EIS; rather, those areas were intended to show the general area that could be affected by

the Project's Build Alternatives. Study areas will be developed for the EIS analyses that are appropriate to each technical analysis area, consistent with applicable federal, state, and local regulations and procedures.

Comment 39: It is likely that the Hudson Tunnel Project will require New York City agency discretionary approvals. This was confirmed during a briefing graciously conducted by NJ TRANSIT and Amtrak on May 20, 2016, for the City of New York. As a result, the Project will be subject to CEQR. In order to not duplicate efforts and require additional environmental review at a later point in time to satisfy CEQR, it would make sense to conduct the current environmental analysis pursuant not only to NEPA but also in procedural and substantive compliance with CEQR. The methodologies provided in the *CEQR Technical Manual* should be followed for all applicable analysis areas (i.e., analysis areas required by CEQR) and the lead agencies should coordinate with the NYC Mayor's Office of Sustainability, which will coordinate with the affected City agencies, to ensure that they are able to make required findings on the basis of the analyses performed. To comply with CEQR, the following CEQR analysis areas should be fully considered: shadows, transportation, air quality, noise, public health, neighborhood character, and construction. (*Brunner-MOS*)

Response: The technical analyses conducted for the Hudson Tunnel Project's EIS will be undertaken consistent with the requirements and procedures of NEPA. In addition, the analysis will, where applicable and appropriate, also be consistent with New Jersey and New York State environmental regulations, and CEQR. Where appropriate, the *CEQR Technical Manual* methodologies will also be used to guide development of the technical analyses.

Comment 40: The EIS should estimate a range of the new rail capacity that the four tunnels could eventually deliver under different assumptions. This information could be used to better plan for additional rail improvements in New Jersey and in properly planning the Port Authority Bus Terminal replacement in midtown Manhattan. PANYNJ's planning efforts for the site should be incorporated into the EIS as part of a comprehensive look at how best to add new trans-Hudson capacity to the region. (*Gouveia-MASNYC, Barone-RPA*)

The EIS should assess the diversion of passengers from other trans-Hudson travel modes, bus and car, with additional tunnel capacity and any service plan changes for through-running and one-seat rides. RPA understands that the Hudson Tunnel Project is not a "new capacity" project but instead a replacement and rehabilitation effort. However, it is clear that once completed, the tunnels will pave the way for new commuter rail capacity. How much new capacity is created will depend on whether new Penn Station capacity is configured for through-running from the outset or not, among other factors. (*Barone-RPA*)

Although the Hudson River Tunnel Project, as stated, will not directly increase rail capacity, the EIS should also evaluate alternatives that utilize the analyses and findings from the NEC Future EIS that provide the highest level of capacity improvements balanced with the most feasible costs. (*Gouveia-MASNYC*)

Please provide information on how future train movements could change after the two tunnels are complete. (*Brunner-MOS*)

Evaluate all tunnel alignments with how they impact the performance of the total set of possible trans-Hudson improvement projects east and west of the tunnel: increased train capacity, improved schedule reliability and additional redundancy. (*Cliff*)

Response: As noted by some of the commenters, the Hudson Tunnel Project would not on its own increase capacity on the NEC, because other components of the NEC—including the platforms and tracks at PSNY—limit the capacity to increase train service. Therefore, absent any other improvements, once the Hudson Tunnel Project is completed, no changes to future train service into and out of PSNY are anticipated beyond what would occur in the No Action Alternative. By contrast, the Gateway Program is a long-term plan to improve rail service along the NEC in the area between Newark, New Jersey, and PSNY and meet the demand for increasing ridership. The capacity expansion that could result from that program, and potential operational scenarios, will be the subject of later environmental reviews in accordance with applicable federal and state regulations.

Comment 41: The scope of work does not specifically mention studying the impact that the new tunnels proposed by this Project will have on transit services in and around PSNY where the tunnel will terminate. For the subways, station capacity and line capacity must be analyzed. For transfers to buses, bus capacity must be analyzed. MTA suggests using the methodology in the *CEQR Technical Manual* for such an analysis. (*Schreibman-MTA-NYCT*)

Response: As discussed in response to the previous comment, the Proposed Action would not result in a change to train service from the No Action Alternative, and therefore, would not result in additional riders that would use MTA subways, buses, or commuter rail lines. The connection of the new tunnel to serve PSNY is not anticipated to cause any disruption of service to MTA services.

Comment 42: The Proposed Action would include the construction of a new rail tunnel under the Hudson River, a navigable waterway of the United States of America. If the tunnel is not buried sufficiently, there is a risk of the tunnel being struck by a commercial vessel's anchor. Such a marine casualty would have an immense impact on commercial and recreational navigation, the environment, maritime facilities, and the Hudson Tunnel Project. The commercial maritime community has raised additional concerns regarding liability in the event of an anchor strike of a buried tunnel or utility, including costs of vessel delays and environmental cleanup. In addition, there would be a security zone prohibiting vessels from entering within 25 yards of any tunnel ventilators installed for this Project as codified at 33 CFR Part 165.169(a)(5). (*Grossman-USCG*)

Response: The EIS will consider potential effects on maritime traffic from the Proposed Action. This would include analyses of the potential for construction and operation of the Project to affect commercial and recreational vessel use of the study area, including use of the navigation channel within the Project study area, and any restrictions required in compliance with regulatory requirements such as the security and safety zones defined at 33 CFR Part 165.169(a)(5). Coordination will be undertaken with the appropriate local, state, and federal

agencies to ensure involvement of all interested parties in this aspect of the analyses.

Comment 43: The plan describes the acquisition of properties for the installation of fan plants. Displacement of green space or low-income tenants should be avoided at all costs. (*CB 4 Manhattan*)

Response: The EIS will identify any properties that may be acquired in connection with the proposed Project. It is a stated goal of the Project to minimize effects on the natural and built environment.

Comment 44: I would like to know what the effect of the proposed tunnel would be on the surface of the land as a result of construction. This is a concern for residences and property owners above the tunnel route. (*Sivo*)

Response: The EIS will assess the potential for construction of the Project to affect land uses and will provide information on expected construction-period traffic volumes and effects, noise, and air quality emissions from construction activities. The EIS will also describe the potential for vibration from the tunnel during construction and from train operations within the tunnel after the Project is complete.

Comment 45: The LPC is in receipt of the Hudson Tunnel Project Scoping Document dated April 2016. The text is acceptable for historic and cultural resources. (*Santucci-LPC*)

Response: Comment noted.

Comment 46: The Hudson River Park bulkhead is historic (it is listed on the State and National Historic Registers) and the work will have to comply with the requirements of the regulatory agencies, including and especially the State Historic Preservation Office. (*CB 4 Manhattan*)

Response: The EIS will include an assessment of historic and archaeological resources, including potential effects to the Hudson River Park bulkhead. The lead agencies have initiated consultation with both the New Jersey and New York State Historic Preservation Officers in accordance with Section 106 of the National Historic Preservation Act and will continue consultation as part of the Section 106 process.

Comment 47: In Hudson River Park, the scope of study should include: disturbance and disposal of hazardous materials; marine and benthic (bottom-dwelling) habitat and wildlife disturbance related to alternative construction techniques.

The Project will need to restore any park area, help with finishing any park areas that may be disturbed and endeavor to disturb as small an area as possible. Coordination with the bikeway will be required to minimize disturbances.

The bulkhead areas north and south of the penetration area will need to be left in good structural condition upon conclusion of the work, since once the tunnel is built, the ability to work in proximity to the tunnel will be restricted. (*CB 4 Manhattan*)

Response: The EIS will consider the effects of Project construction on Hudson River Park, including to both the in-water and upland portions of the park. Development of the EIS will be conducted in coordination with the Hudson River Park Trust, which is serving as a participating agency in the Project's NEPA review. The EIS will also include a detailed evaluation of the Project's effects on natural resources, including the Hudson River and the aquatic resources found in the river, and on the potential to disturb and dispose of hazardous materials.

Comment 48: Please ensure that any significant adverse construction-related impacts are fully disclosed and mitigated to the maximum extent practicable. Depending on the tunnel route selected, the construction work and associated vibration of the proposed Project may have an effect on sensitive sites such as the High Line and the Hudson River Park, and the public visitation thereof. We suggest that these are identified, disclosed, and fully considered in the open space resources, noise and vibration, and/or Section 4(f) evaluation chapters, as warranted. (*Brunner-MOS*)

The Scoping Document should state that any impacts to Green Acres encumbered land in New Jersey will be analyzed. All potential impacts to public recreation areas along the Hudson River shoreline in Manhattan should be evaluated. (*Musumeci-EPA*)

Response: The EIS will include a public open space assessment, which will consider the effects of the Project and its construction on parkland in both New York City and New Jersey. It will also include an assessment of the Project with respect to Section 4(f) of the USDOT Act and compliance with Green Acres regulations in New Jersey.

Comment 49: Please provide a fuller description of potential visible construction impacts that could occur. Mitigation measures (such as sound barriers, silt fences, etc.) should be identified and a commitment made to their implementation in the EIS. (*Brunner-MOS*)

Response: The EIS will include an analysis of visual and aesthetic resources, which will define an area in which visual effects could result from the Project (the study area), identify the components of the study area in terms of the visual resources and affected population, evaluate the potential impacts on visual quality, and determine whether any mitigation or other measures are needed.

Comment 50: All potential impacts to wetlands in the Hackensack Meadowlands should be evaluated. (*Musumeci-EPA*)

Response: The EIS will identify and describe wetlands within the study area and will assess the potential for the Project to affect these wetlands.

Comment 51: All potential impacts to aquatic resources of the Hudson River should be evaluated. (*Musumeci-EPA*) Pollutants on the river bottom would damage the river's ecosystem if they are disturbed. If the river bottom must be disturbed, these should be removed first. (*Jaramillo*) In Hudson River Park, the scope of study should include: disturbance and disposal of hazardous materials. (*CB 4 Manhattan*)

Response: The EIS will include an analysis of the Project's potential to affect aquatic resources of the Hudson River. In addition, the EIS will assess the potential for contaminated materials to be present in the areas where construction would occur and will identify measures to be implemented for the handling and management of any known or potentially contaminated materials generated during construction, including soil, sediment, groundwater, and surface water.

Comment 52: An increasing number of residences, businesses, and hotels are now located on the Far West Side of Manhattan, and are sensitive to the noise and vibrations associated with trucking activities. These should be considered as sensitive receptors to potential significant impacts from traffic-related air quality, noise and vibration impacts resulting from any trucking activities carried out in New York City during construction of the Project, as appropriate based on their proximity to trucking routes. (*Brunner-MOS*)

The EIS should study the effect of workers and equipment driving through the residential neighborhood of Chelsea or in the truck-intense construction zone of Hudson Yards. In addition, while the construction of the new tunnel will be done exclusively from New Jersey, it is not clear whether the repairs of the old tunnel will be performed from New Jersey exclusively or from both sides. If repairs are to be performed and serviced from the New York side, truck traffic and routes to the Lincoln tunnel should be studied. A much larger study area should be included in New York, from 23th Street to 42nd Streets west of Eighth Avenue. (*CB 4 Manhattan*)

Care must be taken to analyze all impacts to impacted neighborhoods. This should include analyses of air quality (from stationary and mobile sources; dust and other construction-generated air pollution); noise; vibration (especially any potential structural impacts to homes and local businesses); times of construction (including early morning, evening, night and weekend work); potential to block access, including emergency access, to roadways, parks and other public areas with construction staging areas and other construction activity; and the location of truck, rail and barge routes to move construction equipment or construction debris. (*Mans-NY NJ Baykeeper*) Please describe in detail the methodologies that would be used to measure noise, vibration, air quality, and traffic impacts in the area around the proposed ventilation shaft at PSNY. Please ensure that any significant adverse construction-related impacts are fully disclosed and mitigated to the maximum extent practicable. This includes impacts, if any, related to Project staging, truck access/egress, tunneling and debris removal activity, etc. (*Brunner-MOS*)

Response: The EIS will include a detailed analysis of the impacts of construction of the Project, including construction of the new tunnel and rehabilitation of the old tunnel, on study areas in both New Jersey and New York City. The EIS will describe how construction of the new tunnel and rehabilitation of the North River Tunnel will be sequenced; staging areas will be identified. The EIS will identify land uses in the areas surrounding where construction activities would occur, with a particular focus on identifying those receptors that would be sensitive to the effects of construction. Appropriate study areas will be used for construction activities and construction access.

Comment 53: We understand that construction staging and workers' parking will use a parking lot currently occupied by a 100-bus parking. The EIS should study the impact of the displaced buses idling and looking for nonexistent parking space in streets from 23rd to 48th Streets, west of Eighth Avenue. Should the construction staging displace other uses, we encourage you to perform a similar study. (*CB 4 Manhattan*)

Response: The EIS will examine any impacts associated with displacing bus parking or other uses during Project construction.

Comment 54: It is not clear if the building materials of the existing tunnel included asbestos or any other dangerous materials. CB4 has one of the highest air quality concentrations in New York City as it relates to cancer-causing micro particles. The cumulative impact of air pollution from trucks and workers' traffic needs to be analyzed and mitigated. A larger study area must be considered, as air does not follow neat map boundaries. (*CB 4 Manhattan*)

Response: The analysis of potential construction-related air quality impacts will include an analysis of both on-site and on-road sources of air emissions and the combined impact of both sources, where applicable. The analysis will address both local (microscale) and regional (mesoscale) construction period emissions.

Comment 55: Even if debris is carted out from the New Jersey side, explosions and noise can be heard 10 blocks away. Deliveries of materials are very noisy as well as create truck traffic. This also requires a large study area. Mitigation measures including "no after hours variances" will need to be contemplated. (*CB 4 Manhattan*)

Response: The EIS will include an analysis of noise and vibration effects from construction of the proposed Project. Measures to reduce noise will be identified. Study areas will be developed based on the location of sensitive receptors where noise increases will be audible.

Comment 56: One of the major issues that is unresolved is the ultimate disposal of material excavated for the construction of the new tunnel under the Hudson River. In the past, excavation and construction material has been used to fill wetlands and open waters to make new land for development or otherwise dump on our natural areas as a convenient disposal option. That will not be acceptable for any material generated by this Project, whether contaminated or otherwise. (*Mans-NY NJ Baykeeper*)

Response: The EIS will include estimates of the amount of excavated materials that will require disposal. Disposal of such material will be undertaken in accordance with all applicable rules and regulations.

Comment 57: The EIS should note whether any of the activities, particularly those affecting the Hudson River riverbed (mentioned on page 9 of the Scoping Document) could affect outfalls or other utility structures. If there would be any potential effect on the structure or operation of infrastructure, New York City or other agencies or utilities having purview over that infrastructure should be engaged as early as possible regarding appropriate assessment and to address any conflicts. The

Scoping Document should mention consultation with utilities such as Consolidated Edison and Verizon. (*Brunner-MOS*)

Response: The EIS will assess the potential for the Project to affect any utility structures, including New York City's water and wastewater conveyance systems. The lead agencies will coordinate with NYCMOS and NYCDEP regarding any effects to New York City infrastructure.

Comment 58: While the Scoping Document indicates the EIS will describe greenhouse gas emissions (GHG) during construction, EPA recommends that the FRA analyze all the direct and indirect GHG emissions from all alternatives, including the no-action alternative. Based on the unique factual circumstances here, EPA further recommends that the EIS include an evaluation or discussion of GHG emissions that may occur under a variation of the No Action alternative with the eventual failure of one or both of the existing tubes, because such failures, and subsequent changes to commuting patterns, could result in potentially large increases in CO² equivalent emissions per year. Mass transit, including the NJ TRANSIT commuter and Amtrak trains that utilize the tunnels to access PSNY, is an important factor in reducing GHG emissions in the metropolitan area. (*Musumeci-EPA*)

Response: The EIS will evaluate the GHG emissions during construction and operation of all Build Alternatives. For the No Action Alternative, it may be beyond the scope of the NEPA analysis to provide a detailed evaluation of the changes to commuting patterns that would occur if one or both of the existing North River Tunnel tracks and enclosures were to fail, because this would require development of service plans and ridership forecasts for such scenarios. Therefore, the EIS will include a qualitative discussion of the potential GHG effects that might be associated with such a disruption.

Comment 59: We recommend that the NEPA analysis consider changes to the design of the proposed action to incorporate GHG reduction measures. The Draft EIS should make clear whether commitments have been made to ensure implementation of design or other measures to reduce GHG emissions. (*Musumeci-EPA*)

Response: The EIS will describe the Project elements that have been included to reduce GHG emissions and will provide specific information on commitments that have been made to achieve such reductions.

Comment 60: The EPA recommends that consistent with federal policy, the proposal's design incorporate measures to improve resiliency to climate change where appropriate. These changes could be informed by the future climate scenarios addressed in the "Affected Environment" section. The DEIS's alternatives analysis should, as appropriate, consider practicable changes to the proposal to make it more resilient to anticipated climate change. Changing climate conditions can affect a proposed project, as well as the Project's ability to meet the purpose and need presented in the DEIS. The Draft EIS should make clear whether commitments have been made to ensure implementation of design or other measures to adapt to climate change impacts. (*Musumeci-EPA*)

Response: Incorporating resiliency to climate change and severe storms is a critical element of the Hudson Tunnel Project, given that the primary purpose of the

Project is to repair damage inflicted on the existing tunnel during Superstorm Sandy. Therefore, the Project will be designed in accordance with resiliency design criteria that reflect anticipated future flood elevation levels during severe storms. These design criteria will be based on the latest available information from the Federal Emergency Management Agency (FEMA) and other relevant information related to flood levels. The EIS will describe the Project's components that will be included to address resiliency. A review of the best available climate projections for the area will be included, and the resiliency of the Project alternatives will be evaluated following the guidance in *Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in NEPA Reviews* (CEQ, August 1, 2016). Should Project alternatives be found to be insufficiently resilient to relevant future projected conditions, potential design changes will be reviewed.

Comment 61: The Scoping Document should provide consideration of the timing of construction activities in the area, including the proposed Project and non-project related construction, so as to fully disclose potential cumulative construction impacts and mitigation measures and to avoid any construction delays. (*Brunner-MOS*) Evaluating the cumulative effects for transportation, noise, and air quality impacts of this project with other construction projects, such as Hudson Yards, will be critical. The Project will possibly be concurrent with the Penn Station Phase 2, Javits Center renovation, and Port Authority Bus Terminal relocation, each one of them a massive construction project. (*CB 4 Manhattan*)

Response: The EIS will include an evaluation of the cumulative impacts during construction and then during operation of the Project with other projects anticipated to occur during the same timeframe. This will include consideration of the cumulative impacts of the Project with other projects in place or under construction during the Hudson Tunnel Project's construction, as well consideration of the cumulative impacts of the completed Hudson Tunnel Project with the future conditions anticipated at that time.

Comment 62: The scope of the Project Study Area is very tightly drawn and the Scoping Document takes pains to describe how this project is independent of the larger NEC FUTURE project, however, this should not preclude a full and complete secondary and cumulative impacts analysis in the EIS. (*Mans-NY NJ Baykeeper*)

Response: As noted in response to Comment 38, the maps in the April 2016 Scoping Document showing the Project area did not depict specific study areas for analysis in the EIS; rather, those areas were intended to show the general area that could be affected by the Project's Build Alternatives. Study areas will be developed for the EIS analyses that are appropriate to each technical analysis area, consistent with applicable federal, state, and local regulations and procedures. The EIS will include an analysis of secondary and cumulative impacts, consistent with the requirements of NEPA.

Comment 63: I am happy to learn there will be two terminals across the Hudson and the new one could be accessed by a walking through evacuation from Manhattan in the event of a terrorist attack calling for evacuation. (*La Brie*)

Response: Comment noted.

Comment 64: The Environmental Justice Coordination section of the Scoping Document should include New York City as an environmental justice community (NEPA). (*Brunner-MOS*)

Response: The environmental justice analysis will identify low-income and minority communities that could be affected by the Project and determine whether any environmental justice communities would experience disproportionate adverse impacts from the Project. The analysis will consider communities in both New Jersey and New York City that could be affected by construction or operation of the Project.

3.6. PROJECT SCHEDULE

Comment 65: What is the estimated time between the Record of Decision (ROD) and beginning tunnel boring for the Hudson Tunnel Project? (*Wallner*)

Response: The schedule and phasing for construction of the Project are still being developed. Once the NEPA process is completed and a ROD has been issued, final permits will be obtained for the Project, final design will be completed, and construction contractors will be procured. Construction is anticipated to begin within approximately a year of the ROD. The specific timing of the tunnel boring process depends on the phasing plan developed by the construction contractor.

Comment 66: I urge you to not spend the next two years on the EIS. The new Hudson River rail tunnel is urgently needed. We can't wait more than a dozen years for the completion of a new rail tunnel. (*Biederman-34th St Partnership, Lacari*) The Hudson Tunnel rail project is a necessity. The automobile traffic tunnels and bridges are already at full capacity with too much traffic or very close to it. (*Mishkin*)

The Project is important to the economy and well-being of the State of Connecticut. Connecticut residents depend on the Amtrak intercity trains that traverse the aging, capacity-constrained and often unreliable existing rail tunnels. The fragile nature of the rail tunnel infrastructure is a strategic vulnerability for Connecticut and the larger region, one that must be addressed immediately. The potential closure of one or both tunnels could have devastating impacts to the economy, leaving commuters unable to reach their jobs and adding thousands of vehicles to the region's heavily congested roadways. Connecticut urges expedited completion of the Environmental Impact Statement for the new tunnels. Connecticut residents and other users of the NEC simply cannot wait. (*Redeker-CTDOT*)

It is imperative that the Project's EIS be prepared expeditiously so that the Project can move forward in two years or less. The engineering and construction of the Project is a complicated and time consuming undertaking which we cannot afford to have delayed by a protracted EIS. (*Hallock-NRBP*)

The New York Building Congress, a membership organization of New York City's design, real estate and construction industry, believes the Hudson Tunnel Project, a key component of Amtrak's larger Gateway Program, is essential and urges timely completion of the NEPA process. The Hudson River Tunnels have been called a "project of national importance," by the U.S. Secretary of Transportation. Construction of the tunnels is contingent upon rapid completion of the federal EIS process, which can take many years to complete. The Building Congress therefore urges the lead agencies to ensure this NEPA process is the fastest ever for a project of this size. The lead agencies should ensure the highest level of cooperation and coordination of approvals among the dozens of involved federal, state, regional and local agencies. Administrative procedures that delay progress should be streamlined, and chapters or sections of the EIS which do not bear directly on project impacts should be reduced or eliminated. Given the worsening condition of the two existing tunnels, the FRA and its sister agencies should perform a "lessons learned" exercise from other accelerated NEPA actions to ensure approvals are not delayed at any point. (*Hollweck-NYBC*)

The National Association of Railroad Passengers, which represents the tens of thousands of rail passengers who pass through the Hudson tunnels each day as well as tens of millions of fare-paying rail passengers nationwide, appreciates the opportunity to share our vocal support for the Hudson Tunnel Project and for fast-tracking any necessary approvals. Given the importance of these tunnels to the entire East Coast transportation system and to passenger rail, NARP strongly urges the government to proceed as expeditiously as possible, within the confines of applicable law, to begin desperately needed and long-overdue construction of new tunnels. Separating the Hudson Tunnel Project from the larger Gateway Program helps ease the funding burden, simplifies permitting and design and, crucially, helps to secure the widest possible agreement to proceed from elected and appointed officials throughout the region – agreement that had been elusive for many years. Accordingly, NARP supports rapid consideration and expedited approval of the Environmental Impact Statement for the Hudson Tunnels Project, and rejects any "No Action (No Build) Alternative" as irresponsible, economically risky and potentially hazardous to passengers using the tunnels each day. (*Mathews-NARP*)

This EIS is an important step forward for a project of significance for the NEC, the region, and the country. The Northeast Corridor Commission urges expedited action given the serious consequences of a failure to invest for a wide range of residents, businesses, and travelers. (*Redeker-NCC*)

We strongly endorse this Project and urge that the engineering design, environmental review and construction of this critical project move forward at the most ambitious conceivable schedule. The environmental, let alone economic and social, consequences of a curtailment of use of the existing tunnel that would decrease capacity by 75 percent, let alone closure, for even one day, let alone multiple days or weeks or longer, would be catastrophic. While there are impact and alternatives issues that the EIS should address, there is ample justification for this EIS process to move forward as expeditiously as possible. A schedule that envisions release of the draft EIS by the end of 2016 and final EIS within 12 months would be reasonable. In addition, with all of the alignment

evaluation, engineering work and environmental impact assessment that was undertaken for the ARC project, it makes sense for the Hudson Tunnel Project to take advantage of that work, including use of the alignment that Amtrak and NJ TRANSIT considered for the ARC tunnel with whatever modest modifications are appropriate. It should be altogether possible to expedite the NEPA review process and make it fully coterminous with the planning and engineering design process currently underway. In any event, it would be an unfortunate misuse of NEPA if that law were used as justification for any kind of delay in completing this Project. In addition, The FRA, Amtrak, NJ TRANSIT, the PANYNJ and other competent agencies and ultimately the Congress, in addition to arranging the funding for this Project, should consider ways of expediting the construction process. (*Tripp-EDF*)

LIUNA's Eastern Region represents 45,000 members in New Jersey, New York City, Long Island and Delaware and which includes 11,000 New Jersey Laborers' Locals 472 and 172 members who build and maintain our roads, bridges and tunnels. We work statewide in New Jersey and regionally with numerous stakeholders to promote investment in economic development, transportation and utility infrastructure. We strongly support the construction of the Hudson Tunnel Project. There is a compelling need to expedite any further environmental reviews for the Hudson Tunnel Project given all of the prior environmental assessments, including those conducted for the ARC project. Failure to expedite further environmental reviews will have several serious consequences for our region. The environmental benefits of expediting approvals for construction sooner than later are significant. (*LIUNA*)

Response: Comments noted. FRA, NJ TRANSIT, and all of the Project partners are committed to completing the NEPA process as quickly as possible. As outlined in the April 2016 Scoping Document, one of the goals of the Project is to "maintain uninterrupted existing NEC service, capacity, and functionality by ensuring North River Tunnel rehabilitation occurs as soon as possible." The three objectives associated with this goal are: 1) Optimize use of existing infrastructure; 2) Use conclusions from prior planning studies as appropriate and to the maximum extent possible; and 3) Avoid regional and national economic impacts associated with loss of rail service.

Comment 67: We are concerned about tunnel capacity, which needs to be built with or without the rest of the Gateway Program. The idea of additional tunnel capacity has become synonymous with Gateway, but this is an incorrect and potentially dangerous association. Gateway depends on sufficient funding to build a project now estimated to cost about \$24 billion. We need expanded tunnel capacity and one new bridge urgently. These can be built for far less money, and open for service much sooner, than the rest of Gateway. We do not believe that the planning frontier proposed for Gateway comports with a reasonable expectation that new tunnels will be in service before the existing ones must be taken out of service, due to flooding from Hurricane Sandy. Amtrak says the outer limit for that is 2034; 18 years from now. Planning for Gateway calls for completion of new tunnels by 2030. Given the way that completion time and cost for every project seems to expand almost uncontrollably, it is extremely dangerous to assume that new tunnels will be completed through the Gateway route before the existing tunnels must be taken out of service for rehabilitation. In short, we

cannot afford to wait for Gateway, unless Amtrak makes new tunnel capacity the top priority of the Gateway Program. We need more tunnel capacity as soon as it can be built, even if NJ TRANSIT is called on to contribute to funding this capacity. Amtrak does not need this new capacity for its riders, but New Jersey's riders need it as soon as possible. (*Alan-Lackawanna Coalition*)

Response: Please note that the proposed Hudson Tunnel Project is doing what this comment suggests. It is proceeding in advance of many other improvements to the NEC in this area. One of the goals is to complete the Project as expeditiously as possible, to meet the urgent need for rehabilitation of the existing tunnel. Once the Hudson Tunnel Project adds the two new tracks, in order to obtain additional rail capacity, elements in addition to the Hudson Tunnel need to be constructed. These elements are not precluded by the Hudson Tunnel Project, and could proceed, subject to their own separate planning and environmental review process, as soon as funding comes available.

3.7. GENERAL SUPPORT

Comment 68: The North River Tunnel is a key piece of infrastructure that has outlived its lifespan and is in dire need of repair. It is vital that a new tunnel be built to meet increasing demand for trans-Hudson travel as well as maintain current capacity during the overdue rehabilitation of the North River Tunnel. We request that the new tunnel move forward as quickly as possible. It is only a matter of time before the North River Tunnel breaks down and creates a transportation nightmare for New Jersey commuters. A new rail underneath the Hudson River is the best option to avoid this scenario. (*Johnson-NJ Assembly, Weinberg-NJ Senate*)

Getting the construction of new tunnels completed so that the existing North River tunnels can be renovated is more important to address issues related to reliability of train service. While I do have concerns about capacity in the future, that should be considered as a medium term concern to be addressed by the overall Gateway Program, as additional issues such as Portal Bridge replacement and adjustments to PSNY will be required to support any additional train services after the North River tunnels have been renovated. (*Carreras*)

I strongly support the FRA and NJ TRANSIT in their effort to build and re-build the Hudson Tunnel Project, which would preserve the current functionality of the NEC's Hudson River rail crossing between New Jersey and New York and strengthen the resiliency of the NEC. (*Payton*) I fully support the proposed Project. (*Santamaria*) It is critical to strengthen the city's infrastructure. (*Patton-Local 147*) New Jersey desperately needs to upgrade and expand the Hudson River tunnels. Trains are the most efficient way to commute and are more environmentally friendly than cars. (*Smith*)

The Utility and Transportation Contractors Association of New Jersey and our 1,200 corporate members fully support the Hudson Tunnel Project. The availability of a reliable tunnel is of utmost importance to the region and state economy, as well as quality of life. (*Hart-UTCA*)

Newark Regional Business Partnership (NRBP) supports the Hudson Tunnel Project, which is absolutely essential to preserve and enhance the

competitiveness of the Newark region, economic health of New Jersey and talented workforce for New York City. The Project also has national significance for the value it brings to intercity travel in a corridor that is among the most densely populated and economically valuable in the entire country. (*Hallock-NRBP*)

The New Jersey Association of Railroad Passengers (NJ-ARP) strongly supports and endorses the proposed Project. NJ-ARP has been a strong and enthusiastic supporter of Amtrak's Gateway Program since its initial announcement. The plan to prioritize the tunnel portion of the overall project in a separate EIS proceeding has been adopted to expedite its construction. NJ-ARP concurs with this federal action and believes that federal and state funding sources will be more readily accessible. NJ-ARP believes that a new Hudson River rail tunnel is needed as soon as practicable just to maintain the passenger rail service that is now provided. (*Papp-NJARP*)

The Association for a Better New York (ABNY) is among the city's longest standing civic organizations advocating for the policies, programs and projects that make New York a better place to live, work and visit. Today, we are adding our voice of support for the completion of the Hudson Tunnel Project. As cities and nations around the world invest in the modernization of their transportation infrastructure, it is time New York and New Jersey also step in to strengthen the resilience of the NEC by completing the Hudson Tunnel Project. (*Pinksy-ABNY*)

The region's transportation system is critical to continued economic growth and there is no infrastructure project more important for businesses and commuters on both sides of the Hudson River than the Gateway Program. The Gateway Program's Hudson Tunnel Project is vital to our region and will contribute in important ways to its long-term economic future. The Project must remain on track in order to repair the existing tunnels, improve current services, and create new capacity, which will provide relief to commuters in the region who endure daily transit delays as a result of aging infrastructure and inadequate capacity. (*Wylde-NYC Partnership*)

The Northeast Corridor Commission's top priorities for the Corridor are to maintain safe and reliable rail transportation at 2016 service levels; achieve a state of good repair; and invest to improve reliability, performance, connectivity, and capacity to deliver improved rail services. The Proposed Action to construct a new tunnel under the Hudson River and rehabilitate the existing tunnel will address all three of the Commission's top priorities, while improving the resiliency of the transportation network. (*Redeker-NCC*)

The Hudson Tunnel Project is a critical solution to deteriorating rail infrastructure that will protect commuters from the impacts of future major storms—a near certainty as the impacts of human-induced climate change become more severe. While focused on keeping the system in a state of good repair, the Project also paves the way for future capacity increases that will support our region's economic growth through the Gateway Program. I will continue to support this project and work to ensure it receives adequate funding from all agreed-upon sources, including from New York State. (*Hoylman-NY Senate*)

Response: Comments noted.

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ATTACHMENT A
NOTICE OF INTENT
PUBLISHED IN THE FEDERAL REGISTER ON MAY 2, 2016

Jose R. Pitre Rodriguez

Mr. Pitre Rodriguez, 57, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/400, and in his left eye, 20/20. Following an examination in 2015, his optometrist stated, "Mr. Pitre has sufficient vision to perform the driving test required and to operate a commercial vehicle." Mr. Pitre Rodriguez reported that he has driven straight trucks for 23 years, accumulating 61,600 miles. He holds a Class A CDL from FL. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

John Rueckert

Mr. Rueckert, 63, had a retinal detachment in his left eye in 2013. The visual acuity in his right eye is 20/20, and in his left eye, 20/100. Following an examination in 2015, his optometrist stated, "In my opinion, John has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Rueckert reported that he has driven straight trucks for 45 years, accumulating 2.25 million miles and tractor-trailer combinations for 39 years, accumulating 5.85 million miles. He holds a Class A CDL from South Dakota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Joseph W. Schmit

Mr. Schmit, 54, has a prosthetic left eye due to a traumatic incident in 1987. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2016, his optometrist stated, "It is my medical opinion that he has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Schmit reported that he has driven straight trucks for 20 years, accumulating 250,000 miles and tractor-trailer combinations for 4 years, accumulating 22,000 miles. He holds a Class A CDL from Nebraska. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Douglas R. Strickland

Mr. Strickland, 25, has had refractive amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/400, and in his left eye, 20/20. Following an examination in 2015, his optometrist stated, "He should be cleared to drive a commercial vehicle from a visual standpoint in my opinion." Mr. Strickland reported that he has driven straight trucks for 8 years, accumulating 12,800 miles. He holds a

Class C CDL from North Carolina. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Vladimir Szudor

Mr. Szudor, 44, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/200, and in his left eye, 20/20. Following an examination in 2015, his optometrist stated, "Yes, Mr. Szudor has sufficient vision to perform the driving tasks to operate commercial vehicle." Mr. Szudor reported that he has driven buses for 8 years, accumulating 320,000 miles. He holds an operator's license from Florida. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Marvin S. Zimmerman

Mr. Zimmerman, 69, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is light perception, and in his left eye, 20/20. Following an examination in 2015, his optometrist stated, "In my medical opinion Mr. Zimmerman has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Zimmerman reported that he has driven tractor-trailer combinations for 40 years, accumulating 5.2 million miles. He holds a Class A CDL from Pennsylvania. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

III. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting Comments

If you submit a comment, please include the docket number for this notice, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov> and put the docket number FMCSA-2016-0027 in the "Keyword" box, and click "Search." When the new screen appears, click on "Comment Now!" button and type your

comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period. FMCSA may issue a final determination at any time after the close of the comment period.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov> and insert the docket number FMCSA-2016-0027 in the "Keyword" box and click "Search." Next, click "Open Docket Folder" button and choose the document listed to review. If you do not have access to the Internet, you may view the docket online by visiting the Docket Management Facility in Room W12-140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Issued on: April 26, 2016.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2016-10200 Filed 4-29-16; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Environmental Impact Statement (EIS) for the Hudson Tunnel Project in Hudson County, New Jersey and New York County, New York

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of intent (NOI) to prepare an Environmental Impact Statement (EIS).

SUMMARY: Through this Notice, FRA announces its intent to jointly prepare an environmental impact statement (EIS) with the New Jersey Transit Corporation (NJ TRANSIT) for the Hudson Tunnel Project (the Proposed Action or the Project) under the National Environmental Policy Act (NEPA). The Proposed Action is

intended to preserve the current functionality of the Northeast Corridor's (NEC) Hudson River rail crossing between New Jersey and New York and strengthen the resilience of the NEC. The Project would consist of construction of a new rail tunnel beneath the Hudson River, including railroad infrastructure in New Jersey and New York connecting the new rail tunnel to the existing NEC, and rehabilitation of the existing NEC tunnel beneath the Hudson River, referred to as the North River Tunnel. The EIS will evaluate the potential environmental impacts of a reasonable range of alternatives, including the No Action (No Build) Alternative. As appropriate, FRA and NJ TRANSIT will coordinate with the National Railroad Passenger Corporation (Amtrak), as owner of the North River Tunnel, and the Port Authority of New York and New Jersey (PANYNJ) on the EIS.

FRA invites the public and all interested parties to provide comments on the scope of the EIS, including the proposed purpose and need, the Proposed Action and alternatives to be considered in the EIS, potential environmental impacts of concern and methodologies to be used in the EIS, the approach for public and agency involvement, and any other particular concerns about the potential impacts of the Proposed Action.

DATES: Persons interested in providing written comments on the scope of the EIS must do so by May 31, 2016. Please submit written comments via the internet, email, or mail, using the contact information provided below.

Persons may also provide comments orally or in writing at the public scoping meetings. FRA and NJ TRANSIT will hold two scoping meetings on the following dates:

- May 17, 2016, at the Hotel Pennsylvania, Gold Ballroom, 3rd Floor, 401 Seventh Avenue at West 33rd Street, New York, New York 10001.
- May 19, 2016, at Union City High School, 2500 Kennedy Boulevard, Union City, New Jersey 07087.

Both days will include an afternoon session from 3 to 5 p.m. with a brief presentation about the Proposed Action at 4 p.m., and an evening session from 6 to 8 p.m. with a brief presentation about the Proposed Action at 7 p.m. The public can review Project information, talk informally with members of the study staff, and formally submit comments to the FRA (to a stenographer or in writing). The meeting facilities will be accessible to persons with disabilities. Spanish language translators will be present. If you need

special translation or signing services or other special accommodations, please contact the Project team five days prior to the meeting at 973-261-8115, or email team@hudsontunnelproject.com.

FRA and NJ TRANSIT will give equal consideration to oral and written comments.

ADDRESSES: The public and other interested parties are encouraged to comment via the internet at the Project's Web site

(www.hudsontunnelproject.com) or via email at team@hudsontunnelproject.com.

You can also send written comments by mail to persons identified below.

FOR FURTHER INFORMATION CONTACT:

Amishi Castelli, Ph.D., Environmental Protection Specialist, Office of Railroad Policy and Development, USDOT Federal Railroad Administration, One Bowling Green, Suite 429, New York, NY 10004, or Amishi.Castelli@dot.gov; or Mr. RJ Palladino, AICP, PP, Senior Program Manager, NJ TRANSIT Capital Planning, One Penn Plaza East—8th Floor, Newark, NJ 07105, or RPalladino@njtransit.com.

SUPPLEMENTARY INFORMATION: FRA and NJ TRANSIT will prepare the EIS in compliance with NEPA, the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR parts 1500–1508), and the FRA Procedures for Considering Environmental Impacts (FRA's Environmental Procedures) (64 FR 28545, May 26, 1999; 78 FR 2713, Jan. 14, 2013). Consistent with Section 11503 of the Fixing America's Surface Transportation Act of 2015 (FAST Act), FRA and NJ TRANSIT will prepare the EIS consistent with 23 U.S.C. 139. After release and circulation of a Draft EIS for public comment, FRA intends to issue a single document that consists of the Final EIS and Record of Decision under Public Law 112–141, 126 Stat. 405, Section 1319(b) unless it determines the statutory criteria or practicability considerations preclude issuing a combined document.

The EIS will also document compliance with other applicable Federal, state, and local environmental laws and regulations, including Section 106 of the National Historic Preservation Act (NHPA); the Conformity requirements of the Clean Air Act; the Clean Water Act; Section 4(f) of the Department of Transportation Act of 1966 (Section 4(f)); the Endangered Species Act; Executive Order 11988 and USDOT Order 5650.2 on Floodplain Management; Executive Order 11990 on Protection of Wetlands; the Magnuson-Stevens Act related to

Essential Fish Habitat; the Coastal Zone Management Act; and Executive Order 12898 on Environmental Justice. The EIS will provide FRA, NJ TRANSIT, and other cooperating and participating agencies and the public with information about alternatives that meet the Proposed Action's purpose and need, including their environmental impacts and appropriate measures to avoid, minimize, and mitigate those impacts.

The Proposed Action may affect historic properties and will be subject to the requirements of Section 106 of the NHPA (54 U.S.C. 306108). Consistent with regulations issued by the Advisory Council on Historic Preservation (36 CFR part 800), FRA intends to coordinate compliance with Section 106 of the NHPA with the preparation of the EIS. The public and interested parties may also provide input relevant to FRA's review under Section 106 including identifying potentially eligible resources and the potential effect of the Proposed Action on those resources. In addition, the public or other interested parties may also request to participate in the Section 106 process as a consulting party under 36 CFR part 800.

Project Background

The existing NEC rail tunnel beneath the Hudson River is known as the North River Tunnel. This tunnel is used by Amtrak for intercity passenger rail service and by NJ TRANSIT for commuter rail service. The approach to the tunnel begins east of NJ TRANSIT's Frank R. Lautenberg Station in Secaucus, New Jersey (which is 5 miles east of Amtrak and NJ TRANSIT's Newark Penn Station). East of the Secaucus station, the NEC has two tracks that approach the tunnel on a raised embankment through the towns of Secaucus and North Bergen, New Jersey. Tracks enter a tunnel portal in North Bergen, passing beneath Union City and Weehawken, New Jersey and the Hudson River before emerging within the Penn Station New York (PSNY) rail complex in New York City. The tunnel has two separate tubes, each accommodating a single track for electrically powered trains, and extends approximately 2.5 miles from the tunnel portal in North Bergen to PSNY. The existing North River Tunnel is a critical NEC asset and is the only intercity passenger rail crossing into New York City from New Jersey and areas west and south.

The NEC is the most heavily used passenger rail line in the U.S., both in terms of ridership and service frequency. Amtrak operates over the

entire NEC, providing regional service, long distance service, and high-speed Acela Express service. Amtrak owns the majority of the NEC, including the North River Tunnel. NJ TRANSIT operates an extensive commuter rail network in New Jersey that extends to Philadelphia, Pennsylvania; Orange and Rockland Counties in New York; and New York City. Amtrak's NEC service and NJ TRANSIT's commuter rail service provide connections between the major cities of the Mid-Atlantic and Northeast states and commuter access for thousands of people who work in the region. Therefore, both services are important to the region's economy. In 2014, Amtrak carried approximately 24,000 weekday passengers each day on more than 100 trains between New York and New Jersey. NJ TRANSIT carried almost 90,000 weekday passengers each day on approximately 350 trains between New York and New Jersey.

Extensive engineering work and environmental documentation have been prepared over the past two decades for a new Hudson River rail tunnel. This has included the detailed studies and design conducted for the Access to the Region's Core (ARC) project from 1995 through 2010. The ARC project evaluated several options for construction of a new tunnel under the Hudson River in combination with an expansion of station capacity in midtown Manhattan to accommodate growing passenger demand. In addition, Amtrak conducted the Gateway Program Feasibility Study in 2011–2013, which assessed options for constructing a new Hudson River tunnel. Amtrak's Gateway Program envisions a series of improvement projects to upgrade and expand the capacity of the NEC. While many of the Gateway improvements are still being fully defined, a new Hudson Tunnel on the NEC is urgently needed to maintain existing service.

In 2012, the FRA launched the NEC FUTURE study to consider the role of rail passenger service in the context of current and future transportation demands and to evaluate the appropriate level of capacity improvements to make across the NEC. The intent of the NEC FUTURE program is to help develop a long-term vision and investment program for the NEC. Through NEC FUTURE, FRA is currently evaluating overall capacity improvements and environmental consequences associated with improved NEC rail services, including trans-Hudson service. However, as described above, this Proposed Action addresses a specific need due to the deterioration of the existing North River Tunnel and can be considered independently from the

other projects analyzed in the NEC FUTURE EIS. All three build alternatives evaluated in the NEC FUTURE Tier 1 Draft EIS FRA released in November 2015 included new Hudson River tunnel investments similar to this Proposed Action. This EIS may incorporate the appropriate analysis and other relevant elements from the NEC FUTURE Tier 1 EIS while focusing on the issues specific to this independent Project.

As appropriate, FRA and NJ TRANSIT will use the work conducted for the ARC project and Amtrak's feasibility study to provide baseline information for the study of the Proposed Action. While the Proposed Action addresses maintenance and resilience of the NEC Hudson River crossing, it would not increase rail capacity. At the same time, the Proposed Action would not preclude other future projects to expand rail capacity in the area. Accordingly, although the Proposed Action may also be an element of a larger program to expand rail capacity, it would meet an urgent existing need and will be evaluated as a separate project from any larger initiative. Ultimately, an increase in service between Newark Penn Station and PSNY would not occur until other substantial infrastructure capacity improvements are built in addition to a new Hudson River rail tunnel. These improvements will be the subject of one or more separate design, engineering, and appropriate environmental reviews.

Purpose and Need

The purpose of the Proposed Action is: (1) To preserve the current functionality of Amtrak's NEC service and NJ TRANSIT's commuter rail service between New Jersey and PSNY by repairing the deteriorating North River Tunnel; and (2) to strengthen the NEC's resiliency to support reliable rail service by providing redundant capacity under the Hudson River for Amtrak and NJ TRANSIT NEC trains between New Jersey and the existing PSNY. These improvements must be achieved while maintaining uninterrupted commuter and intercity rail service and by optimizing the use of existing infrastructure.

Service reliability through the tunnel has been compromised due to damage to tunnel components Superstorm Sandy caused, when it inundated both tubes in the North River Tunnel with seawater in October 2012. That storm resulted in the cancellation of all Amtrak and NJ TRANSIT service into New York City for five days. Although the tunnel was restored to service and is now safe for travel, chlorides from the seawater remain in the tunnel's concrete liner

and bench walls, causing ongoing damage to the bench walls, imbedded steel, track, and signaling and electrical components.

The damage Superstorm Sandy caused is compounded by the tunnel's age and the intensity of its current use (operating at capacity to meet current demands), resulting in frequent delays due to component failures within the tunnel. With no other Hudson River passenger rail crossing into PSNY, single-point failures can suspend rail service, causing delays that cascade up and down the NEC as well as throughout NJ TRANSIT's commuter system, disrupting service for hundreds of thousands of passengers. For example, on March 17, 2016, a NJ TRANSIT train became disabled in one of the tunnel's tubes during the morning peak period, resulting in delays to 57 other Amtrak and NJ TRANSIT trains headed into and out of PSNY that day. Service disruptions will continue and will over time happen more frequently as the deterioration from the seawater inundation continues and components fail in an unpredictable manner.

Because of the importance of the North River Tunnel to essential commuter and intercity rail service between New Jersey and New York, City, rehabilitation of the existing North River Tunnel must be accomplished without unacceptable reductions in weekday service. Removing one tube in the existing North River Tunnel from operation without new capacity in place would reduce weekday service to volumes well below the current maximum capacity of 24 peak direction trains per hour.

In addition, the existing two-track North River Tunnel is operating at full capacity and does not provide redundancy for reliable train operations during disruptions or maintenance. Therefore, any service disruption results in major passenger delays and substantial reductions to overall system flexibility, reliability and on-time performance. This condition is exacerbated by the need to perform increased maintenance to address damage Superstorm Sandy caused. These maintenance demands are difficult to meet because of the intensity of rail service in the tunnel. Efforts to maintain the North River Tunnel in a functional condition currently require nightly and weekend tunnel outages with reductions in service due to single-track operations. Train service is adjusted to allow the closure of one tube of the North River Tunnel each weekend for maintenance for a 55-hour window beginning Friday evening and ending early Monday morning.

Proposed Action and Alternatives

The Proposed Action, the Hudson Tunnel Project, consists of:

- A new NEC rail tunnel with two tubes and electrified tracks beneath the Hudson River, extending from a new tunnel portal in North Bergen, New Jersey to the PSNY rail complex;
- Ventilation shaft buildings above the tunnel on both sides of the Hudson River to provide smoke ventilation during emergencies;
- Modifications to the existing NEC tracks in New Jersey and additional track on the NEC to connect the new tunnel to the NEC, beginning just east of Frank R. Lautenberg Station in Secaucus, New Jersey, and approaching the new tunnel portal in North Bergen, New Jersey;
- Modifications to connecting rail infrastructure at PSNY to connect the new tunnel's tracks to the existing tracks at PSNY; and
- Rehabilitation of the existing North River Tunnel.

Once the North River Tunnel rehabilitation is complete, both the old and new tunnel would be in service, providing redundant capacity and increased operational flexibility for Amtrak and NJ TRANSIT.

In addition to those permanent features, the Proposed Action would involve the following types of construction activities, which will be described and evaluated in the Draft EIS:

- Construction of new tracks along the NEC between Frank R. Lautenberg Station and the new tunnel portal;
- Construction of the new tunnel using Tunnel Boring Machine (TBM) technology, which is conducted underground from a tunnel portal. At this time, it is anticipated that tunneling would likely occur from the New Jersey side of the new tunnel;
- Construction staging sites near the tunnel portal and at the vent shaft site in New Jersey. These locations would be used to access the tunnel and to remove rock from the tunnel while it is being bored;
- Construction staging site at the vent shaft site in Manhattan; and
- Potential construction activities that affect the Hudson River riverbed above the tunnel location.

Alternatives will be developed based on the purpose of and need for the Project, information obtained through the scoping process, and information from previous studies. The EIS process will consider a No Action Alternative and a reasonable range of Build Alternatives identified through an alternatives development process. The

Draft EIS will document the alternatives development and screening process. On the basis of that screening process and further analysis in the Draft EIS itself, FRA anticipates that the Draft EIS will also identify and describe the Preferred Alternative consistent with 40 CFR 1502.14(e).

Possible Effects

Consistent with NEPA and FRA's Environmental Procedures, the EIS will consider the potential direct, indirect, and cumulative effects of the Project alternatives on the social, economic, and environmental resources in the study area. This analysis will include identification of study areas; documentation of the affected environment; evaluation of direct and indirect effects of the alternatives; and identification of measures to avoid and/or mitigate adverse impacts.

The analysis will include detailed consideration of impacts that would occur during the Project's construction—including construction of the new tunnel and rehabilitation of the existing tunnel—as well as consideration of the impacts once the construction is complete. The Proposed Action would not expand capacity on this portion of the NEC as compared to the No Action Alternative, and therefore service changes are not an anticipated consequence of the Proposed Action. FRA and NJ TRANSIT will evaluate direct, indirect and cumulative changes to the human and natural environment resulting from the alternatives, including analyses of the following resource areas:

- Transportation;
- Social and economic conditions;
- Property acquisition;
- Parks and recreational resources;
- Visual and aesthetic resources;
- Historic and archaeological resources;
- Air quality;
- Greenhouse gas emissions and resilience;
- Noise and vibration;
- Ecology (including wetlands, water and sediment quality, floodplains, and biological resources);
- Threatened and endangered species;
- Contaminated materials; and
- Environmental justice.

A Section 4(f) evaluation will also be included in the Draft EIS.

Scoping, Public Involvement, and Agency Coordination

This NOI initiates the scoping process under NEPA, which helps guide the development of the Draft EIS. FRA and NJ TRANSIT invite all interested

individuals, organizations, and federal, state, and local agencies to comment on the scope of the EIS. Comments are encouraged on the Proposed Action's purpose and need; the alternatives to consider in the EIS; the analyses to include in the EIS and the study area and methodologies to be used; the approach for public and agency involvement; and any particular concerns about the anticipated impacts of the Proposed Action.

Public agencies with jurisdiction are requested to advise FRA of the applicable permit and environmental review requirements of each agency, and the scope and content of the environmental information germane to the agency's statutory responsibilities in connection with the Proposed Action. Public agencies are requested to advise FRA if they anticipate taking a major action in connection with the Proposed Action and if they wish to cooperate in the preparation of the EIS under 40 CFR 1501.16.

FRA will coordinate with participating agencies during development of the Draft EIS under 23 U.S.C. 139. FRA will also coordinate with federally recognized tribes and Consulting Parties established under Section 106 of the NHPA.

The lead agencies will invite all Federal and non-Federal agencies and Native American tribes that may have an interest in the Proposed Action to become participating agencies for the EIS. If an agency or tribe is not invited and would like to participate, please contact FRA at the contact information listed above. The lead agencies will develop a Coordination Plan summarizing how they will engage the public, agencies, and tribes in the process. The Coordination Plan will be posted to the Project Web site (www.hudsonstunnelproject.com) and to FRA's Web site (www.fra.dot.gov/Page/P0214). NJ TRANSIT will lead the outreach activities during the public scoping process, beginning with the scoping meeting and comment period identified under **DATES** above. Public meetings, open houses and other public involvement initiatives, including newsletters and outreach, will be held and used throughout the course of this study. Public outreach activities will be announced on the Project Web site (www.hudsonstunnelproject.com) and through mailings, public notices, advertisements and press releases.

Issued in Washington, DC, on April 27, 2016.

Amitabha Bose,
Chief Counsel.

[FR Doc. 2016-10277 Filed 4-28-16; 11:15 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2016-0053]

Reports, Forms and Record Keeping Requirements, Agency Information Collection Activity Under OMB Review

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Notice of proposed extension, without change, of a currently approved collection of information.

SUMMARY: Before a federal agency may collect certain information from the public, the agency must receive approval from the Office of Management and Budget (“OMB”). Under procedures established by the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), before seeking OMB approval, federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatements of previously approved collections. In compliance with the Paperwork Reduction Act of 1995, this notice describes one collection of information for which NHTSA intends to seek OMB approval.

DATES: Comments must be submitted on or before July 1, 2016.

ADDRESSES: You may submit comments to the docket number identified in the heading of this document by any of the following methods:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- **Mail:** Docket Management Facility, U.S. Department of Transportation, West Building, Ground Floor, Rm. W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- **Hand Delivery or Courier:** West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m. Eastern Time, Monday through Friday, except Federal holidays.
- **Fax:** (202) 493-2251.

Regardless of how you submit your comments, please be sure to mention the docket number of this document and cite OMB Clearance No. 2127-0609, “Criminal Penalty Safe Harbor Provision.”

You may call the Docket at 202-366-9322.

Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act discussion below.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT’s complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78).

FOR FURTHER INFORMATION CONTACT:

Kerry Kolodziej, Office of the Chief Counsel, NCC-100, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590 (telephone: 202-366-5263). Please identify the relevant collection of information by referring to OMB Clearance Number 2127-0609 “Criminal Penalty Safe Harbor Provision.”

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB’s regulations (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following:

- (i) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- (ii) the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- (iii) how to enhance the quality, utility, and clarity of the information to be collected; and
- (iv) how to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

In compliance with these requirements, NHTSA asks for public comment on the following proposed extension, without change, of a

currently approved collection of information:

Criminal Penalty Safe Harbor Provision

Type of Request—Extension, without change, of a currently approved collection.

OMB Clearance Number—2127-0609.
Form Number—This collection of information uses no standard forms.

Requested Expiration Date of Approval—Three (3) years from the date of approval of the collection.

Summary of the Collection of Information—Each person seeking safe harbor protection from criminal penalties under 49 U.S.C. 30170 related to an improper report or failure to report is required to submit the following information to NHTSA: (1) A signed and dated document that identifies (a) each previous improper report and each failure to report as required under 49 U.S.C. 30166, including a regulation, requirement, request or order issued thereunder, for which protection is sought and (b) the specific predicate under which the improper or omitted report should have been provided; and (2) the complete and correct information that was required to be submitted but was improperly submitted or was not previously submitted, including relevant documents that were not previously submitted to NHTSA or, if the person cannot do so, provide a detailed description of that information and/or the content of those documents and the reason why the individual cannot provide them to NHTSA. *See* 49 U.S.C. 30170(a)(2) and 49 CFR 578.7; *see also* 66 FR 38380 (July 24, 2001) (safe harbor final rule); 65 FR 81414 (Dec. 26, 2000) (safe harbor interim final rule).

Description of the Need for the Information and Use of the Information—This information

collection was mandated by Section 5 of the Transportation Recall Enhancement, Accountability, and Documentation Act, codified at 49 U.S.C. 30170(a)(2). The information collected will provide NHTSA with information the Agency should have received previously and will also promptly provide the Agency with correct information to do its analyses, such as, for example, conducting tests or drawing conclusions about possible safety-related defects. NHTSA anticipates using this information to help it to accomplish its statutory assignment of identifying safety-related defects in motor vehicles and motor vehicle equipment and, when appropriate, seeking safety recalls.

Description of the Likely Respondents, Including Estimated Number and Proposed Frequency of Response to the

ATTACHMENT B
SCOPING DOCUMENT
APRIL 2016

Hudson Tunnel Project
Environmental Impact Statement
Scoping Document

April 2016

A. INTRODUCTION

The Federal Railroad Administration (FRA) and NJ TRANSIT are preparing an Environmental Impact Statement (EIS) to evaluate the Hudson Tunnel Project (the “Proposed Action” or the “Project”). The Proposed Action is intended to preserve the current functionality of the Northeast Corridor’s (NEC) Hudson River rail crossing between New Jersey and New York and strengthen the resilience of the NEC. The Project would consist of construction of a new rail tunnel under the Hudson River, including railroad infrastructure in New Jersey and New York connecting the new rail tunnel to the existing NEC, and rehabilitation of the existing NEC tunnel beneath the Hudson River.



The existing NEC Hudson River rail tunnel beneath the Hudson River is known as the North River Tunnel.¹ **Figure 1** illustrates the location of the North River Tunnel and its approach tracks. This tunnel is used by Amtrak for intercity passenger rail service and by NJ TRANSIT for commuter rail service. As shown in the figure, the approach to the tunnel begins east of NJ TRANSIT’s Frank R. Lautenberg Station in Secaucus, New Jersey (which is 5 miles east of Amtrak and NJ TRANSIT’s Newark Penn Station). East of the Secaucus station, the NEC has two tracks that approach the tunnel on a raised embankment through the towns of Secaucus and North Bergen, New Jersey. Tracks enter a tunnel portal in North Bergen, passing beneath Union City and Weehawken, New Jersey and the Hudson River before emerging within the Penn Station New York (PSNY) rail complex in New York City. The tunnel has two separate tubes, each accommodating a single track for electrically powered trains, and extends approximately 2.5 miles from the tunnel portal in North Bergen to PSNY.

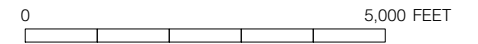
Superstorm Sandy in October 2012 damaged the North River Tunnel and today the tunnel remains compromised. The North River Tunnel is currently safe for use by Amtrak and NJ TRANSIT trains traveling between New Jersey and New York City and beyond. However, it is in poor condition as a result of the storm damage and has required emergency maintenance that disrupts service for hundreds of thousands of rail passengers throughout the region. Despite the ongoing maintenance, the damage caused by the storm continues to degrade systems in the tunnel and can only be addressed through a comprehensive reconstruction of the tunnel.

The Proposed Action would rehabilitate the North River Tunnel without disrupting existing levels of train service, and provide redundant capacity for rail service crossing the Hudson River. To perform the needed rehabilitation in the existing North River Tunnel, each tube of the tunnel will need to be closed for more than a year. However, rehabilitation needs to be accomplished without unacceptable reductions in weekday service. Therefore, the Proposed Action would include construction of two new rail tubes beneath the Hudson River (the “Hudson Tunnel”) that can maintain the existing level of train service while the damaged tubes are taken out of service one at a time for rehabilitation. If no new Hudson River rail crossing is provided, closing a tube of the tunnel for rehabilitation would substantially reduce the number of trains that could serve PSNY, because the single remaining tube would have to support two-way service. Once the North River Tunnel rehabilitation is complete, both the old and new

¹ “North River” is an alternate name for the Hudson River, based on an early Dutch name for the river.



-  Existing North River Tunnel
-  Existing Northeast Corridor



tunnel will be in service, providing redundant capacity and increased operational flexibility for Amtrak and NJ TRANSIT.

B. ENVIRONMENTAL REVIEW PROCESS

Construction of the Project is expected to involve the use of Federal funding administered through the U.S. Department of Transportation (USDOT). Prior to approving the funding, Federal agencies must consider the environmental effects of their actions in accordance with the National Environmental Policy Act (NEPA) of 1969 (42 USC 4321 et seq.). Therefore, an EIS will be prepared for the Proposed Action. FRA and NJ TRANSIT will serve as joint lead agencies for the EIS.

FRA and NJ TRANSIT will prepare the EIS in compliance with NEPA, the Council on Environmental Quality's (CEQ) regulations implementing NEPA (40 CFR parts 1500-1508), the FRA Procedures for Considering Environmental Impacts (FRA's Environmental Procedures) (64 FR 28545, May 26, 1999, as updated in 78 FR 2713, January 14, 2013). Consistent with Section 11503 of the Fixing America's Surface Transportation Act of 2015 (FAST Act), the EIS will also be prepared in accordance with 23 USC 139. After release and circulation of a Draft EIS for public comment, FRA will issue a single document that consists of the Final Environmental Impact Statement and Record of Decision pursuant to Pub. L. 112-141, 126 Stat. 405, Section 1319(b) unless it is determined that statutory criteria or practicability considerations preclude issuance of such a combined document.

The EIS will also document compliance with other applicable Federal, state, and local environmental laws and regulations, including Section 106 of the National Historic Preservation Act; the Conformity requirements of the Clean Air Act; the Clean Water Act; Section 4(f) of the Department of Transportation Act of 1966 (Section 4(f)); the Endangered Species Act; Executive Order 11988 and USDOT Order 5650.2 on Floodplain Management; Executive Order 11990 on Protection of Wetlands; the Magnuson-Stevens Act related to Essential Fish Habitat; the Coastal Zone Management Act; and Executive Order 12898 on Environmental Justice. The EIS will provide the FRA and NJ TRANSIT and other participating agencies and the public with information about alternatives that meet the Proposed Action's purpose and need, including their environmental impacts and potential avoidance and mitigation measures.

The steps in the EIS process are as follows:

- Notice of Intent (NOI). Publication of the NOI in the Federal Register formally announces the FRA's intent to prepare an EIS for the Proposed Action and initiates the environmental review process.
- Scoping. Scoping generally occurs after publication of the NOI and is an initial step in the NEPA process where the public and agencies are provided an opportunity to review and comment on the scope of the EIS including the Proposed Action's purpose and need, alternatives to be studied in the EIS, environmental issues of concern, and the methodologies for the environmental analysis.

- Draft EIS. Following scoping, the lead agencies will prepare a Draft EIS to assess the potential environmental impacts of the Proposed Action and identify appropriate measures to avoid, minimize, or mitigate those impacts consistent with the requirements of NEPA and other applicable regulations and requirements.
- Public Review of the Draft EIS. When the Draft EIS is ready, FRA will ensure that the document is readily available for public review. The U.S. Environmental Protection Agency will publish a Notice of Availability in the Federal Register initiating the public comment period for the Draft EIS. FRA and NJ TRANSIT will hold a public hearing or hearings during the public comment period, and members of the public can offer oral testimony on the findings of the Draft EIS. Written comments will also be accepted.
- Final EIS and Record of Decision (ROD). After the close of the public comment period on the Draft EIS closes, FRA intends to prepare a joint Final EIS and ROD. The Final EIS will include a summary of the comments made on the Draft EIS during the public comment period and responses to those comments, and any necessary revisions to the Draft EIS to address the comments.

As described above, an early step in the environmental review process is “scoping,” which helps gather information to help FRA and NJ TRANSIT in the development of the Draft EIS. During scoping, FRA and NJ TRANSIT request comments from the public and agencies for input on the Project, including its purpose and need, alternatives to be considered, the potential for environmental impacts, and the methodologies to be used in the analyses. This Scoping Document presents the following:

- A description of the Proposed Action’s purpose and need (Section C);
- Alternatives to be considered in the EIS (Section D);
- The analyses to be included in the EIS (Section E); and
- A description of the plan for public and agency involvement (Section F).

FRA and NJ TRANSIT are seeking input and comments related to these issues and any particular concerns with respect to potential impacts of the Proposed Action. FRA will consider the comments received during the scoping period in determining the scope and issues to be analyzed in the EIS. As noted in Section F of this document (“Public Outreach and Agency Coordination”), FRA will be coordinating with participating agencies during development of the Draft EIS pursuant to 23 USC 139. FRA will also coordinate with Federally recognized Native American tribes and consulting parties established pursuant to Section 106 of the National Historic Preservation Act.

C. PROJECT PURPOSE AND NEED

BACKGROUND

The existing North River Tunnel is located on the NEC. The NEC is the most heavily used passenger rail line in the U.S., both in terms of ridership and service frequency. The NEC extends from Washington, D.C. in the south to Boston, Massachusetts, in the north, serving the densely populated Northeast region, including PSNY. Amtrak, the nationwide intercity passenger rail operator, operates over the

entire NEC, providing regional service, long distance service, and high-speed Acela Express service. Amtrak owns the majority of the NEC, including the North River Tunnel. NJ TRANSIT operates an extensive commuter rail network in New Jersey that extends to Philadelphia, Pennsylvania; Orange and Rockland Counties in New York; and New York City. In New Jersey, NJ TRANSIT owns much of the commuter rail network that converges on the NEC. NJ TRANSIT's rail lines all include direct or connecting service to PSNY. **Figures 2 and 3** illustrate the NEC and NJ TRANSIT routes that serve PSNY via the North River Tunnel.

Amtrak's NEC service and NJ TRANSIT's commuter rail service provide connections between the major cities of the Mid-Atlantic and Northeast states and commuter access for thousands of people who work in the region. Therefore, both services are important to the region's economy. The NEC FUTURE Tier 1 Draft EIS released by FRA in November 2015 evaluates improvements to the NEC and describes the importance of the NEC to the region's economy:

The Northeast regional economy, which approximates the Northeast and Mid-Atlantic regions, is unique among U.S. regional economies in that it is the most densely urban region in the United States, with the NEC connecting some of the nation's largest and most mature urban economies. . . . The region's infrastructure has some of the oldest assets in the nation's transportation network. To maintain its role as a global economic center, the region must modernize its aging infrastructure and add capacity to support future growth. Absent the ability to efficiently move large numbers of people in, out, and between these large economic centers daily, the negatives of large metropolitan economies begin to cancel the positives, tempering economic development and incentivizing businesses to expand elsewhere in the United States.²






Within the New York City commutershed, recent census data indicate that 12.8 percent of the workforce in Manhattan consists of residents of New Jersey and 7.2 percent of all New Jersey workers commute to Manhattan.³ In 2014, NJ TRANSIT carried almost 90,000 weekday passengers each day on approximately 350 trains between New York and New Jersey. Amtrak carried approximately 24,000 weekday passengers each day on more than 100 trains between New York and New Jersey.

Extensive engineering work and environmental documentation have been prepared over the past two decades for a new Hudson River rail tunnel. This has included the detailed studies and design conducted for the Access to the Region's Core (ARC) project from 1995 through 2010, which evaluated several options for construction of a new tunnel under the Hudson River in combination with an expansion of station capacity in midtown Manhattan to accommodate growing passenger demand. In addition, Amtrak conducted the Gateway Program Feasibility Study in 2011-2013, which assessed options for constructing a new Hudson River tunnel. Amtrak's Gateway Program envisions a series of improvement

² FRA, NEC FUTURE Tier 1 Draft EIS, November 2015, pp. 6-2 and 6-3, available at www.necfuture.com/tier1_eis/deis/.

³ U.S. Census 2006-2010 American Community Survey (ACS) data for the county level, 2006-2010, available at <http://ctpp.transportation.org/Pages/5-Year-Data.aspx>.



-  Existing North River Tunnel
-  Rail Station (not all shown)
-  Northeast Corridor
-  Connecting Rail Corridor
-  National Rail Network

0 50 MILES



Hudson Tunnel Project

Amtrak Northeast Corridor and Connecting Rail Network
Figure 2



Hudson Tunnel Project

NJ TRANSIT Commuter Network
Figure 3

projects to upgrade and expand the capacity of the NEC. While many of the Gateway improvements are still being fully defined, a new Hudson Tunnel on the NEC is urgently needed to maintain existing service.

In 2012, the FRA launched NEC FUTURE to consider the role of rail passenger service in the context of current and future transportation demands and to evaluate the appropriate level of capacity improvements to make across the NEC. The intent of the NEC FUTURE program is to help develop a long-term vision and investment program for the NEC. Through NEC FUTURE, FRA is currently evaluating overall capacity improvements and environmental consequences associated with improved NEC rail services, including trans-Hudson service. However, as described above, this Proposed Action addresses a specific need related to deterioration of the existing North River Tunnel and can be considered independently from the other projects analyzed in the NEC FUTURE EIS. All three build alternatives evaluated in the NEC FUTURE Tier 1 Draft EIS included new Hudson River tunnel investments similar to this Proposed Action. This EIS may incorporate the appropriate analysis and other relevant elements from the NEC FUTURE Tier 1 EIS while focusing on the issues specific to this independent Project.

As appropriate, FRA and NJ TRANSIT will use the work conducted for the ARC project and Amtrak's feasibility study to provide baseline information for the study of the Proposed Action. While the Proposed Action addresses maintenance and resilience of the NEC Hudson River crossing, it would not increase rail capacity. At the same time, the Proposed Action would not preclude other future projects to expand rail capacity in the area. Accordingly, while the Proposed Action may also be an element of a larger program to expand rail capacity, it would meet an urgent existing need and will be evaluated as a separate project from any larger initiative. Ultimately, an increase in service between Newark Penn Station and PSNY cannot be realized until other substantial infrastructure capacity improvements are built in addition to a new Hudson River rail tunnel. These improvements will be the subject of one or more separate design, engineering, and appropriate environmental reviews.

PROJECT PURPOSE

The purpose of the Proposed Action is: to preserve the current functionality of Amtrak's NEC service and NJ TRANSIT's commuter rail service between New Jersey and PSNY by repairing the deteriorating North River Tunnel; and to strengthen the NEC's resiliency to support reliable service by providing redundant capacity under the Hudson River for Amtrak and NJ TRANSIT NEC trains between New Jersey and the existing PSNY. These improvements must be achieved while maintaining uninterrupted commuter and intercity rail service and by optimizing the use of existing infrastructure.

PROJECT NEED

The existing North River Tunnel is a critical NEC asset and is the only intercity passenger rail crossing into New York City from New Jersey and areas west and south.⁴ This tunnel is more than 100 years old and

⁴ As shown in Figure 3, PANYNJ's Port Authority Trans Hudson (PATH) rail service also crosses the Hudson River into Lower Manhattan, serving local New Jersey and New York commuters.

was designed and built to early 20th-century standards. Service reliability throughout the tunnel has been compromised because of the damage to tunnel components caused by Superstorm Sandy, which inundated both tubes in the North River Tunnel with seawater in October 2012, resulting in the cancellation of all Amtrak and NJ TRANSIT service into New York City for five days. While the tunnel was restored to service and is now safe for travel, chlorides from the seawater remain in the tunnel's concrete liner and bench walls, causing ongoing damage to the bench walls, imbedded steel, track, and signaling and electrical components.

The damage caused by Superstorm Sandy is compounded by the tunnel's age and the intensity of its current use (operating at capacity to meet current demands), resulting in frequent delays due to component failures within the tunnel. With no other Hudson River passenger rail crossing into PSNY, single-point failures can suspend rail service, causing delays that cascade up and down the NEC as well as throughout NJ TRANSIT's commuter system, disrupting service for hundreds of thousands of passengers. For example, this occurred on March 17, 2016, when a NJ TRANSIT train became disabled in one of the tunnel's tubes during the morning peak period, resulting in delays to 57 other Amtrak and NJ TRANSIT trains headed into and out of PSNY that day. Service disruptions will continue and will over time happen more frequently as the deterioration related to the seawater inundation continues and components fail in an unpredictable manner.

Because of the importance of the North River Tunnel to essential commuter and intercity rail service between New Jersey and New York, City, rehabilitation of the existing North River Tunnel needs to be accomplished without unacceptable reductions in weekday service. Removing one tube in the existing North River Tunnel from operation without new capacity in place would reduce weekday service to volumes well below the current maximum capacity of 24 peak direction trains per hour.

In addition, the existing two-track North River Tunnel is operating at its full capacity and does not provide redundancy for reliable train operations during disruptions or maintenance. Any service disruption therefore results in major passenger delays and substantial reductions to overall system flexibility, reliability and on-time performance. This condition is exacerbated by the need to perform increased maintenance to address damage caused by Superstorm Sandy. These maintenance demands are difficult to meet because of the intensity of rail service in the tunnel. Efforts to maintain the North River Tunnel in a functional condition currently require nightly and weekend tunnel outages with reductions in service due to single-track operations. Train service is adjusted to allow one tube of the North River Tunnel to be closed each weekend for maintenance for a 55-hour window beginning on Friday evening and ending early on Monday morning.

In summary, the Proposed Action addresses the following critical needs:

- *Improve the physical condition and rehabilitate the existing North River Tunnel:* Both tubes in the North River Tunnel were inundated with seawater during Superstorm Sandy in October 2012, resulting in the cancellation of all Amtrak and NJ TRANSIT service into New York City for five days. The more than 100-year-old North River Tunnel has been compromised as a result of the storm damage and service reliability has suffered.

- *Preservation of existing NEC capacity and functionality during rehabilitation of existing North River Tunnel:* The need to maintain existing levels of rail service is critical as it supports intercity, regional, and local mobility and associated economic benefits regionally and nationally.
- *Strengthen the NEC's resiliency to provide reliable service by providing redundant capacity at the critical Hudson River crossing to reduce commuter and intercity rail delays caused by unanticipated events or routine maintenance:* The lack of redundant capacity across the Hudson River means that any service outage, either unplanned or for planned maintenance, results in substantial reductions to NEC reliability and on-time performance. Once the Project is constructed, maintenance can take place without these service disruptions.

GOALS AND OBJECTIVES

Five goals will guide the development and evaluation of alternatives to address the purpose and need. The objectives further define the goals and provide specific and measurable means by which to evaluate the Project alternatives.

- Goal 1:** Improve service reliability and upgrade existing tunnel infrastructure.
- Reduce infrastructure-related delays due to poor condition of the North River Tunnel following Superstorm Sandy.
 - Rehabilitate the North River Tunnel to modern system standards.
- Goal 2:** Maintain uninterrupted existing NEC service, capacity, and functionality by ensuring North River Tunnel rehabilitation occurs as soon as possible.
- Optimize use of existing infrastructure.
 - Use conclusions from prior planning studies as appropriate and to the maximum extent possible.
 - Avoid regional and national economic impacts associated with loss of rail service.
- Goal 3:** Strengthen the NEC's resiliency to provide reliable service across the Hudson River crossing, facilitating long-term infrastructure maintenance and enhancing operational flexibility.
- Construct additional tracks to allow for continued NEC rail operations during maintenance periods and unanticipated manmade and natural events.
- Goal 4:** Do not preclude future trans-Hudson rail capacity expansion projects.
- Allow for connections to future capacity expansion projects, including connections to Frank R. Lautenberg Station in Secaucus through to the Portal Bridge over the Hackensack River, and connections to station expansion projects in the area of PSNY.
- Goal 5:** Minimize impacts on the natural and built environment.
- Avoid/minimize adverse impacts on communities and neighborhoods.
 - Strive for consistency with local plans and policies.
 - Preserve the natural and built environment.

D. PROPOSED ACTION AND ALTERNATIVES

FRA and NJ TRANSIT will assess a reasonable range of alternatives in the EIS, including a No Action Alternative and a reasonable range number of different Build Alternatives identified through an alternatives development process. Alternatives will be developed based on the purpose of and need for the Project, information obtained through the scoping process, and information from previous studies. The Draft EIS will document the alternatives development and screening process. On the basis of that screening process and further analysis in the Draft EIS itself, FRA anticipates that the Draft EIS will also describe the Project's Preferred Alternative consistent with 40 CFR 1502.14(e).

NO ACTION ALTERNATIVE

NEPA requires examination of a "No Action" Alternative, which is an alternative against which the potential benefits and impacts of Build Alternatives can be compared. The No Action Alternative includes independent planned and funded projects likely to be implemented by the Project's completion year. For the Proposed Action, the No Action Alternative will assume that the existing North River Tunnel remains in service, with continued maintenance as necessary to address ongoing deterioration to the extent possible.

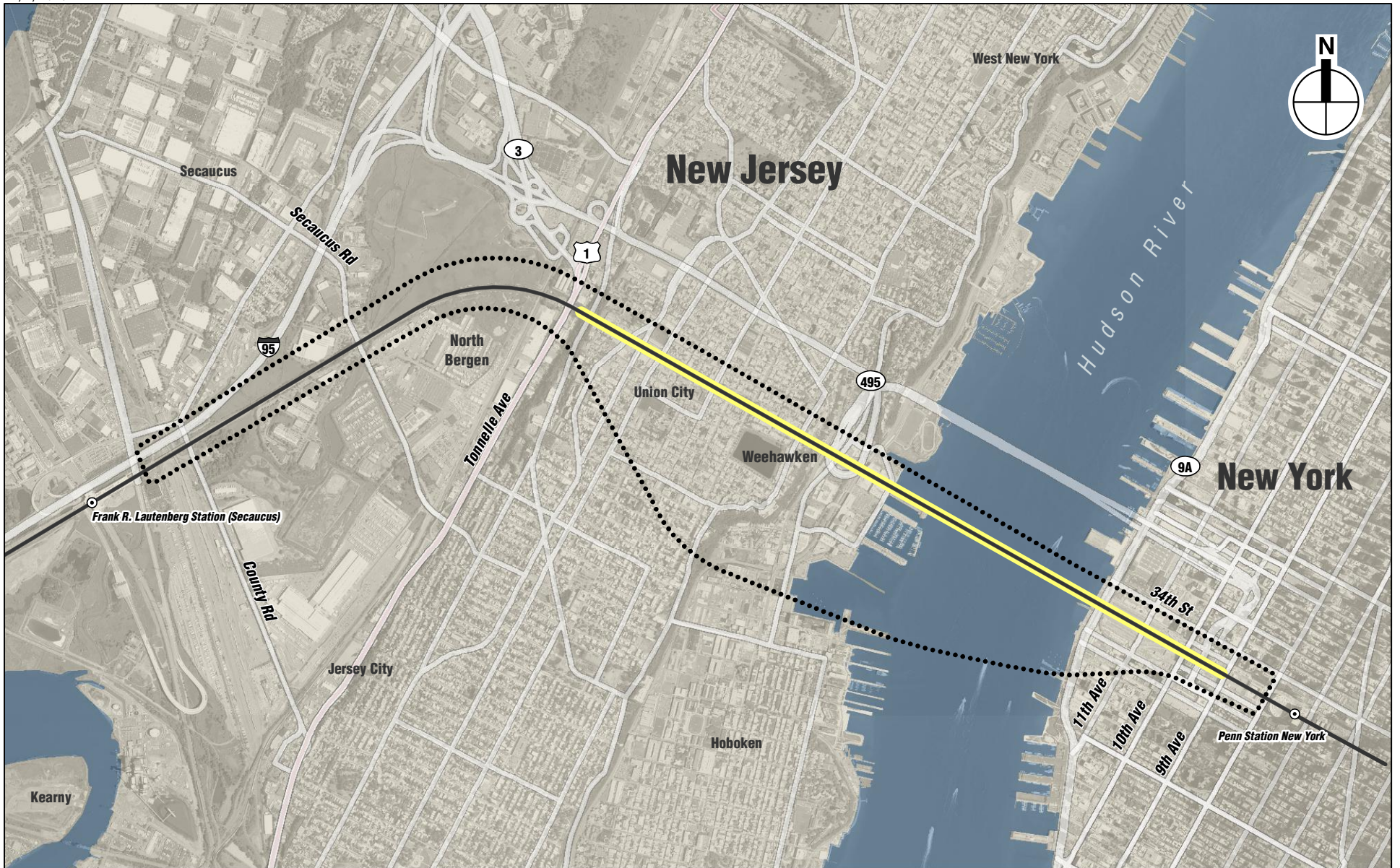
BUILD ALTERNATIVES

The EIS will describe and evaluate a reasonable range of Build Alternatives, identified through an alternatives development process, that meet the need for the Proposed Action. The Proposed Action, the Hudson Tunnel Project, consists of a new tunnel connecting the existing NEC tracks east of Frank R. Lautenberg Station in Secaucus, New Jersey, to the existing rail complex at PSNY as well as rehabilitation of the existing North River Tunnel, consistent with the goals and objectives identified above. Therefore, the end points or "termini" for the Project would be: in New Jersey, the interlocking near the Secaucus station where trains may connect with the NEC and can move from utilizing the North River Tunnel to the new Hudson Tunnel; and, in New York, the existing rail complex at PSNY.

Within this framework, the Build Alternatives would be located within a relatively small geographic area, close to and south of the existing NEC and the existing North River Tunnel. The new tunnel would not be north of the North River Tunnel, because of proximity to the Lincoln Tunnel, which carries vehicular traffic between New Jersey and New York City. As shown in **Figure 4**, the potential area where the Build Alternatives could be located extends from the east end of Frank R. Lautenberg Station in Secaucus, New Jersey to Ninth Avenue in New York City, where the PSNY tracks begin.

The Build Alternatives are anticipated to include the following elements:

- A new NEC rail tunnel beneath the Hudson River, extending from a new tunnel portal in North Bergen, New Jersey to the PSNY rail complex (as explained above).
- Ventilation shaft buildings above the tunnel on both sides of the Hudson River to provide smoke ventilation during emergencies.



- Project Study Area
 - Existing North River Tunnel
 - Existing Northeast Corridor
- Hudson Tunnel Project**

0 5,000 FEET

Project Study Area
Figure 4

- Modifications to the existing NEC tracks in New Jersey and additional track on the NEC to connect the new tunnel to the NEC. Modifications are anticipated beginning just east of Frank R. Lautenberg Station in Secaucus, New Jersey, and approaching the new tunnel portal in North Bergen, New Jersey.
- Modifications to connecting rail infrastructure at PSNY to connect the new tunnel's tracks to the existing tracks at PSNY.
- Rehabilitation of the existing North River Tunnel, one tube at a time.

Once the North River Tunnel rehabilitation is complete, both the old and new tunnel will be in service, providing redundant capacity and increased operational flexibility for Amtrak and NJ TRANSIT.

In addition to those permanent features, the Proposed Action would involve the following types of construction activities, which will be described and evaluated in the Draft EIS:

- Construction of new tracks along the NEC between Frank R. Lautenberg Station and the new tunnel portal.
- Construction of the new tunnel using Tunnel Boring Machine (TBM) technology, which is conducted underground from a tunnel portal. At this time, it is anticipated that tunneling would likely occur from the New Jersey side of the new tunnel.
- Construction staging sites near the tunnel portal and at the vent shaft site in New Jersey. These locations would be used to access the tunnel and to remove rock and soil from the tunnel while it is being bored.
- Construction staging site at the vent shaft site in Manhattan.
- Potential construction activities that affect the Hudson River riverbed above the tunnel location.

E. ENVIRONMENTAL ANALYSIS TO BE INCLUDED IN THE EIS

In accordance with NEPA and FRA's Environmental Procedures, the EIS will consider the potential direct, indirect and cumulative effects of the Project alternatives on the social, economic, and environmental resources in the study area. This analysis will include the identification of study areas; documentation of the affected environment; evaluation of direct and indirect effects of the alternatives; and identification of measures to minimize, avoid, or mitigate adverse impacts.

The analysis will include detailed consideration of impacts that could occur from Project construction (construction of the new tunnel and rehabilitation of the existing tunnel) as well as consideration of the impacts once the construction is complete. The Proposed Action is not intended to, and would not, expand capacity on this portion of the NEC as compared to the No Action Alternative, and therefore service changes are not an anticipated consequence of the Proposed Action.

For this scoping effort, FRA and NJ TRANSIT have identified a general study area for the Project as shown in **Figure 4**. The purpose of this study area is to identify a geographic area large enough to support assessment of potential environmental impacts of any alternatives that might be studied as part of the Draft EIS. However, the study areas for each affected resource will vary, based on the resource, since a

project's effect can occur over smaller or larger areas depending on the resource area. This general study area follows the NEC from just east of the Frank R. Lautenberg Station in Secaucus, New Jersey to PSNY in midtown Manhattan, New York and includes portions of Secaucus, North Bergen, Union City, Weehawken, and Hoboken in New Jersey; a portion of the Hudson River bounded by Weehawken and Hoboken to the west and Manhattan to the east; and a portion of midtown Manhattan, New York.

The EIS will consider the following resource areas for the No Action and the Build Alternatives:

- **Transportation:** The EIS will consider the Proposed Action's impacts during construction and after completion on passenger and freight rail service and operations, other public transit modes (including public and private bus service, commuter and light rail, and ferry service), automobile and truck traffic, pedestrian conditions, and maritime traffic in the Hudson River.
- **Social and Economic Conditions:** The EIS will describe and evaluate existing and future land use, zoning, and public policy; neighborhood character and cohesion; and socioeconomic conditions and trends. Land use data will also inform other EIS analyses, including the analyses of air quality, noise, and vibration.
- **Property Acquisition:** The EIS will identify the need for property acquisition for the Build Alternatives, and will discuss the procedures to be followed for any required acquisition in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisitions Policies Act (42 USC 4601) and its applicable regulations (49 CFR part 24).
- **Parks and Recreational Resources:** The EIS will identify parks and recreational resources and evaluate potential impacts including the use of park space during construction, noise impacts to park users, and any permanent features of the Project that could affect these resources. The analysis of parks and recreational resources will inform the evaluation of Section 4(f) resources, which is discussed below.
- **Visual and Aesthetic Resources:** The EIS will evaluate the Proposed Action's potential effects on visual and aesthetic resources, including staging sites and other construction activities as well as any permanent above-ground features, including its new NEC tracks and ventilation buildings. The EIS will follow the relevant USDOT guidelines related to visual assessment. In addition, the visual analysis in the EIS will also evaluate the potential for the Project's ventilation buildings to cast new shadows on important visual resources, using the methodologies set forth in the *New York City Environmental Quality Review (CEQR) Technical Manual*.
- **Historic and Archaeological Resources:** The EIS will analyze the Proposed Action's effects on historic and archaeological resources, in accordance with the requirements of Section 106 of the National Historic Preservation Act of 1966. Section 106 requires that Federal agencies consider the effects of their actions on any properties listed or determined eligible for listing on the National Register of Historic Places. As part of the Section 106 process, FRA will afford the New Jersey and New York State Historic Preservation Officers (SHPOs), the Advisory Council on Historic Preservation, Federally recognized Native American tribes, identified consulting parties, and interested members of the public a reasonable opportunity to comment on the Proposed Action and its potential effects. If any adverse effects are identified, FRA and NJ TRANSIT will resolve those effects and identify the appropriate avoidance and mitigation measures in

consultation with the SHPOs and/or Tribal Historic Preservation Officers (THPOs), tribes, and other consulting parties established during the Section 106 process. The analysis of historic and archaeological resources will inform the evaluation of Section 4(f) resources, which is discussed below.

- **Air Quality:** Therefore, The EIS will consider air pollutant emissions during construction, related to construction equipment and trucks bringing materials to and from the construction sites. In addition, the EIS will include a Conformity Analysis to address the Proposed Action's conformity with the Clean Air Act and associated conformity requirements. After construction, FRA and NJ TRANSIT do not expect any effects on air quality during normal operations since the rehabilitated existing tunnel and the new tunnel would be used only for electric trains, and no capacity improvements with the potential to change traffic patterns or transportation mode use would occur. The tunnel ventilation shafts would be used for emergency purposes only.
- **Greenhouse Gas Emissions and Resilience:** The EIS will describe sources of greenhouse gas emissions during construction and measures to reduce those emissions. It will also discuss design features that will make the Project and the region more resilient to the likely effects of climate change.
- **Noise and Vibration:** The EIS will evaluate the potential noise and vibration impacts associated with construction of the new rail tunnel, including new connections between the NEC and the tunnel. It will also consider the noise and vibration impacts associated with operation of Amtrak and NJ TRANSIT passenger rail service along the new route once it is complete. The analysis will follow the methodologies presented in the Federal Transit Administration (FTA) guidance manual, *Transit Noise and Vibration Impact Assessment* (FTA-VA-90-1003-06, May 2006), which FRA has adopted for use in environmental impact review, as well as FRA's *High-Speed Ground Transportation Noise and Vibration Impact Assessment* (DOT/FRA/ORD-12/15, September 2012), which is used for evaluation of trains traveling more than 90 miles per hour.
- **Ecology:** The EIS will examine the Proposed Action's potential impacts on water quality and terrestrial and aquatic natural resources. This will include a discussion of relevant regulatory programs, the current condition of natural resources in the study area, and the Project's potential to affect those resources. Natural resources to be assessed will include wetlands, water and sediment quality, floodplains, and biological resources, including aquatic biota, terrestrial biota, and threatened and endangered species. The EIS will also evaluate the Proposed Action's effects on Essential Fish Habitat. These analyses will be conducted in coordination with relevant resource and permitting agencies, including the U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS), Federal Emergency Management Agency (FEMA), U.S. Army Corps of Engineers (USACE), U.S. Environmental Protection Agency (USEPA), New Jersey Meadowlands Commission (NJMC) at the New Jersey Sports and Exposition Authority, New Jersey Department of Environmental Protection (NJDEP), and New York State Department of Environmental Conservation (NYSDEC).
- **Contaminated Materials:** Soil and groundwater beneath a site can be contaminated because of past or present uses on that site or adjacent properties. Contaminants commonly found along rail lines include semi-volatile compounds, heavy metals, pesticides, and herbicides. The EIS will

evaluate the potential for contamination to be present in the area where construction activities would occur and will describe measures to minimize potential exposure to the public and construction workers from any contaminants.

- **Environmental Justice:** The EIS will include an environmental justice analysis that complies with the requirements of Executive Order 12898, “Federal Action to Address Environmental Justice in Minority Populations and Low-Income Populations” and assesses the Proposed Action’s potential for disproportionately high and adverse environmental impacts on minority and/or low-income populations. The analysis will follow the guidance in the CEQ’s “Environmental Justice Guidance under the National Environmental Policy Act” (December 1997), the USDOT’s 2012 Updated Environmental Justice Order 5610.2(a), Environmental Justice Policy Guidance for FTA Recipients (FTA C 4703.1, 2012), and any relevant guidance from the States of New Jersey and New York.
- **Secondary and Cumulative Effects:** The CEQ’s regulations implementing NEPA require Federal agencies to consider the environmental consequences of their actions, including not only direct, but also indirect and cumulative effects. Indirect or secondary effects are those that occur later in time or farther removed in distance, and cumulative impacts are those that result from the incremental impact of an action when added to other past, present, and reasonably foreseeable future actions, regardless of which agency or person undertakes such actions. The EIS will include an analysis that meets the requirements of the CEQ regulations.
- **Section 4(f) Evaluation:** Agencies within the USDOT, including FRA, are subject to Section 4(f) of the USDOT Act of 1966, which prohibits them from approving any program or project that “uses” publicly owned parklands, protected wildlife areas, and historic structures and sites, unless there is no feasible and prudent alternative to the use of such land and such program or project includes all possible planning to minimize harm to the property. A “use” can include the permanent incorporation of a protected resource into the project, a temporary use during construction, and a constructive use, in which no direct impacts occur to the resource, but there are proximity impacts so severe that the activities, features, or attributes that qualify the property for protection are substantially impaired. The EIS will include a Section 4(f) Evaluation documenting the Proposed Action’s use of Section 4(f) resources, if any; any feasible and prudent alternatives to that use; and the measures to minimize harm.

F. PUBLIC OUTREACH AND AGENCY COORDINATION

Public involvement is an integral part of the transportation planning process. NEPA, along with Executive Order 12898 on Environmental Justice, require Federal agencies to work to ensure greater public participation in the decision-making process. 23 USC 139 also includes requirements for public and agency involvement in the NEPA process. Accordingly, the lead agencies will develop a Coordination Plan summarizing how the public and agencies will be engaged in the process. The Coordination Plan will be posted to the Project website (www.hudsonunnelproject.com). As required by 23 USC 139, the Coordination Plan will be completed within 90 days after publication of the Notice of Intent to Prepare an Environmental Impact Statement (EIS) and will include an anticipated schedule for the environmental

review for the Project. FRA and NJ TRANSIT will lead the outreach activities during the public scoping process, beginning with the scoping meeting.

PUBLIC INVOLVEMENT

The goals of the public involvement plan for the Proposed Action are as follows:

- To provide an opportunity and a mechanism for public participants to engage early and often in the development of the EIS and give relevant input to the Proposed Action.
- To focus public input in a structured manner that ensure any decisions are made with the benefits of robust public involvement.
- To ensure that elected officials, agencies, stakeholders, and the general public are adequately informed about the Proposed Action and its implications for their communities and to identify potential issues so that they can be addressed and resolved before the completion of the EIS process.

The public involvement plan will include a number of different outreach tools and activities to involve the public. These will include the following:

- **Project mailing list:** NJ TRANSIT will develop a mailing list of elected officials, public agency contacts, stakeholders and community groups, and members of the public with an interest in the Proposed Action. The mailing list will be used to distribute meeting announcements and information about the Project. Where email addresses are available, announcements will be distributed electronically.
- **Project website:** A Project website (www.hudsonstunnelproject.com) has been established to provide information on the Project. The website will be kept up to date with information on the Project alternatives, environmental review, and current and previous Project documentation, and will provide a link to allow people to sign up for the mailing list and submit comments electronically. Information about the Project is also available on FRA's website at www.fra.dot.gov/Page/PO214.
- **Project newsletters at key milestones:** These will provide updated information on the Project and the status of the environmental review.
- **Local government and stakeholder briefings:** The lead agencies will brief the appropriate local government entities and stakeholders to provide information, answer questions, and receive feedback.
- **Public open houses:** The lead agencies will hold public meetings to provide information about the status of the Project and solicit feedback at key milestones.
- **Public comment periods at specific NEPA milestones:** NEPA requires public comment periods to provide an opportunity for public input at two critical points during the environmental review: during the scoping period and when the Draft EIS is complete. During both those periods, public meetings will be held and the public will have an opportunity to provide comments orally or in writing.

AGENCY COORDINATION

The Proposed Action's location and implementation requires coordination with a number of Federal and state agencies with jurisdiction over natural resources, water ways, historic resources, and parklands. FRA and, NJ TRANSIT will implement an agency coordination plan in during the environmental review process accordance with the requirements of 23 USC 139 that will keep permitting and resource agencies informed and involved in the Project's environmental review to ensure that their concerns are addressed.

Agencies can be involved as lead, cooperating, or participating agencies, depending on their anticipated role. The responsibility of the lead agency(ies) is to ensure compliance with applicable environmental review processes. A "cooperating agency," according to CEQ regulations (40 CFR § 1508.5), means any Federal agency, other than a lead agency, that has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposed project or project alternative. A state or local agency of similar qualifications or when the Proposed Action may have effects on lands of tribal interests, a tribal government may, by agreement with the lead agencies, also become a cooperating agency. CEQ regulations also state (40 CFR § 1501.6) that an agency may request the lead agency to designate it a cooperating agency. "Participating agencies" are those Federal, state, or local agencies or Federally recognized tribal governmental organizations with an interest in the project. The standard for participating agency status is broader than the standard for cooperating agency status. Therefore, all cooperating agencies are, by definition, participating agencies, but not all participating agencies are cooperating agencies.

Cooperating and participating agencies are responsible for identifying, as early as practicable, any issues of concern regarding a project's potential environmental impacts that could substantially delay or prevent an agency from granting a permit or other approval. FRA and NJ TRANSIT will identify and invite appropriate Federal and state agencies to become cooperating or participating agencies for the Project. A preliminary list of agencies that may be included is provided in **Table 1**. This list will be adjusted as Project issues are developed and the need for permits is identified. Regular coordination with the cooperating and participating agencies will occur through periodic meetings and conference calls.

Public agencies with jurisdiction are requested to advise FRA of the applicable permit and environmental review requirements of each agency, and the scope and content of the environmental information that is germane to the agency's statutory responsibilities in connection with the Proposed Action. Public agencies are requested to advise FRA if they anticipate taking a major action in connection with the Proposed Action and if they wish to cooperate in the preparation of the EIS in accordance with 40 CFR 1501.16.

FRA will be coordinating with participating agencies during development of the Draft EIS pursuant to 23 USC 139. FRA will also coordinate with Federally recognized tribes and consulting parties established pursuant to Section 106 of the National Historic Preservation Act.

Table 1
Preliminary List of Lead, Cooperating, and Participating Agencies

| Agency | Role | Responsibilities |
|---|---|--|
| Lead Agencies | | |
| Federal Railroad Administration (FRA) | Federal Lead Agency | Manage environmental review process; prepare EIS and decision document; provide opportunity for public and agency involvement; arbitrate and resolve issues |
| NJ TRANSIT | State Joint Lead Agency and Project Sponsor | Manage environmental review process; prepare EIS and decision document; provide opportunity for public and agency involvement; arbitrate and resolve issues |
| Federal Agencies | | |
| Federal Transit Administration | Cooperating Agency | Consultation related to NEPA |
| U.S. Army Corps of Engineers (USACE) | Cooperating Agency | Section 404, Clean Water Act permit Section 10, Rivers and Harbors Act permit |
| U.S. Department of Interior | Participating Agency | Consultation related to Section 4(f) of the U.S. Department of Transportation Act |
| U.S. Environmental Protection Agency | Participating Agency | Consultation related to Section 404, Clean Water Act |
| U.S. Fish and Wildlife Service | Participating Agency | Consultation in accordance with Section 7 of the Endangered Species Act |
| NOAA National Marine Fisheries Service | Participating Agency | Consultation in accordance with Section 7, Endangered Species Act; Essential Fish Habitat, Magnuson-Stevens Fishery Conservation and Management Act; Section 10 permit, Section 404 permit |
| U.S. Coast Guard | Participating Agency | Consultation related to navigational issues in the Hudson River |
| Federal Emergency Management Agency, Federal Region II | Participating Agency | Consultation related to resilience and floodplain issues |
| U.S. Department of Homeland Security | Participating Agency | Consultation related to security |
| Advisory Council on Historic Preservation | Possible Section 106 Consulting Party | Possible participation in Section 106 process |
| State Agencies | | |
| New Jersey Department of Environmental Protection (NJDEP) | Participating Agency | Various permits and reviews |
| New York State Department of Environmental Conservation (NYSDEC) | Participating Agency | Various permits and reviews |
| New York State Department of State | Participating Agency | Coastal zone consistency review |
| New Jersey State Historic Preservation Office (at NJDEP) | Participating Agency; Section 106 Consulting Party | Concurrence under Section 106, National Historic Preservation Act |
| New York State Historic Preservation Office (at New York State Office of Parks, Recreation and Historic Preservation) | Participating Agency; Section 106 Consulting Party | Concurrence under Section 106, National Historic Preservation Act |
| Hudson River Park Trust | Participating Agency | Consultation related to impacts within Hudson River Park |
| New York State Department of Transportation | Participating Agency | Consultation related to impacts within Route 9A |
| Regional Agencies | | |
| Port Authority of New York and New Jersey | Participating Agency | Assist in environmental review process; will be a funding partner for Project development |
| North Jersey Transportation Planning Authority | Participating Agency | Consultation |
| New York Metropolitan Transportation Council | Participating Agency | Consultation |
| New Jersey Meadowlands Commission at New Jersey Sports and Exposition Authority | Participating Agency | Consultation |
| Local Agencies | | |
| Agency representatives of local municipalities: Hoboken, Jersey City, North Bergen, Secaucus, Union City, and Weehawken, NJ; New York City; and Hudson County, NJ | Participating Agency | Consultation |

The lead agencies will invite all Federal and non-Federal agencies and Native American tribes that may have an interest in the Proposed Action to become participating agencies for the EIS. In the event that an agency or tribe is not invited and would like to participate, please contact FRA at the contact information listed below.

SCHEDULE FOR AGENCY COORDINATION AND PUBLIC OUTREACH

The anticipated schedule for key milestones during the NEPA process is shown in **Table 2** below.

Table 2
Potential Schedule of Key Milestones
for NEPA Review

| NEPA Activity | Anticipated Schedule |
|----------------------------------|-----------------------------|
| Scoping | April 2016 – May 2016 |
| Draft EIS Complete | Summer 2017 |
| Comment Period on Draft EIS | Summer 2017 |
| Final EIS and Record of Decision | Spring 2018 |

ENVIRONMENTAL JUSTICE COORDINATION

Executive Order 12898 requires Federal agencies to involve the public on project issues related to human health and the environment. The U.S. Department of Transportation's Environmental Justice Order indicates that project sponsors should create public involvement opportunities to solicit input from affected minority and low-income populations in considering project alternatives. The public involvement plan for the Proposed Action will include specific efforts to reach environmental justice communities that may be affected by the Proposed Action. Environmental justice communities are present in the Project study area in areas of North Bergen, Union City, and Weehawken, New Jersey.

SECTION 106 COORDINATION

Section 106 of the National Historic Preservation Act requires Federal agencies to take into account the effects of their undertakings on historic properties that are listed in or meet the eligibility criteria for listing in the National Register of Historic Places. The Section 106 process has a specific public involvement component. In particular, regulations require that the Federal agency (FRA), in consultation with the SHPO (in this case, the New Jersey and New York SHPO) and THPOs) as applicable, identify appropriate points for seeking public input and for notifying the public of the proposed actions associated with the Project. The regulations also require that the Federal agency seek and consider the views of the THPOs, SHPOs, and the public in a manner that reflects the nature and complexity of the project and its effects on historic properties. Public outreach for purposes of NEPA can be used to satisfy the public involvement requirements under Section 106, as long as the NEPA document contains adequate information about the project's effects on historic properties. At a minimum for this Proposed Action, the public will be given the opportunity to provide FRA with comments on the Section 106 process during the public comment period on the Draft EIS.

Furthermore, Section 106 requires that agency officials work with the SHPOs to identify parties to participate in the Section 106 process (“consulting parties”). Consulting parties may include local governments, Federally recognized Indian tribes, and individuals and organizations with a demonstrated interest in the project due to the nature of their legal or economic relation to the project or affected historic properties, or their concern with the project’s effects on historic properties. FRA and NJ TRANSIT will invite appropriate entities to participate in the Project’s Section 106 review as consulting parties, in addition to the New Jersey and New York SHPO and the Advisory Council on Historic Preservation (ACHP), and will hold Project status update and other meetings as appropriate throughout the environmental review process. As part of the scoping process, FRA and NJ TRANSIT will seek to identify entities that may wish to participate in the Section 106 review for the Proposed Action as consulting parties.

PROJECT SCOPING MEETINGS AND OPPORTUNITY FOR PUBLIC COMMENT ON THE SCOPE OF THE EIS

FRA and NJ TRANSIT are seeking input and comments related to the scope of the Hudson Tunnel EIS, including the following:

- The Proposed Action’s purpose and need;
- Proposed Action and alternatives to be considered in the EIS;
- The potential environmental impacts of concern, analyses to be included in the EIS, and the study area and methodologies to be used;
- The approach for public and agency involvement; and
- Any particular concerns related to the anticipated impacts of the Proposed Action.

FRA and NJ TRANSIT will consider the comments received during the scoping period in determining the scope and issues to be analyzed in the EIS. Persons interested in providing comments on the scope of the EIS should do so by May 31, 2016.

Please submit written comments via the internet, email, or mail, using the contact information provided below. Comments may also be provided orally or in writing at the public scoping meetings. FRA and NJ TRANSIT will give equal consideration to oral and written comments.

FRA and NJ TRANSIT will hold two scoping meetings on the following dates:

- May 17, 2016, at the Hotel Pennsylvania, Gold Ballroom, 3rd Floor, 401 Seventh Avenue at West 33rd Street, New York, New York 10001.
- May 19, 2016 at Union City High School, 2500 Kennedy Boulevard, Union City, New Jersey 07087.

Both days will include an afternoon session from 3 to 5 PM with a brief presentation about the Proposed Action at 4 PM, and an evening session from 6 to 8 PM with a brief presentation about the Proposed Action at 7 PM. The public will be able to review Project information, talk informally with members of the study staff, and formally submit comments to the FRA (to a stenographer or in writing). The meeting facilities will be accessible to persons with disabilities. Spanish language translators will be present. If

special translation or signing services or other special accommodations are needed, please contact the Project team five days prior to the meeting at 973-261-8115, or email team@hudsontunnelproject.com.

In addition to the scoping meetings, comments may be submitted by May 31, 2016 in written form, as follows:

- Through the Project website: www.hudsontunnelproject.com.
- Via email at: team@hudsontunnelproject.com.
- To the Project contacts listed below.

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