

# **HUDSON TUNNEL PROJECT**

## **NEPA RE-EVALUATION #5**

**Hudson River Ground Stabilization Contract:  
Weeks 526 Crane Barge Request for Waiver**

**April 29, 2024**

April 19, 2024

**VIA E-MAIL**

Federal Railroad Administration  
1200 New Jersey Avenue, SE  
Washington, DC 20590  
Attn: Christopher Hansen, Environmental Protection Specialist, Major Projects Team,  
Office of Environmental Program Management

Federal Transit Administration  
Region II Office  
One Bowling Green, Room 428 New York, NY 10004  
Attn: Ky Woltering, Environmental Protection Specialist,  
Office of Planning and Program Management

**RE: Hudson Tunnel Project National Environmental Policy Act (NEPA) Re-Evaluation #5, Hudson River  
Ground Stabilization Contract: Weeks 526 Crane Barge Request for Waiver**

Dear Mr. Hansen and Mr. Woltering:

Attachment A: Mitigation Commitments of the National Environmental Policy Act (“NEPA”) Hudson Tunnel Project Final Environmental Impact Statement (“FEIS”) and Record of Decision (“ROD”) for the Hudson Tunnel Project (“Project”), formally executed on May 28, 2021, requires the following as an Air Quality Mitigation:

*Utilization of Newer Equipment. EPA’s Tier 1 through 4 standards for nonroad diesel engines regulate the emission of criteria pollutants from new engines, including PM, CO, NOx, and hydrocarbons. The Project construction contracts will specify that all diesel-powered non-road construction equipment with a power rating of 50 hp or greater will meet at least the Tier 3 emissions standard. All diesel-powered engines used in the construction of the Project rated less than 50 hp will meet at least the Tier 2 emissions standard as the Tier 3 emissions standard does not apply to these engines.*

The Hudson River Ground Stabilization (“HRGS”) Contractor has submitted to the Gateway Development Commission (“GDC”) a Request for Waiver of the engine tier requirements for their Weeks 526 Crane Barge during cofferdam installation during the first in-water work season (June 2024 to January 2025). The Weeks 526 Crane Barge engine is Tier 0. The contractor is experiencing long lead times and supply shortage for some of the replacement engines with a Tier 3 engine. The Week 526 Crane Barge is a custom marine barge with no known equivalent replacements within the local market that would meet the engine tier requirements. The Week 526 Crane Barge is specialized floating equipment required to handle large scale cofferdam installation in open rivers.

The total anticipated duration that the Weeks 526 Crane Barge will be operating on the project site during the first cofferdam installation in-river work window (June 2024 to January 2025) would be approximately 3.5 months. The generator on the crane that powers some of the auxiliary equipment including the lighting will be Tier 4.

New York Office:  
120 Broadway, 10<sup>th</sup> Floor  
New York, New York 10271

New Jersey Office:  
Two Penn Plaza East, 11<sup>th</sup> Floor  
Newark, New Jersey 07105

The contractor will continue with the repowering of the engines for the Weeks 526 Crane Barge to ensure that they will meet the Tier 3 emissions requirements prior to remobilization of cofferdam operations in June 2025.

On March 28, 2024, as the Project Sponsor, the GDC submitted a Request for Waiver from ROD Attachment A: Mitigation Commitments, Environmental Category: Air Quality for Weeks 526 Crane Barge to meet the Tier 3 emission standards during cofferdam installation (June 2024 to January 2025) for concurrence from the Federal Railroad Administration (“FRA”) and Federal Transit Administration (“FTA”).

On April 3, 2024, FRA/FTA asked about the level of analysis in the FEIS regarding the Non-Road Equipment Air Quality. On April 10, 2024, the following response was provided (via email and included herein as reference) summarizing how the Non-Road Equipment Air Quality was approached in the HTP FEIS:

*Chapter 13 Air Quality Section 13.6.3 Hudson River of the FEIS determined there was no adverse construction air quality impacts to nearby onshore land uses during in-water Hudson River construction activity since there was limited in-water construction activity and the work is considered short term in nature. Chapter 13.9 Measures to Avoid, Minimize, or Mitigate Impacts referenced that barges with emission sources moored near the construction site would be required to comply with the same standards as land-based equipment, including EPA’s Tier 1 through 4 standards for nonroad diesel engines. Although there is no bearing on air quality impacts during the short duration of in-water Hudson River construction activity, Chapter 13.9 Measures to Avoid, Minimize, or Mitigate Impacts stated that the barges with emission sources moored near the construction site would be required to comply with the same standards as land-based equipment.*

On April 18, 2024, FRA/FTA requested additional information regarding the impact this change (Tier 0 engine) will have on the original Air Quality conclusions in the FEIS/ROD to support FRA/FTA determination. On April 19, 2024, the following additional information is provided to support FRA/FTA review of HTP NEPA Re-evaluation #5, Hudson River Ground Stabilization Contract: Weeks 526 Crane Barge Request for Waiver: There would be no change nor potential exceedance of the de minimis threshold in General Conformity applicability from the original analysis in the FEIS/ROD. This is an exempt project for Transportation Conformity and therefore does not require a transportation conformity analysis. With this proposed project change, the original FEIS/ROD remains valid and a supplemental NEPA analysis is not required.

If you have any questions regarding HTP NEPA Re-evaluation #5, Hudson River Ground Stabilization Contract: Weeks 526 Crane Barge Request for Waiver, please do not hesitate to contact me at [BEngle@gatewayprogram.org](mailto:BEngle@gatewayprogram.org).

Sincerely,



Benjamin Engle  
Senior Program Manager, Program Planning  
Gateway Development Commission

cc: GDC, Eric Daleo  
GDC, Jim Morrison  
GDC, Cesar Silva  
GDC, Timothy Steinhilber  
GDC, Rebecca Zack  
GTHP, Mary Ann Mason  
MPA, Joanne Iwaskiw