

6B.1 INTRODUCTION

This chapter of the Environmental Impact Statement (EIS) identifies the property acquisition requirements of the Preferred Alternative, both for its construction and operation. This information is based on preliminary design completed as of the date of completion of this EIS and may evolve as the Project design advances. The effects of any property acquisition on socioeconomic conditions are discussed in Chapter 7, “Socioeconomic Conditions.” The No Action Alternative would not require the acquisition of any property, and therefore is not discussed in this chapter.

This chapter reflects the following changes made since the Draft EIS (DEIS) for the Hudson Tunnel Project:

- The chapter incorporates design modifications related to the permanent features of the Project (e.g., modifications to surface tracks and tunnel alignment) and changes to construction methods and staging, including the addition of a third potential truck route for access to and from the Hoboken staging area.
- The chapter describes any updates to the analysis of potential impacts related to the design modifications.

This chapter contains the following sections:

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6B.2 REGULATORY CONTEXT

A Federally funded project must adhere to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as codified in 42 USC §§ 4601 et seq. (Uniform Act), and the applicable implementing regulations set forth in 49 CFR Part 24. The Uniform Act protects the rights of property owners and tenants of real property to be acquired to implement the Project. It intends to ensure that individuals do not suffer disproportionate injuries as a result of programs and projects designed for the benefit of the public as a whole, and to minimize the hardship of displacement on such persons. The Uniform Act recognizes that displacement of businesses often results in their closure, and aims to minimize the adverse impact of displacement to maintain the economic and social well-being of communities.

In accordance with Federal and state law, owners of properties that would be acquired would be compensated at fair market value and would be provided all other benefits and assistance required by law. Residents of affected properties, whether owners or rental tenants, are also entitled to benefits in accordance with the Uniform Act. These benefits could include relocation payments and assistance in finding replacement housing that meets the needs of displaced residents in terms of size, price, rental, location, and timely availability.



Following completion of the DEIS, the Port Authority of New York and New Jersey (PANYNJ) became the Project Sponsor for the Hudson Tunnel Project (see Chapter 1, “Purpose and Need,” Section 1.1.2, for more information). Consistent with the roles and responsibilities defined in Section 1.1.1 of that chapter, as the current Project Sponsor, the PANYNJ will comply with mitigation measures and commitments identified in the Record of Decision (ROD).

The Project Partners anticipate that NJ TRANSIT (or the State of New Jersey) will acquire any needed property in New Jersey and Amtrak will acquire any needed property in New York. Property acquisition must and will adhere to the applicable statutes and laws to which the acting entity is subject. In New Jersey, acquisition of real property by NJ TRANSIT must also adhere to the New Jersey Eminent Domain Act of 1971 (NJSA 20:3-1 et seq.) and the Uniform Transportation Replacement Housing and Relocation Act (NJSA 27:7-72 et seq.). In New York, acquisition of real property by New York State entities must also adhere to the New York State Eminent Domain Procedure Law (EDPL). Amtrak has the right to acquire property by eminent domain as set forth in 49 USC § 24311. In addition, as noted earlier, all property acquisition for this Project must be conducted in accordance with the Uniform Act.

6B.3 PROPERTY ACQUISITION REQUIRED

Temporary and permanent acquisition (both easements and fee acquisitions) of privately owned commercial and industrial property is required:

- For construction of the Preferred Alternative’s surface tracks in the Meadowlands;
- For the permanent location of the tunnel deep beneath the Palisades;
- To accommodate construction activities in Hoboken;
- For the construction activities at the Twelfth Avenue shaft site in New York; and
- For the permanent location of the tunnel, ventilation shaft, and fan plant in New York.

Subsurface acquisitions for the tunnel alignment would not affect uses at the surface. For the most part, both the temporary and permanent surface acquisitions would be limited to easements on unused portions of industrial property. Only one surface acquisition of residential property may be required: a potential temporary construction easement in the side yard of an apartment building. No displacement or relocations of residents would occur. A full description of property acquisition requirements based on conceptual design is provided below, and **Appendix 6** provides a list and maps of all required acquisitions.

6B.3.1 NEW JERSEY

6B.3.1.1 SUBSURFACE EASEMENTS

Based on conceptual design, permanent subsurface property easements would be required for the Preferred Alternative at 119 properties (not including parcels previously acquired by NJ TRANSIT for the Access to the Region’s Core (ARC) Project) to accommodate the tunnel alignment. This includes 104 properties in North Bergen and Union City on top of the Palisades, and 15 properties in Hoboken and Weehawken east of the Palisades. The Preferred Alternative would also require a permanent subsurface easement beneath the Hudson River in New Jersey. **Appendix 6** provides a full list of the properties where subsurface easements would be acquired).

6B.3.1.2 SURFACE ACQUISITIONS

Based on preliminary design, the Preferred Alternative would require temporary and/or permanent surface property acquisitions at five properties in Secaucus and six properties in

North Bergen, (not including parcels owned by NJ TRANSIT or the New Jersey Department of Transportation (NJDOT)). These acquisitions would occur primarily on portions of the properties that are vacant land or parking areas.

The specific properties that are included within the Project site for the surface alignment of the Preferred Alternative in New Jersey are summarized in **Table 6B-1** below.

For properties used during construction, NJ TRANSIT or the State of New Jersey would acquire easements on behalf of the Project; the permanent acquisitions would also likely be easements, with one exception, which would be a fee acquisition in Secaucus for installation of a portion of the retaining wall. Potential displacements in the vicinity of the Meadowlands would occur only during construction; operation of the Preferred Alternative would not result in any displacement to business activity (e.g., parking spaces, loading areas, or business operations). Analysis of these displacements is provided in Chapter 7, “Socioeconomic Conditions,” Section 7.6.3. Where sufficient space is available, additional site mitigation easements would be acquired to mitigate the Project’s effect on the businesses occupying the affected properties during the period that the temporary easements are in effect; at these locations, landscaped areas within parking lots would be converted to parking and/or driveway areas to allow continuation of commercial trucking activities on these properties. These site mitigation easement areas would be restored once construction is complete.

In addition, the surface alignment would also affect a 2.5-acre wetland mitigation site established by NYSW adjacent to the Conrail and NYSW freight railroad right-of-way. On December 12, 2012, NYSW entered into a settlement agreement, including a conservation easement to the mitigation site, with the USACE to resolve claims related to NYSW’s alleged failure to complete mitigation activities associated with a Department of the Army Permit in 1995 (DA Permit No. 90-0679). The Preferred Alternative would affect approximately 0.3 acres of the mitigation site and would require that the conservation easement on that portion of the site be removed.

In addition, depending on the route for the off-street construction access road (also referred to as a “haul route”), a temporary easement on an industrial property in Hoboken may be required and/or temporary easements may be required at one residential property and one commercial property in Weehawken:

- At the Hoboken staging area, if haul route Option 1 (which brings southbound trucks to the site along southbound Park Avenue) or haul route Option 3 (which runs along the north side of the Hudson-Bergen Light Rail [HBLR] right-of-way between Park Avenue and 19th Street in Weehawken) is selected, a temporary easement at 1700 Park Avenue (Block 11, Lot 5), a residential building in Weehawken, would be required. This would facilitate construction of the construction access road.
- If haul route Option 2 (which brings southbound trucks to the site along southbound Willow Avenue) is selected, a temporary easement at 1714 Willow Avenue (Block 146, Lot 2), a warehouse structure in Hoboken, would be required. The existing warehouse building would be partially demolished to facilitate construction of a curve in the construction access road that could accommodate the turning radius of construction vehicles.
- If haul route Option 3 is selected, temporary easements would be required at 1899 Park Avenue (Block 34.03, Lots 7.02 and 7.07), the Dykes Lumber property in Weehawken. This would facilitate construction of the construction access road as well as a new intersection at 19th Street. The Project Partners are evaluating how to accommodate the presence of the proposed Rebuild By Design floodwall in conjunction with use of haul route Option 3 and will advance the design for Option 3 to reflect the constraints on available space resulting from the presence of the floodwall in the same area.



Table 6B-1
Surface Property Acquisitions for the Preferred Alternative, New Jersey

Address	Block/Lot	Acquisition	Size (Acres)
County Road to Secaucus Road, Secaucus			
1 County Road, Secaucus	Block 44, Lot 2 & 4	Temporary easement for construction access and site mitigation easements	0.2
		Permanent acquisition and permanent easement for retaining wall and access point to new tracks, in paved parking area and landscaped area at an industrial / warehousing facility	0.6
801 Penhorn Avenue, Secaucus	Block 44, Lot 5.04	Temporary easement for construction access and site mitigation easements	0.3
		Permanent easement for access point to new tracks and for below-grade drainage beneath paved area that provides access to warehouse loading docks	2.2
401 Penhorn Avenue, Secaucus	Block 47, Lot 4.08	Temporary easement for construction access; potential site mitigation easements	0.1
		Permanent easement for access point to new tracks and for below-grade drainage beneath paved parking area and landscaped area	0.1
301 Penhorn Avenue, Secaucus	Block 47, Lot 3.01	Temporary easement for construction access and site mitigation easements	0.1
		Permanent easement for access point to new tracks and to accommodate below-grade drainage beneath paved parking area	1.0
201 Penhorn Avenue, Secaucus	Block 47, Lot 2.01	Temporary easement for construction access and site mitigation easements	0.3
		Permanent easement for access point to new tracks and for below-grade drainage beneath paved area with parking spaces and truck maneuvering area for loading docks	1.2
Secaucus Road to Tonnelle Avenue, North Bergen			
2806 Secaucus Road, North Bergen	Block 449.01, Lot 1.02	Temporary easement for construction access	0.4
		Permanent easement of vacant land and edge of paved area to accommodate new above-ground drainage feature and permanent access road	0.03
2820 16th Street, North Bergen	Block 449.01, Lot 1	Temporary easement for construction access	0.2
		Permanent easement in paved area to accommodate below-grade drainage and adjacent permanent access road; no effect to adjacent spaces used for parking and storage of tractor trailers, containers, and equipment	0.03
2400 16th Street, North Bergen	Block 449.01, Lot 3	Temporary easement for construction access	2.9
		Permanent easement in paved area with approximately five spaces for parking or container storage and in undeveloped wetland area to accommodate permanent access road, signal bungalow, and viaduct	1.4
NA, North Bergen	Block 485, Lot 1.09	Temporary easement for construction access	0.02
		Permanent easement in undeveloped wetlands area to accommodate viaduct, bridge structure, and permanent access road	0.1
NA, North Bergen	Block 485, Lot 1	Temporary easement for construction access	0.1
		Permanent easement across NYSW freight right-of-way for bridge structure	0.1
NA, North Bergen	Block 486, Lot 1	Temporary easement for construction access	0.02
		Permanent easement across Conrail freight railroad right-of-way for bridge structure	0.1

Table 6B-1 (Cont'd)
Surface Property Acquisitions for the Preferred Alternative, New Jersey

Address	Block/Lot	Acquisition	Size (Acres)
Willow and Park Avenues, Hoboken/Weehawken			
1714 Willow Avenue, Hoboken	Block 146, Lot 2	Temporary easement to permit partial demolition of a warehouse building to accommodate haul route (for truck turning radius from southbound Willow Avenue service road) for haul route Option 2	0.01
1700 Park Avenue, Weehawken	Block 11, Lot 5	Temporary easement to accommodate haul route along HBLR right-of-way for haul route Options 1 and 3	0.04
1899 Park Avenue, Weehawken	Block 34.03, Lots 7.02 and 7.07	Possible temporary easements to accommodate haul route along HBLR right-of-way, as well as a new intersection at 19th Street for haul route Option 3	0.01
Notes: NA = not applicable; NYSW = New York, Susquehanna & Western Railway.			

6B.3.2 NEW YORK

6B.3.2.1 SUBSURFACE EASEMENTS

Permanent subsurface easements would be required in New York for the new tunnel alignment between the New York State line (in the Hudson River) and Dyer Avenue. Amtrak would acquire the easements in New York on behalf of the Project. These easements would include a permanent subsurface easements for the tunnel alignment below land owned by the State of New York (including lands under water beneath the Hudson River), a permanent easement for the below-grade Hudson River Tunnel alignment and adjacent area in Hudson River Park to protect the new tunnel structure (see Chapter 8, "Open Space and Recreational Resources," Section 8.7.4.1), and a permanent subsurface easement at the private property at Block 675, Lot 1, unless Amtrak acquires that property in fee. In addition, a permanent subsurface drainage easement in Hudson River Park would be required to provide a connection to the existing storm sewer network. No easement would be needed for property of the City of New York (i.e., land under water and street beds), which would be occupied pursuant to an amendment to Amtrak's 1902 Franchise Agreement. **Appendix 6** lists the property acquisitions required for the Preferred Alternative in New York.

6B.3.2.2 SURFACE ACQUISITIONS

In New York, Amtrak would acquire private property either in fee or by temporary and permanent easements for the above-grade Twelfth Avenue fan plant on Manhattan Block 675, Lot 1 (the block between Eleventh and Twelfth Avenues and West 29th and West 30th Streets). This includes a portion or all of Lot 1 on Block 675, where the tunnel and fan plant would be located and where construction staging activities would occur. Amtrak would also acquire a temporary construction easement on behalf of the Project on a portion of Lot 12, which would be used for construction staging.

Amtrak has an existing easement beneath and within the building at 450 West 33rd Street where a ventilation system above the approach tracks to PSNY is located. This easement would be used for the Tenth Avenue fan plant in space beneath and within the building at 450 West 33rd Street; this easement would be modified if necessary.

In addition, a temporary easement would be required for construction activities on a portion of Hudson River Park, including the current location of the West 30th Street Heliport.



6B.4 MEASURES TO AVOID, MINIMIZE, AND MITIGATE IMPACTS

The Project Sponsor, in cooperation with the other Project Partners, will coordinate with private property owners regarding access during construction, to minimize adverse impacts on business activities. Property acquisitions required for the Preferred Alternative's construction and operation will be conducted in accordance with the Uniform Act and all other relevant property acquisition procedures that apply to NJ TRANSIT (or the State of New Jersey) for properties in New Jersey and to Amtrak for properties in New York. This will ensure that property owners are fairly compensated for use of their properties, including temporary disruptions during construction. *