

This Draft Environmental Impact Statement (DEIS) evaluates project alternatives for and the potential effects of the Portal Bridge Capacity Enhancement Project in accordance with NEPA (42 U.S.C. 4321 *et seq*) and its implementing regulations (40 C.F.R. Parts 1500-1508; 64 FR 28545 and 23 C.F.R. Part 771). This DEIS also documents compliance with applicable federal environmental laws, rules, and regulations, including Section 106 of the National Historic Preservation Act (NHPA), Section 4(f) of the U.S. Department of Transportation Act, and Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.”

The National Railroad Passenger Corporation (Amtrak) and the New Jersey Transit Corporation (NJ TRANSIT) have proposed to enhance the capacity and improve the operation of the Portal Bridge, a rail crossing over the Hackensack River in Hudson County, New Jersey. The Federal Railroad Administration (FRA) and NJ TRANSIT have prepared this Draft Environmental Impact Statement (DEIS) to analyze the potential environmental impacts from the proposed project. FRA is the lead federal agency for this EIS. The Federal Transit Administration (FTA), U.S. Environmental Protection Agency (USEPA), and the U.S. Coast Guard (USCG) are cooperating agencies for the environmental review.

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

NEPA requires federal agencies to incorporate environmental considerations in their planning and decision-making through a systematic approach. Specifically, all federal agencies are to prepare detailed statements assessing the environmental impact of and alternatives to major federal actions significantly affecting the environment. In 1978 the Council of Environmental Quality (CEQ) promulgated regulations (40 C.F.R. 1500-1508) implementing NEPA which are binding on all federal agencies. The NEPA process consists of an evaluation of the environmental effects of a federal undertaking including its alternatives and measures to mitigate adverse impacts. In addition, the CEQ regulations state that agencies shall (1) make diligent efforts to involve the public in the NEPA process and (2) provide public notice of NEPA-related hearings, public meetings, and the availability of environmental documents so as to inform those persons and agencies who may be interested or affected by the proposed action.

SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT

Section 106 of the NHPA of 1966 requires that any federal agency having direct or indirect jurisdiction over a proposed federal or federally assisted undertaking take into account the effect of the undertaking on any district, site, building, structure, or other object that is included in or eligible for inclusion in the National Register of Historic Places. Under this provision, the NEPA lead agency, the State Historic Preservation Officer (SHPO), affected Native American tribes, and other “consulting” parties participate in a consultation process regarding the potential effects of the undertaking on historic resources. In certain limited cases, the Advisory Council on Historic Preservation (ACHP) participates in the consultation as well.

Portal Bridge Capacity Enhancement Project DEIS

FRA initiated the Section 106 consultation process for the project in February 2007. The project's compliance with Section 106 of the NHPA is included in Chapter 5.2, "Historic Resources."

SECTION 4(f) OF THE U.S. DEPARTMENT OF TRANSPORTATION ACT

Section 4(f) of the Department of Transportation Act (1966) mandates the protection of "the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites." Any transportation project that uses such Section 4(f) resources must conduct a Section 4(f) evaluation, and FRA may only approve a project requiring the use of such Section 4(f) resources if there is no prudent and feasible alternative that would avoid the use and if the program or project includes all possible planning to minimize harm to the affected land or resource. Chapter 8 addresses the Section 4(f) evaluation.

EXECUTIVE ORDER 12898, ENVIRONMENTAL JUSTICE

Executive Order 12898 ("Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations") requires federal agencies to involve the public on project issues related to human health and the environment. USDOT's "Final Order on Environmental Justice" indicates that project sponsors should elicit public involvement opportunities, including soliciting input from affected minority and low-income populations in considering project alternatives. The environmental justice analysis is discussed in Chapter 5.9.

FEDERAL, STATE, AND LOCAL REGULATORY OVERSIGHT

In addition to the requirements identified above, the project must comply with federal, state, and local regulations. To satisfy these regulations, FRA, NJ TRANSIT, and Amtrak have and will continue to solicit review and comments on the environmental documents for the project from the following agencies in addition to the cooperating agencies:

- U.S. Department of Interior—Review of potential effects on historic resources and parklands under Section 4(f) of the U.S. Department of Transportation Act.
- State Historic Preservation Office (SHPO) at the New Jersey Department of Environmental Protection (NJDEP)—Review of effects on historic resources under Section 106 of the National Historic Preservation Act.
- NJDEP, New Jersey Meadowlands Commission (NJMC), U.S. Army Corp of Engineers (USACOE)—Review of potential impacts to waters of the United States and state-regulated and NJMC jurisdictional wetlands.
- Other agencies as appropriate. *