

A. INTRODUCTION

This chapter presents a summary of the process used to encourage public and agency participation for the Portal Bridge Capacity Enhancement Project environmental review. In accordance with the National Environmental Policy Act of 1969 (NEPA) and its implementing regulations from the Council on Environmental Quality (CEQ), it is vital that those who are interested in, or potentially affected by this study have an opportunity to share their concerns and provide input regarding the project. FRA and NJ TRANSIT have developed a Public Involvement and Agency Coordination Plan (the Plan) that includes outreach to commuters, the general public, property owners, local businesses, various associations, stakeholders, and affected government agencies to effectively engage the public and agencies in the planning and impact assessment processes.

PUBLIC INVOLVEMENT AND AGENCY COORDINATION PLAN

The Plan has been designed to engage a diverse group of public participants in order to provide timely information and solicit relevant input throughout the environmental review process. The public participation process is one that requires extensive and intensive outreach to private citizens, local businesses and associations, development authorities, property owners, elected officials, affected government agencies and others in the New York-New Jersey metropolitan area. In order to best accomplish this, the following goals were established at the initiation of the program:

- To provide an opportunity and a mechanism for a diverse group of public participants to engage in the development of the EIS and give relevant input to the project.
- To focus public input in a structured manner that will allow decisions to be made with the maximum benefit from public involvement, and to ensure that public input influences recommendations and decisions.
- To ensure that elected officials, agencies, stakeholders, and the general public are adequately informed about the project 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.
- To solicit community feedback for the Scoping Document—including the alternatives to be evaluated, environmental issues to be analyzed, and the analysis methodologies—as well as comments on the Draft EIS (DEIS).
- To convey NJ TRANSIT, Amtrak, the FRA, and the study team's commitment to public involvement and become the primary source of project information.
- To build consensus on a preferred alternative by balancing points of view among regional/local interests and environmental/commercial concerns and define and build support for the preferred alternative.

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Achieving these goals will require fulfillment of the following objectives:

- Establish ongoing, inclusive, and meaningful two-way communication with stakeholders and the public.
- Develop a wide, inclusive communications net to engage a broad base of constituencies.
- Provide forums and venues where constituents can easily participate in the process; and enable constituents to track how their input is integrated into the decision-making process.
- Target outreach to key stakeholders at critical points in the planning process.
- Educate the public about the environmental review process and the role of government, stakeholders, and the general public.
- Clarify the role of this project relative to the Access to the Region's Core (ARC) Project, while at the same time coordinate outreach activities with those efforts in order to best utilize the public's involvement.
- Coordinate outreach efforts with Amtrak and NJ TRANSIT's internal protocols and policies so as to ensure timely and relevant communications.
- Evaluate the effectiveness of outreach activities on a continual basis in order to flexibly utilize the most effective techniques throughout this project.

AGENCY AND PUBLIC INVOLVEMENT ACTIVITIES

To initiate the Plan for this project, FRA and NJ TRANSIT hosted agency and public scoping meetings in January 2007 to solicit comments on the purpose and need for the proposed Portal Bridge Capacity Enhancement Project, the types of project alternatives to be considered, and the technical evaluations to be undertaken, as well as to receive input on the issues and concerns that should be addressed in the DEIS. Additionally, two committees were formed: the Technical Advisory Committee (TAC) comprising agency and government representatives, while the Regional Citizens' Liaison Committee (RCLC) comprises members of the general public, interest groups, and associations. Meetings of both committees were held at key stages during the EIS process. Summaries of these meetings are included below. Beyond the scoping and committee meetings, a number of meetings were held on a topic-specific basis as warranted.

SCOPING MEETINGS

AGENCY SCOPING MEETING

On January 9, 2007, 16 individuals representing 13 agencies participated in the agency scoping meeting held at NJ TRANSIT headquarters in Newark, New Jersey. A total of 25 agencies had been invited to attend the meeting. Participants included federal, state, regional, and local agencies. Seven representatives made oral comments at the meeting. Written comment sheets, letters, e-mails, and memos resulted in a total of 12 agency comments received during the Scoping Process.

PUBLIC SCOPING MEETING

On January 17, 2007, FRA and NJ TRANSIT hosted a public scoping meeting from 4–8 PM at the Newark Public Library. Attendees discussed the proposed project and their concerns with members of the project team informally at an open house, heard a presentation by the project

team, and then provided formal oral comments. The presentation outlined the purpose and need for the project, the project goals, the environmental review process, and public involvement opportunities. It also included descriptions of the study areas, potential environmental issues, and preliminary project alternatives.

A total of 38 individuals attended the public scoping meeting, with 8 attendees making statements for the formal record. The public comment period remained open for 45 days, closing on January 31, 2007. Written comment sheets, letters, e-mails, and memos resulted in a total of 22 individual comments received during the scoping period.

Combined with the scoping meeting was a public open house. This open house encouraged interaction among the public attendees and the study team. At the open house, information was available on boards for informal discussion purposes. In addition to the open house, the public also had access to the Draft Scoping Document, copies of the presentation, the first newsletter for the project, and comment sheets to submit comments to the study team.

SCOPING PROCESS COMMENTS

The Scoping Process generated numerous comments, questions, and suggestions regarding the proposed Portal Bridge Capacity Enhancement Project, all of which have been addressed in some fashion as part of the EIS process. The major themes raised during the Scoping Process were:

- **Purpose and Need** comments predominantly agreed with the necessity of the project.
- **Process** comments sought clarification on the role of the project's TAC and RCLC committees and inquired about the negotiation process with the U.S. Coast Guard (USCG) in determining bridge heights.
- **Groups of Alternatives** comments focused on what should be done with the existing bridge.
- **Operations and Infrastructure** remarks addressed allowable bridge heights, types of bridges to be considered and the necessary number of tracks.
- **Environmental Issues** focused on wetlands mitigation and the need to coordinate analysis with the ARC project.
- **Relationship to the ARC project** comments sought clarification as to the separation of the two projects and included recommendations for coordination and consistency efforts between the two projects.

The project team recorded all the comments and drafted responses to them. The responses were collated into the document *Scoping Comments Summary*, which was made available on the project's Web site (www.portalbridgenec.com) in May 2007. Shortly after posting the document on the Web site, TAC members were notified via email, while attendees at any RCLC meeting were notified via e-mail and regular mail of the availability of the document.

COMMITTEES

Community and government agency input play an important role in this project as it progresses. Amtrak and NJ TRANSIT have organized two committees—the TAC and RCLC—to solicit input on the project. These committees met several times during the preparation of the DEIS.

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TECHNICAL ADVISORY COMMITTEE (TAC)

The TAC comprises federal, state, regional, and local agencies to provide technical guidance on traffic/transportation and environmental/historic resource analyses. Membership includes:

- U.S. Environmental Protection Agency (USEPA)
- Federal Transit Administration (FTA)
- New Jersey Department of Environmental Protection (NJDEP)
- New Jersey Department of Transportation (NJDOT)
- New Jersey Turnpike Authority (NJTA)
- North Jersey Transportation Planning Authority (NJTPA)
- Port Authority of New York and New Jersey (PANYNJ)
- New Jersey Meadowlands Commission (NJMC)
- New Jersey Historic Preservation Office (NJHPO)
- U.S. Coast Guard (USCG)
- U.S. Fish and Wildlife Service (FWS)
- Town of Secaucus
- Hudson County Engineering

The kick-off meeting of the TAC took place on January 9, 2007 at the NJ TRANSIT headquarters in Newark, New Jersey, with 16 attendees representing 13 agencies. This meeting not only served as the first TAC meeting but also served as the agency scoping meeting to review the NEPA Scoping Document for the Portal Bridge Capacity Enhancement Project.

On April 26, 2007, the second TAC meeting was held at the NJTPA offices in Newark, New Jersey, with 13 attendees representing 10 agencies. At this meeting, the project team presented information on the project elements, environmental considerations, the Section 106 process, and a summary of the scoping comments. They also presented the alternatives screening process, a brief review of the alternatives to be considered, the evaluation methodology, and the status of the comparative screening analysis. After this meeting, all subsequent meetings of the TAC served as the Section 106 consulting parties meetings as detailed below in the Section 106 section of this chapter.

On July 9, 2007, the third TAC meeting was held at NJ TRANSIT headquarters in Newark, New Jersey, where the results of the alternatives screening analysis were presented. Ten attendees representing 9 agencies were present. At this meeting, the project team made a presentation reviewing the alternative screening process and revealing the alternatives that will be analyzed in depth in the DEIS. At this meeting, the project team also displayed large scale plans and profiles of each of the alternatives to be analyzed in the DEIS.

On November 27, 2007, the fourth TAC meeting was held at the NJTPA offices in Newark, New Jersey, where the team presented the conclusions of the preliminary DEIS. Seven attendees representing 6 agencies were present. At this meeting, the project team made a presentation reviewing the alternatives and their potential impacts. The project team held a final TAC meeting on June 10, 2008 to review the comments received during the DEIS comment period, present the project's preferred alternative, and provide updates to the DEIS that are included in the FEIS.

REGIONAL CITIZENS' LIAISON COMMITTEE (RCLC)

The RCLC comprises representatives from a cross-section of interests and organizations that could potentially be affected by the proposed Portal Bridge Capacity Enhancement Project. This committee provides input via open discussion about project issues and findings and provides a venue for participants to express the perspectives of their member organizations. It is open to all who wish to join. Over 60 organizations were initially invited to participate, and membership includes:

- New Jersey Society of Architects (AIA NJ)
- East Coast Greenway
- Jersey City Department of Housing, Economic Development and Commerce
- Jersey City Landmarks Conservancy
- Lackawanna Coalition
- Meadowlands Chamber of Commerce
- Newark Department of Engineering
- New Jersey Association of Rail Passengers (NJARP)
- Regional Rail Working Group (RRWG)
- Township of Irvington
- Concerned members of the public and engineering community

The RCLC held its first meeting on February 13, 2007, at the Newark Public Library with 9 attendees representing 8 organizations. This meeting included a presentation on the results of the public Scoping Process and the initial screening of alternatives.

On April 26, 2007, the second RCLC meeting was held at NJ TRANSIT headquarters in Newark, New Jersey to review the project elements, the alternatives screening methodology, the status of the comparative screening analysis, operational considerations, and the Section 106 process. The meeting was attended by 10 stakeholders representing 8 organizations.

On July 9, 2007, the third RCLC meeting was held at NJ TRANSIT headquarters in Newark, New Jersey. The meeting was attended by 16 stakeholders representing 12 organizations. At the meeting the project team made a similar presentation to one that was made earlier in the day at the TAC meeting reviewing the results of the alternatives analysis. Copies of the presentation were sent—prior to the July 9th meeting—to any RCLC member who had previously attended an RCLC meeting for the project.

On November 27, 2007, the fourth RCLC meeting was held at NJTPA headquarters in Newark, New Jersey. The meeting was attended by 13 stakeholders representing 9 organizations. At the meeting the project team made a similar presentation to one that was made earlier in the day at the TAC meeting reviewing the results of the alternatives analysis. The project team held a final RCLC meeting on June 10, 2008 to review the comments received during the DEIS comment period, present the project's preferred alternative, and provide updates to the DEIS that are included in the FEIS.

INFORMATIONAL MATERIALS

WEB SITE

At the start of the Scoping Process, NJ TRANSIT launched a Web site dedicated to the project at www.portalbridgenec.com. The site is updated throughout the project's duration, making available to the public information about meeting opportunities, copies of meeting presentations, maps and charts, as well as newsletters.

NEWSLETTERS

Newsletters are published at milestones throughout the study and disseminated to the entire project mailing list as well as to libraries and community centers in the study area. The project mailing list consists of over 600 individuals. The first newsletter was sent out in January 2007 and provided an overview of the project, the agencies involved, a project timeline, and advertised information about the public scoping meeting. The second letter was sent in February 2008 and publicized the availability of the DEIS for public comment, advertised the information about the DEIS public hearing, presented the alternatives in the DEIS, provided an update about the public involvement process, and introduced preliminary environmental impact analysis.

MEETING PUBLICITY

The public scoping meeting and open houses were publicized through meeting flyers mailed to the entire project mailing list, as well as to local libraries and community centers to be publicly posted. The DEIS hearing and open houses were publicized through the second project newsletter which was mailed to the entire project mailing list, as well as to local libraries and community centers to be publicly posted. A postcard was sent to the entire project mailing list to publicize the availability of the DEIS for public comment. Meeting information was also posted on the project Web site and on the community calendars of several on-line newsletters such as the *Tri-State Transportation Campaign's Mobilizing the Region*, *NJTPA Communiqué*, *Waterwire News*, *Spotlight on the Region (RPA)* and *NYMTC Notes*. Paid notices were placed in local and regional newspapers, both in English and Spanish, in New York and New Jersey for the public scoping meetings, the DEIS hearings, and their respective open houses. These newspapers included: *The Record*, *The Herald News*, *Asbury Park Press*, *Home News Tribune*, *OC Observer*, *Bayonne Journal*, *Kearny-Harrison Journal*, *Secaucus Journal*, *Waterfront Journal*, *El Nuevo Hudson*, *El Nuevo Essex*, *El Nuevo Passaic*, *El Nuevo Union*, *Jersey Journal*, *Kearny Observer*, *Morristown Daily Record*, and *The Newark Star-Ledger*.

B. PERMITTING AND REGULATORY AGENCIES

In addition to the TAC and RCLC meetings described above, key agencies have been engaged by the Portal Bridge Capacity Enhancement Project team throughout the process, as detailed below:

- **December 12, 2006:** The project team met with the USCG and provided a brief overview of the project and its status. The discussion also included agency coordination and public outreach. During this meeting the USCG suggested acceptable bridge heights and options for moveable and fixed bridges.

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- **December 20, 2006:** The project team met with the Meadowlands Interagency Mitigation Advisory Committee (MIMAC) and discussed wetland mitigation, remediation, and potential restoration areas for the bridge.
- **May 8, 2007:** The project team, in conjunction with the ARC project team, convened an USEPA coordination meeting to discuss the agency's understanding of the two projects as well as issues related to the re-use of contaminated sites. In addition to a general update on the projects, the group reviewed the Kearny Yard and connecting track plans for the Portal Bridge project. The project team and agency representatives discussed remediation issues—particularly as it related to the Standard Chlorine site, which USEPA informed the project teams was nominated for NPL listing.
- **May 24, 2007:** NJDEP, the ARC project team, and the Portal Bridge project team held a joint coordination meeting to discuss the proposed alignments to connect to the Kearny Yard site at the former Koppers Coke location. The Diamond Shamrock, Standard Chlorine and Jana Corporation sites were also discussed.
- **June 11, 2007:** The project team met with Hudson County officials and the New York/New Jersey Baykeeper to address the needs and goals from the perspectives of Hudson County and the Baykeeper. The Portal Bridge team gave an update on the status of the alternatives screening process and mitigation possibilities for the project. Other topics addressed were: the ongoing drainage and flooding problems in project study area, restoration of the existing area near Laurel Hill Park, the Hudson River Waterfront Walkway, the Hackensack River Greenway, the East Coast Greenway, and the Koppers Coke site.
- **March 28, 2008:** The project team made a presentation to the Governing Body of the Town of Kearny, consisting of the Town Mayor and the Town Council. The team presented the material that would be available at the DEIS public hearing and responded to any questions the Town of Kearny had regarding the project and the EIS process.
- **April 15, 2008:** The project team met with representatives from the New Jersey Historic Preservation Office (NJHPO) to discuss the alternatives in the DEIS, the historical, cultural and archaeological impacts of the proposed alternatives, and the Section 106 process. The project team discussed the eligibility of several potential resources within the area of potential effect. The project's effects were also discussed as well as possible mitigation measures that would be amenable to NJHPO. The draft Memorandum of Agreement (MOA), which was included in the DEIS, was also discussed. NJHPO provided the project team with suggestion for additional measures to minimize project harm to the Section 106 resources.
- **May 6, 2008:** The project team had a follow-up meeting with NJHPO to make revisions to the draft MOA for the project. NJHPO clarified areas where they would like more detail for the proposed mitigation plan for the historical and archaeological resources affected by the project.
- **May 6, 2008:** The project team met with the NJDEP Green Acres Program for Hudson County and representatives of Hudson County Parks, Engineering, and Planning. The attendees discussed parkland impacts related to the proposed project and discussed the applicability of the Green Acres Program to certain parklands and conservation areas in the project area. The group learned about a general timeline for the Green Acres Program and the project team agreed to set up a separate meeting with Hudson County

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to discuss specific ways the project can help Hudson County with their park and open space plans as mitigation for parkland impacts.

C. DEIS HEARING

DEIS PUBLIC HEARING

On March 18, 2008, FRA and NJ TRANSIT hosted a public hearing on the DEIS from 4 to 8 PM at the Hudson County Administration Annex, Freeholders' Chamber in Jersey City, New Jersey. Attendees discussed the DEIS, the four alternatives proposed in the document and their concerns with members of the project team informally at an open house, heard a presentation by the project team, and then provided formal oral comments. The presentation reviewed the purpose and need for the project, the project goals, and the environmental process. It also included the four alternatives proposed in the DEIS specifically in terms of engineering alignments and environmental impacts associated with each of the four alternatives.

A total of 23 individuals attended the DEIS public hearing, with 5 attendees making statements for the formal record. The public comment period remained open until March 31, 2008. Written comment sheets, letters, e-mails, and memos resulted in a total of 21 individual comments received during the DEIS comment period.

Combined with the DEIS public hearing was a public open house. This open house encouraged interaction among the public attendees and the study team. At the open house, information was available on boards for informal discussion purposes. In addition to the open house, the public also had access to the DEIS, copies of the presentation, the first and second newsletters for the project, and comment sheets to submit comments to the study team.

DEIS COMMENTS

The Scoping Process generated numerous comments, questions, and suggestions regarding the proposed Portal Bridge Capacity Enhancement Project DEIS, all of which are addressed in this document. The major themes raised during the DEIS comment period were:

- **Bridge Design** comments offered recommendations regarding the bridge design and height to reduce overall project costs.
- **Groups of Alternatives** comments focused on evaluations of the alternatives as well as recommendations to remove or add features to the alternatives in terms of operational capacity and accommodating for future needs.
- **Operations and Infrastructure** remarks addressed allowable bridge heights, types of bridges to be considered and the necessary number of tracks given the operations analysis presented in the DEIS.
- **Environmental Issues** focused on clarifications on a number of environmental topics such ecology, wetlands, historical/cultural resources, contaminated materials, noise, air quality and parklands. Discussion about wetlands and parkland mitigation and future processes associated with the mitigation were also discussed.
- **Relationship to the ARC project** comments discussed the relationship between the two projects including whether or not they have independent utility. Some commentators suggested that the two projects should be combined while others were concerned about th consistency between the efforts and potential cumulative impacts.

The project team recorded all the comments which can be found in Appendix E.

D. CORRESPONDENCE AND STAKEHOLDER MEETINGS

In addition to comments received during the formal Scoping Process and DEIS comment period, Amtrak, and NJ TRANSIT sought input from agencies, stakeholders, and the public through the following mechanisms:

- Comment sheets at meetings,
- E-mails through the study Web site,
- Letters, and
- Oral comments at meetings.
- The project team met individually with owners of properties in the project area to discuss the DEIS and answer any questions. These meetings are detailed below:
 - December 4, 2007: Jana Corporation
 - December 6, 2007: Tierra Solutions, representatives of the owners of the Diamond Shamrock site
 - January 9, 2008: New Jersey Meadowlands Commission
 - February 5, 2008: Secaucus Brownfields Redevelopment, LLC
 - February 20, 2008: Oranewood Properties
 - February 28, 2008: Town of Kearny
 - March 6, 2008: PSEG Corporation
 - March 6, 2008: Hudson County Improvement Authority
 - March 20, 2008: Professional Environmental Systems
 - March 25, 2008: Hudson County

Each of these comments has been reviewed and logged, and when appropriate, responses have been sent via letter and/or e-mail. Communication with affected property owners will continue throughout the project's design and construction phases.

E. SECTION 106

Analysis and documentation has been prepared in accordance with Section 106 of the National Historic Preservation Act (NHPA) of 1966, as implemented by federal regulations appearing at 36 Code of Federal Regulations (CFR) Part 800. It was also prepared in accordance with the New Jersey Register of Historic Places Act.

Section 106 requires federal agencies—prior to taking action to implement an undertaking—to take into account the effects of their undertakings on historic properties. The process consists of four steps:

- Step 1: Initiation of the Section 106 process,
- Step 2: Identification of historic properties,
- Step 3: Assessment of adverse effects, and

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- Step 4: Resolution of adverse effects.

If no historic properties are adversely affected, then the Section 106 process is complete. If historic properties are adversely affected, consultation continues and a Memorandum of Agreement (or some cases a Programmatic Agreement) is executed. It is the responsibility of the federal agency, in consultation with the respective State Historic Preservation Office (SHPO), to identify those individuals or organizations who qualify to be consulting parties. The federal agency is also required to consider any written requests by individuals or organizations to participate as consulting parties. Once the consulting parties have been identified, they are afforded opportunities to express their concerns regarding historic properties within a project's Area of Potential Effect (APE), to comment on the effects a project might have on such properties, and to comment on the resolution of any adverse effects.

In May 2007, 39 organizations were invited to participate in the Portal Bridge project's first Section 106 meeting held on May 10, 2007 at NJ TRANSIT headquarters in Newark, New Jersey. At this meeting the project team made a presentation providing a brief overview of the project, an explanation of the Section 106 process, and a preliminary outline of potential APEs. Out of the 39 organizations that were invited, 5 organizations participated. These include:

- Jersey City Landmarks Conservancy,
- New Jersey Meadowlands Commission,
- Jersey City Department of Housing, Economic Development, and Commerce,
- New York/New Jersey Baykeeper and Hackensack Riverkeeper, and
- NJHPO.

After the Section 106 meeting, it was decided that due to the small number of organizations participating in the process, Section 106 Consulting Parties would be invited to attend subsequent meetings of the TAC, where Section 106 issues were discussed. *