

## **Scoping Comments Summary**

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The Notice of Intent (NOI) for the Portal Bridge Capacity Enhancement Project was published in the *Federal Register* on December 12, 2006, which initiated the scoping process for this project. A Technical Advisory Committee (TAC) meeting, which also served as the agency scoping meeting, was held on January 9, 2007. This meeting was held to give the various agencies an introduction to the project and to solicit their input. The TAC meeting was attended by representatives from 16 agencies. A public scoping meeting was held on January 17, 2007 and was attended by 38 people. The public comment period for the scoping document closed on January 31, 2007. In addition to the oral testimony from the public scoping meeting, approximately 25 public comments and seven agency comments were received. The following document presents a summary of the comments received by the project team, and where applicable responses to these comments, following each comment, the commenter's name and association are listed in brackets, along with a set of letters and numbers showing how the comment was received and what page the comment appears on (L=Letter, ASM=Agency Scoping Meeting, CS=Comment Sheet, EM=Email, F=Fax, PSM=Oral Comment received at Public Scoping Meeting).

### **A. PURPOSE AND NEED**

**Comment 1:** If the scoping document listed a waterway Milepost in the introduction, then it should be Milepost 5.0 from the mouth of the waterway, not Milepost 6.1;

Questions the engineering accuracy of the statement that swing bridges are the most complicated movable rail bridge type in the Problem Identification section of the scoping document; and

Notes that there are only two commercial operators along the waterway and suggests a quantifiable definition of "frequent," as used in the Problem Identification section of the scoping document. [Gary Kassof, Bridge Program Manager, USCG, EM 3:1]

**Response:** The milepost refers to the stationing along the Northeast Corridor (NEC) rail line. Additional information on swing bridges and the frequency of bridge openings will be provided in Purpose and Need chapter of the DEIS.

**Comment 2:** Made a number of operations points in review of the scoping document including:

Requests clarification as to the number of crossings of Amtrak trains daily and the resulting number of passengers carried each day as described in the Project Background section of scoping document;

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Would like to clarify that miter rail and catenary connections are issues with other movable bridges. [Gary Kassof, Bridge Program Manager, USCG, EM 3:1]

**Response:** Amtrak currently operates approximately 100 trains in both directions over the Portal Bridge, carrying 20,000 passengers daily. Issues presented by miter rail and catenary connections will be discussed further in the DEIS.

**Comment 3:** Discussed the relationship between rail and maritime uses along the Hackensack River including:

States that the Coast Guard experience is such that when the bridge malfunctions, it is quickly closed to marine traffic so that trains can operate while repairs are being done;

Further states that trains rarely wait for vessels but that the situation is actually reversed and vessels wait for trains and (refers to 33CFR117 for operating regulations);

Requests verification of the average length of delay as stated in the Problem Identification section of the scoping document, stating that delays to maritime traffic are greater than rail;

Requests supporting data for the number of openings of the bridge in the Conflicts with Maritimes Uses subsection of the Problem Identification section of the Scoping Document and states that drawbridge operating regulations keep the bridge closed to marine traffic during rush hours and that during rush hours, the bridge is available to rail traffic almost all the time. [Gary Kassof, Bridge Program Manager, USCG, EM 3:1]

**Response:** The DEIS will include an analysis of the impacts of the existing bridge on both rail and maritime traffic. The analysis will include a more detailed discussion of the bridge openings: their frequency, duration, and the resultant delays to maritime and rail traffic.

*The following comments expressed support for the project, and have been noted:*

**Comment 4:** The Portal Bridge situation is critical. [Orrin Getz, New Jersey Association of Railroad Passengers (NJARP), L 4:1]

**Comment 5:** Thinks this is a long overdue project. [Don Ehrenbeck, L 6:1]

**Comment 6:** Supports the replacement of the existing Portal Bridge. [Kevin Hale, Planning Consultant, L 8:1]

- Comment 7:** Institute for Rational Urban Modality (IRUM) supports the additional Trans-Hudson rail capacity. [George Haikalis, President, Institute for Rational Urban Mobility, PSM 4:43]
- Comment 8:** Lackawanna Coalition believes that the proposed expansion of track capacity in the affected area is vital and must be built. [David Peter Alan, Chair, Lackawanna Coalition, NJARP, PSM 3:37-42]
- Comment 9:** Any destructive environmental concerns should be viewed in line with the additional destructive environmental concerns of the roads that would have to be widened if the railroad does not continue to expand its service. [William Wright, NJ Association of Railroad Passengers, PSM 1:29]
- Comment 10:** The consequences to our riders would be very serious if the Portal Bridge project were not completed. With projected increases in the number of trains operated, Raritan Valley Line, plus proposed New Starts such as Monmouth-Ocean-Middlesex (MOM) and West Trenton, traffic on the double-track line in that area could easily overwhelm available capacity. If the “Loop” track around the Secaucus Station and the tunnel with the “deep cavern” station are built, but the Portal Bridge project is not, the consequences will be truly dire for Morris & Essex (M&E) and Montclair-Boonton Line riders during peak commuting hours. A commitment to build the needed track capacity in the Portal Bridge area can go a long way towards guaranteeing that our riders will not be saddled with the vastly increased travel times for their New York trips. [David Peter Alan, Chair, Lackawanna Coalition, NJ-ARP, PSM 3:37-42]

## **B. PROCESS RELATED COMMENTS**

- Comment 11:** Wants to know if the same procedure of having a scoping meeting and working out to the DEIS would take place for the Access to the Region’s Core (ARC) Project or the Trans-Hudson Express Tunnel. [Jack May, PSM 6:52-53]
- Response:** This has already occurred for the ARC project which recently published their DEIS.
- Comment 12:** Expresses concern over the Regional Citizen’s Liaison Committee (RCLC): Will this be an actual formal committee electing a chairman, having representative from the public, as well as from your organizations, Federal Government, NJ TRANSIT, etc.? And will there be minutes taken, and will this group have a real effect on the preparation of the DEIS? Or is this just an organization where the public can vent its questions? [Jack May, PSM 6:52-53]

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**Response:** The RCLC—composed of concerned citizens, representatives of community, and stakeholder groups—was formed to inform and assist the EIS process. The RCLC is expected to meet three times over the course of the development of the DEIS at study milestones. The RCLC is supplemented by a Technical Advisory Committee (TAC) of agency representatives, along with public open houses in conjunction with formal hearings. The RCLC is an informal organization without an official chair. Meetings summaries are prepared and disseminated to meeting attendees.

**Comment 13:** What guarantees does the TAC community have that this whole process won't be moot, as has happened right now with the ARC project? [Joseph Clift, Citizen, PSM 5:50]

**Response:** The Portal Bridge Capacity Enhancement project values input from its TAC, RCLC, and from the public at large via its web site and through attendance at public open houses. The project team supplements these meetings with newsletters disseminated to a wide audience, and made available at public libraries. These newsletters contain project contact information for use by parties interested in submitting comments to the project team. All comments are considered throughout the process.

**Comment 14:** The Scoping Document indicates that the substantial basis of the EIS is found in the ARC DEIS, which should also be made available as part of the record for review. [Kenneth Koschek, Supervising Environmental Specialist, Office of Permit Coordination and Environmental Review, NJ Department of Environmental Protection (NJDEP), L 9:1-2]

**Response:** The ARC DEIS is currently available to the public on the Internet at [www.accesstotheregionscore.com](http://www.accesstotheregionscore.com).

**Comment 15:** The Environmental Protection Agency (EPA) recommends that the EIS for this project include the following:

A full discussion of the purpose and need of the proposed project, quantifying the existing rail service, the future demand, and the need for more capacity on the Portal Bridge; an evaluation of the alternatives to the proposed project, including reasonable alternatives not within the jurisdiction of the lead agency, and descriptions of the aquatic and terrestrial environments to be impacted by each alternative during construction and operation. These descriptions should include appropriate air quality data, water quality data (ground and surface), sediment quality data, rail traffic analysis during construction, dredged material placement, the identification and delineation of all wetlands, the identification of flood plains and cultural resources, and the identification of other significant environmental resources adjacent to the project.

The entire project is located in Hudson County, NJ, which is designated as non-attainment for ozone and PM<sub>2.5</sub>, and is a maintenance area for CO. As the project will add capacity and is non-exempt for transportation conformity, the Portal Bridge should be added to the New Jersey Transportation Improvement Program (TIP) either as a stand alone project, or as part of the ARC rail improvements. The TIP is now in the process of being updated. [Grace Musumeci, Chief, US Environmental Protection Agency (USEPA), L 11:1-2; F 4:1-2]

**Comment 16:** The DEIS will address all of these issues.

### C. ALTERNATIVES

**Comment 17:** States that he does not see the logic behind the two adjacent bridge concepts where one is movable and one is fixed. [Gary Kassof, USCG, Bridge Program Manager, EM 3:1]

**Response:** ARC includes a proposed rail storage yard (Kearny Yard) along the Hackensack River, which may require a connection to the Northeast Corridor line just west of the Portal Bridge. For operational reasons related to maximum grades, the connection may require a bridge height that is lower than the anticipated elevation required for a fixed bridge (i.e. 50 feet above MHW). Therefore, a moveable bridge at a lower height (approximately 40 feet above MHW) may be necessary for alternatives along or south of the existing alignment to meet the proper grades. However, a second bridge north of the existing alignment, without the connection to the proposed Kearny Yard, could still be fixed at a higher elevation.

**Comment 18:** Requests clarification as to why the last alternative group (replacing the existing bridge on current alignment after new structure was built along side current bridge) was limited to a two-track fixed bridge for replacement of the existing structure. [Wendy Walsh, United States Fish and Wildlife Service (USFWS), ASM 3:2]

**Response:** The figure was in error. For the DEIS, this alternative group will be more broadly defined, and allow the construction of either a two or a three-track fixed bridge.

**Comment 19:** Requests clarification as to whether the height of the new bridge(s) would be increased in the last alternative group. [William Fellini, Port Authority of New York & New Jersey (PANYNJ), ASM 4:2-3]

**Response:** It is assumed based on preliminary engineering and discussions with USCG that any new movable bridge would be constructed at a height of 40 feet above mean

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high water (MHW), and any new fixed bridge would be constructed at a height of 50 feet above MWH).

**Comment 20:** Thinks one of the issues to be looked at is considering a fixed bridge that is lower than 50 feet above MHW. His understanding is that one of the other existing swing bridges is 33 feet. Instead of assuming a fixed bridge must be built at 50 feet for Coast Guard clearances, he recommends looking at 33 feet. For maritime uses upstream, he suggests changing the rules, seeking legislation if necessary. His suggestion is to include this in the process of having a fixed span that's the height of the next higher level of spans that are across the Hackensack River. [Joseph Clift, Citizen, PSM 5:50]

**Response:** Due to their risk of implementation and schedule protraction, any alternative that would require a change in existing federal law are considered fatally flawed for the purposes of this project.

**Comment 21:** States that the alternatives that retain the existing Portal Bridge and include construction of a new two- or three-track bridge, either fixed or movable, would most likely require formal bridge permit application. [Gary Kassof, USCG, Bridge Program Manager, EM 3:1]

**Response:** We acknowledge that a bridge permit from the United States Coast Guard (USCG), as well as other state and federal permits, will be required for any of the build alternatives

### **NO ACTION ALTERNATIVE**

**Comment 22:** States that routing trains across rail bridges other than over the Hackensack River may have marine/rail bridge operation conflicts that should be addressed. [Gary Kassof, USCG, Bridge Program Manager, EM 3:1]

**Response:** Any diversion of rail traffic to other movable bridges and the potential for rail/marine conflicts would be discussed in the Transportation & Traffic section of the DEIS. However, no train diversions due to the construction or operation of the proposed Portal Bridge are expected.

**Comment 23:** If the new bridge cannot be in service before the Federal Railroad Administration (FRA)/Federal Transit Administration (FTA) mandated loop track (ARC) from the Morris & Essex Lines (M&E) is needed, then it should also be built. The new facility on the former Koppers site may make this apparent redundancy a wise future investment as a safety valve for stalled equipment. [William R. Wright, L 5:1]

**Response:** Comment noted.

**Comment 24:** Diversion onto the “Loop” and around Secaucus will add an unacceptable amount of travel time to M&E and Montclair-Boonton Line trips. NJ TRANSIT management has acknowledged that the proposed routing will take 7 minutes longer to get from Broad Street Station in Newark to the New York Terminal, and it will take 6 minutes to get from the proposed deep platform to street level. This is 3 minutes longer than it currently takes to get to the Seventh Avenue side of New York’s Penn Station to street level. For a commuter going both directions, this amounts to an increase in the daily commute of 26 minutes. To kick M&E and Montclair-Boonton riders out of Penn Station and subject them to such long travel times is an idea that is absurd. It is imperative that the routing just described be avoided at any cost. [David Peter Alan, Chair, Lackawanna Coalition, NJ-ARP, PSM 3:37, 41-43]

**Response:** By providing additional capacity across the Hackensack River, the proposed project is intended to avoid such a situation.

#### **RETAINING AND/OR MODIFYING THE EXISTING BRIDGE**

*The following comments expressed support for retaining and/or modifying the existing Portal Bridge and will be considered in the alternatives analysis for the DEIS.*

**Comment 25:** Supports lifting the Portal Bridge and making it like a mid-level swing bridge; this would have the least amount of impact on the bridge. [Jonathan Woolley, PSM 8:36]

**Comment 26:** Supports expanding the bridge to four tracks now with future expansion to five tracks already built into the design. Recommends that a new three-track bridge is built and then the existing Portal Bridge repaired for an eventual five-track alignment between Newark and Secaucus. Five tracks will enable a rush-hour allocation of three tracks in the peak direction and two tracks in the reverse direction. In off-peak hours, a four-track operation of two tracks in each direction would make the unused track available for repairs and maintenance. It will remove the current bottleneck in the system. [Gary Johnson, Lackawanna Coalition, CS 2:1]

**Comment 27:** Envisions a solution similar to that of the Huey P. Long Bridge, which could increase the existing structural depth of 23 feet, and eventually provide two additional tracks on added cantilevers. [Roman Wolchuk, Principal, Roman Wolchuk Consulting Engineers, F 2:1]

**Comment 28:** Supports having two new bridges but only one track on each bridge to be built on either side of the Portal Bridge. Those bridges could possibly be built at an even higher level than the Portal Bridge. The advantage of having one bridge on either side of the Portal Bridge is that it wouldn’t require right-of-way taking,

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assuming the Portal Bridge did not swing open too frequently. [Jonathan Woolley, PSM 8:36]

### REMOVING THE EXISTING BRIDGE

*The following comments expressed support for removing the existing Portal Bridge and will be considered in the alternatives analysis for the DEIS.*

- Comment 29:** Supports a taxpayer-financed replacement of Portal Bridge with a four-track viaduct between CP Swift and Secaucus Junction that can accommodate Hackensack River vessel traffic without opening. [Michael Gilbert, L 2:1]
- Comment 30:** Replace the existing Portal Bridge with a fixed girder bridge. [Herb Landow, L 3:1-2]
- Comment 31:** Advocates building a new three-track high-level bridge over the Hackensack River so as not to interfere with marine traffic. Then the Portal Bridge can be replaced with a two-track high-level fixed bridge to make a five-track fixed alignment between Newark and Secaucus that does not interfere with the marine traffic. [Gary Johnson, Lackawanna Coalition, L 7:1-2]
- Comment 32:** The Portal Bridge must be replaced with a fixed bridge offering higher clearance from the Hackensack River. The replacement bridge must also have four tracks to accommodate current and future rail traffic. The extra capacity is not only to accommodate existing electrified rail service on the NEC-New Jersey Coast (NJCL)-M&E-Boonton-Gladstone Lines, but to also accommodate the future dual mode locomotive that can bring in the MOM Line, the Raritan Valley Line, as well as the future trains west over the Lackawanna Cutoff. [William R. Wright, Rail Transit Consultant, L 5:1; PSM 1:28-29]
- Comment 33:** If a movable, rather than a fixed, bridge is deemed necessary for maintaining suitable grades, a pair of two-track lift bridges should be installed. Sufficient cross-over should be created on both sides of the bridges to facilitate ease of track-shifting when one of the bridges is out of service. One of the lift bridges and its associated trackage should be constructed either upstream or downstream of the existing swing bridge; then the swing bridge should be removed and replaced *in situ* with the second lift bridge. [Kevin Hale, Planning Consultant, L 8:1]
- Comment 34:** NJARP supports the construction of at least four tracks on the bridge or two bridges, as a replacement for the current two-track, low-level Portal Bridge. [Albert Papp, Director, NJARP, PSM 2:30-31]

**ADDITIONAL ALTERNATIVES**

**Comment 35:** The option of dismantling the bridge and reassembling it at a new location for use as a fixed bridge should be explored. Use as a bicycle/pedestrian structure is most feasible in that the structure could be elevated to a height allowing it to remain closed. Bicycle/pedestrian bridges are normally accessed via a series of compact ramps with 180-degree turns. Three locations where this would be feasible are: (1) In its present location, and provide connector trails to the planned Hackensack River Walkway and East Coast Greenway; (2) Move the bridge north to connect Laurel Hill Park and the Newark Industrial Line rail corridor, which is the proposed East Coast Greenway route; and (3) Use the bridge to span the mouth of the Morris Canal Basin to connect Liberty State Park with downtown Jersey City. Reuse of the bridge in this location would provide direct access to the park from downtown Jersey City and provide a direct connection across the basin for the Hudson River Walkway. [Mike Selender, East Cost Greenway Alliance; Jersey City Landmarks Conservancy, PSM 7:29-30; F3:1]

**Response:** Reuse of the existing Portal Bridge will be considered for those alternatives that include removal of the existing structure.

**Comment 36:** The swing bridge to be removed should be relocated to a suitable nearby place along one of the estuarine watercourses (Hackensack or Passaic Rivers or Newark Bay) where it can function as a preserved engineering monument and active bridge for either vehicles or pedestrians or both. It should be relocated in such a way that adequate clearance is provided for marine traffic and the bridge can be fixed in a closed position not requiring a bridgetender. One possibility is to make a relocated bridge a key component of the proposed East Coast Greenway hiking/biking trail. [Kevin Hale, Planning Consultant, L 8:2]

**Response:** See the response to Comment 35.

**Comment 37:** Advocates building replacement bridges in the form of a bascule design. The location would be 500 feet east of the current bridge at a location that matches a proposed new waterway. He wants to maintain waterway access and waterway vertical clearance needs by planning for a new waterway channel for shipping. This channel would be wide enough for one barge. When the new bridges are ready, the new waterway could be dug up including the area under the new bridge. [Herb Landow, L 3:1-2]

**Response:** Alternatives that require creation of a new navigable channel would be beyond the scope of this project.

## D. OPERATIONS & CAPACITY

**Comment 38:** Asks if a movable bridge option is being considered due to cost considerations. A movable bridge does not make sense from an operational standpoint. [William Fellini, PANYNJ, ASM 4:2-3]

**Response:** Movable bridges are being considered due to their lower height requirements. Cost and operational issues are both considerations.

**Comment 39:** Supports a bridge fender system that will not catch on fire. [Margarita Urruria, American Ports Wear, CS 3:1]

**Response:** Comment noted.

*The following comments discussed the potential number of future tracks for the Hackensack River crossing. As part of the alternatives evaluation and DEIS analysis, several track and bridge alignments will be examined. They are likely to include three-, four- and five-track configurations over both movable and/or fixed bridges. A preferred alternative will likely be selected in the FEIS after public and agency review of the detailed engineering, operations and environmental analyses performed in support of the DEIS.*

**Comment 40:** Expresses concern that the project, as currently envisioned, does not provide adequate capacity, providing only three tracks from Swift to Secaucus. The new Portal Bridge(s) should have a total of four tracks. [Robert E. Scheurle, F 1:1]

**Comment 41:** The Portal Bridge must be increased to four tracks at a minimum. The entire Northeast Corridor right-of-way must be four-tracked between Newark Penn Station and NY Penn Station. Four-tracking will allow both Amtrak and NJ TRANSIT trains to simultaneously traverse this important route segment in both directions without the need for complicated queuing and its attendant delays. [Kevin Hale, Planning Consultant, L 8:1]

**Comment 42:** Requested clarification on the number of tracks that would be needed between the Swift Interlocking and Secaucus Junction. [Charles Scott, New Jersey State Historic Preservation Office (NJSHPO), ASM 2:2]

**Comment 43:** The railroad should be expanded to four tracks from Newark Penn Station to Secaucus Junction. [Robert E. Scheurle, Newark Resident, F 1:1]

**Comment 44:** He supports a minimum of four tracks crossing over, and if ARC is not going to have four tracks, Portal Bridge should have them. Also advocates that an even better option would be to have five or six tracks across the Portal Bridge. He

doesn't see a three or two-track bridge across the Hackensack River as being capable of handling the number of trains in question. If there are five or six tracks now, one of the things to be considered is that 100 years from now, whatever bridge is put up now will have to be replaced. With five or six tracks, the right-of-way is already in place. It will be easier to have the existing infrastructure than it would be to go through another environmental permit. [Jonathan Woolley, PSM 8:33-38]

**Comment 45:** NJARP supports a capacity build-out in the NEC to four full tracks between Newark's Penn Station and Secaucus Junction. [Albert Papp, Director, NJARP, PSM 2:30-31]

## E. ENVIRONMENTAL ANALYSES

### HISTORIC/CULTURAL RESOURCES

**Comment 46:** The JCLC considers the Portal Bridge to be a significant historic resource, and would like to see it preserved, if that's feasible. If the Portal Bridge cannot be refurbished to be compatible with expanded passenger rail use, we ask that alternatives be explored. [Mike Selender, East Coast Greenway Alliance; Jersey City Landmarks Conservancy, PSM 7:29-30; F3:1-2]

**Response:** The analysis of alternatives will consider both retention and removal of the existing Portal Bridge. The historic structures analysis will include a determination of whether its removal would constitute an adverse effect under Section 106 of the National Historic Preservation Act (NHPA). A Section 4(f) evaluation would be required if it is determined that the adverse effect would be considered a "use" of the resource under Section 4(f).

The USDOT and FTA consider three possible ways in which a project could "use" a resource:

- When a Section 4(f) resource is permanently incorporated into a transportation facility;
- When there is a temporary occupancy of a resource that is adverse in terms of the statute's preservation purpose; or
- When there is a constructive use of the resource.

Constructive use occurs when the project does not directly incorporate a resource, but the project's impacts are so severe that the protected activities, features, or attributes that qualify a resource for protection under Section 4(f) are substantially impaired. Substantial impairment occurs only when the protected activities, features, or attributes of the resource are substantially diminished.

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If so, an examination will be performed to determine whether any prudent and feasible alternatives are available to avoid such a use. This analysis will be documented in the DEIS. Measures to minimize harm, avoid or mitigate the use will be included.

**Comment 47:** Questioned whether the NOI for this project announces a coordinated review under NEPA and the NHPA, or if there would be separate, but parallel processes to meet the statutory requirements of these two laws. He added that the Portal Bridge is in New Jersey's Historic Register as well as the National Register and as such, requires a separate, formal submission. Another agency mentioned that the bridge might not be in the National Register of Historic Places to which NJSHPO explained that eligible and registered structures have the same level of protection regardless of whether they are on the National or New Jersey Register. [Charles Scott, NJSHPO, ASM 7:3]

**Response:** The review process under NEPA and NHPA for this project will be a combined review process. Any public meetings will be held to satisfy requirements of both statutes.

### **OPEN SPACE/PARKLANDS**

**Comment 48:** The East Coast Greenway Alliance's one concern with the Portal Bridge Capacity Enhancement Project is that any new rail embankments and structures constructed in the area through which the East Coast Greenway will pass should facilitate passage of the greenway. For example, passageways will be needed through any new embankments along the greenway route. [Mike Selender, East Coast Greenway Alliance; Jersey City Landmarks Conservancy, F 3:1-2; PSM 7:30-31; L 1:1]

**Response:** The DEIS will consider these plans in the examination of alternatives and impacts to the proposed greenway.

### **ECOLOGY**

**Comment 49:** The USFWS recommends constructing any new or expanded rail infrastructure on elevated structures rather than fill embankments, when location of such facilities in wetlands is unavoidable. [John Staples, Assistant Supervisor, US Dept of the Interior, USFWS, L 10:2-3; EM 2:2-3]

**Response:** The use of embankments for the construction of approaching tracks will be considered in the DEIS along with other options to minimize impacts to wetlands.

**Comment 50:** She supports incorporating wetland or salt marsh creation with recycled plastic materials into the Portal Bridge enhancement planning. [Margarita Urruria, American Ports Wear, CS 3:1]

**Response:** Comment noted.

**Comment 51:** The assessment of the project design alternatives shall consider:

The environmental resources to be impacted and subject to review pursuant to a Water Quality Certification (Section 401 of the Federal Clean Water Act 33 U.S.C. 1251 et seq.) and Federal consistency determination (CZM 16 U.S.C. 1451 et seq.). The Water Quality Certification and Federal consistency determinations allow certain fill affecting wetlands and/or open waters as well as impacts to special areas relevant to the project as found in the NJDEP CZM Rules (N.J.A.C. 7:7E-1.1). [Kenneth Koschek, Supervising Environmental Specialist, Office of Permit Coordination and Environmental Review, NJDEP, L 9:1-2]

**Response:** Any filling of wetlands and/or open water, required by the project alternatives, will be assessed in accordance with NJDEP CZM rules.

**Comment 52:** An application for a waterfront development permit will require evidence that either a Tidelands instrument has been previously issued, applied for, or is unnecessary for the site because the project is located within an area of State-owned Tidelands (grid maps 693-2154 and 700-2154) in accordance with N.J.A.C. 7:7-4.2. Future review of the relevant coastal areas will be made with particular attention to protection and enhancement opportunities for special coastal areas, including intertidal and subtidal shallows (N.J.A.C. 3.15) and public access to the waterfront (N.J.A.C. 7:7E-8.11), as part of the alignment studies. [Kenneth Koschek, Supervising Environmental Specialist, Office of Permit Coordination and Environmental Review, NJDEP, L 9:1-2]

**Response:** The evaluation of project alternatives will consider these issues as part of the DEIS analyses.

**Comment 53:** Except for an occasional transient bald eagle, no other federally-listed or proposed endangered species, or threatened flora or fauna under Service jurisdiction are known to occur within the vicinity of the proposed project site. Therefore, no further consultation pursuant to Section 7 of the Endangered Species Act (ESA) is required by the Service. If additional information on federally listed species becomes available, or if project plans begin to change, this determination may be reconsidered. [John Staples, Asst. Supervisor, US Dept of the Interior, Fish and Wildlife Service, L 10:2-3; EM 2:2]

**Response:** Comment noted.

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**Comment 54:** The USFWS recommends:

Contact the New Jersey Endangered and Nongame Species Program (ENSP) to determine the recent history of nesting by the State-listed (endangered) Peregrine Falcon (*Falco Peregrinus*) on bridges in the vicinity of the Portal Bridge. The ENSP may recommend conservation measures to protect peregrines during construction and/or provisions for post-construction bridge operation and management. Peregrines are known to nest on man-made structures within 1.5 miles of the Portal Bridge.

Contact the New Jersey Natural Heritage Program to determine any need to survey the project area for the presence or absence of the State-listed (endangered) plant wafer ash (*Ptelea trifoliata*), which is know to occur in the general vicinity.

Avoid and minimize impacts to wetlands, especially candidate Hackensack Meadowlands Ecosystem Restoration Study (HMER) restoration sites.

Coordinate with the Hudson County Planning Department and NY-NJ Baykeeper to ensure the Portal Bridge project does not jeopardize restoration of Laurel Hill Park wetland. [John Staples, Asst. Supervisor, US Dept of the Interior, Fish and Wildlife Service, L 10:2-3; EM 2:2-3]

**Response:** As outlined in the project's Scoping Document, the DEIS will include an analysis of endangered species, wetlands and wildlife habitat for each alternative under consideration. Measures to avoid, minimize or mitigate any adverse impacts will be discussed in the appropriate sections of the DEIS.

**Comment 55:** Two direct impacts of concern are the impacts of dredging or construction in the Hackensack River, and those to wetlands. The Hackensack River contains sediments heavily contaminated with mercury and other pollutants. The EIS should discuss best management practices to ensure the least disturbance of dredged material, and possible disposal options. Regarding any wetlands impacts, EPA understands that there are currently no wetland mitigation credits available through the wetland banks in the Hackensack Meadowlands. For any wetland fill proposed for the Portal Bridge project, wetland mitigation sites must be identified and a mitigation plan presented in the EIS. [Grace Musumeci, Chief, US Environmental Protection Agency, L 11:1; F 4:1]

**Response:** As part of the DEIS's public and agency outreach effort, the project sponsors and the consultant team will coordinate with the Meadowlands Interagency Mitigation Advisory Committee (MIMAC) and the project's TAC on possible mitigation measures for potential impacts to wetlands.

**Comment 56:** The USFWS recommends:

Remediate contamination in any new or expanded rights-of-way to the final clean-up standards specified by USEPA and/or NJDEP, since the presence of

new rail infrastructure will preclude any additional remedial efforts following construction.

Assess the potential release of environmental contaminants from temporary disturbances to wetlands and open waters. Use best management practices to contain contaminants during construction, and provide for post-construction remediation and long-term (3-10 years) contaminants monitoring of disturbed areas. [John Staples, Asst. Supervisor, US Dept of the Interior, Fish and Wildlife Service, L 10:2-3; EM 2:2-3]

In 1993, the Council of Environmental Quality guidance on NEPA encouraged federal agencies to include the concepts of pollution prevention in EIS's during the scoping alternative analysis, mitigation measure development, and decision-making processes. We would suggest that all pollution prevention and safety measures for the bridge construction and rail operation be discussed within the EIS. [Grace Musumeci, Chief, USEPA, L 11:2; F 4:2]

**Response:** As part of the EIS's construction impact assessment, the adverse effects from the potential disturbance of contaminated and/or hazardous materials will be discussed. In conjunction with this assessment, an analysis will be conducted to determine if any indirect or secondary effects from potential disturbances on water quality, ecology or wildlife would occur.

**Comment 57:** The USFWS recommends:

Investigate options for compensatory mitigation at HMER candidate restoration sites. Any such plans would require early coordination with ACOE, NJMC, and MIMAC.

Investigate combined mitigation with the ARC project.

The service will provide ongoing input to the Portal Bridge project through coordination with MIMAC and the NEPA process. [John Staples, Assistant Supervisor, US Dept of the Interior, USFWS, L 10:2-3; EM 2:3]

**Response:** The project sponsors had an initial meeting with MIMAC regarding potential compensatory mitigation requirements for the proposed project and look forward to continuing this dialogue as the alternatives analysis and EIS process evolves.

## COASTAL ZONE MANAGMENT

**Comment 58:** The NJDEP's Division of Land Use Regulation (DLUR) looks forward to further review of the purpose and need and alternatives of the project to ensure consistency with New Jersey's Coastal Zone Management Program. Pursuant to the Federal Coastal Zone Management (CZM) Act 16 U.S.C.A. 930.54(a)1, the DLUR supports a Department notification to the applicant and the Director of

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unlisted activities that coastal effects are reasonably foreseeable as indicated in the Scoping Document.

The DLUR acknowledges the stated goals of the project, which are in keeping with maintenance of the Northeast Corridor infrastructure in a state of good repair and operational reliability as a vital component to the economic health of the region. As a means of maintaining the existing infrastructure and meeting projected needs for increased capacity, the DLUR anticipates working with cooperating Federal agencies in review of forthcoming information and data required in accordance with 16 U.S.C. 930.58 of the CZM Act.

The subject project is located within the New Jersey Hackensack Meadowlands District as defined at N.J.S.A. 13:17-4. Therefore, the DLUR will administer the enforceable policies contained in the CZM rules N.J.A.C. 7:7E; Coastal Permit Program rules N.J.A.C. 7:8; Flood Hazard Area Control Act Rules N.J.A.C. 7:13, and Stormwater Management Rules N.J.A.C. 7:8, as implemented through the Waterfront Development Law (N.J.S.A. 12:5-3 and N.J.A.C. 7:7), Flood Hazard Area Control Act (N.J.S.A. 58:16A-50 and N.J.S.A. 13:1D-1), and the Water Pollution Control Act (N.J.S.A. 58:10A). [Kenneth Koschek, Supervising Environmental Specialist, Office of Permit Coordination and Environmental Review, NJDEP, L 9:1-2]

**Response:** As outlined in the project's Scoping Document, the DEIS will include a section of the project's consistency with NJ's Coastal Zone Management Act pursuant to the Federal CZM Act.

### **ENVIRONMENTAL JUSTICE**

**Comment 59:** The EPA recommends that the EIS for this project include environmental justice concerns. The EPA's Interim Environmental justice policy is available at: <http://www.epa.gov/region02/ej/> for informational purposes. [Grace Musumeci, Chief, USEPA, L 11:2; F 4:2]

**Response:** An environmental justice analysis will be included in the DEIS.

### **TRANSPORTATION**

**Comment 60:** Requested information about maritime needs along the Hackensack River. [Charles Scott, NJSHPO, ASM 6:3]

**Response:** This information will be included in the DEIS.

### **SECONDARY AND CUMULATIVE EFFECTS**

**Comment 61:** The scoping presentation highlighted that in order to assess for cumulative impacts, the ARC project will be in the No Action Alternative in the Portal

Bridge EIS. The FTA wants to ensure that indirect and cumulative impacts of the all elements of the Portal Bridge project, not just those related to ARC, are discussed in the Portal Bridge environmental analysis and that the mitigation proposed by the Portal Bridge environmental analysis is reviewed in light of those mitigation measures proposed by the ARC project. [James Goveia, Community Planner, Federal Transit Administration, EM 1:1]

**Response:** Comment noted.

**Comment 62:** Recommends a comprehensive evaluation of cumulative, indirect, and secondary impacts. The cumulative impacts analysis should consider the environmental impacts of the project as a whole, and, if any, as one of number of the other proposed and/or approved actions in the area that would have the potential to impact the same resources, including the proposed ARC project. The analysis should include any impacts to navigation on the Hackensack River. [Grace Musumeci, Chief, USEPA, L 11:1; F 4:1]

**Response:** The DEIS for the project will include a comprehensive evaluation of cumulative, indirect and secondary impacts. The analysis will consider potential impacts to navigation on the Hackensack River.

**Comment 63:** Recommends that the disruption of marine transits and delivery and movement of goods be included in the potential impacts of the project. [Gary Kassof, USCG, Bridge Program Manager, EM 3:1]

**Response:** The transportation chapter of the DEIS will include an analysis of goods movement and marine traffic.

**Comment 64:** States that the potential impacts analysis should include long term/future impacts on navigation and commerce along the Hackensack River and the implications of waterfront commercial development that may rely on marine service. [Gary Kassof, USCG, Bridge Program Manager, EM 3:1]

**Response:** The potential secondary effects on land use from impacts associated with navigation/maritime commerce will be assessed in the Secondary and Cumulative chapter of the EIS.

## **F. GENERAL COMMENTS:**

**Comment 65:** One of the things not being considered here is the non-peak hours, non-morning, peak hour services that are going to occur in the future. People all have different needs, they can't afford delays that maybe even a commuter could take for 5 or 10 minutes, for instance if they have a plane to catch. [Jonathan Woolley, PSM 8:34-35]

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**Response:** Providing additional capacity to the Hackensack River crossing will allow the an increase in the number of trains for both non-peak/non-morning hours, as well as during the peak-periods.

**Comment 66:** NJARP says, let's "get back to the basics" and reassess the entire series of trans-Hudson rail transportation improvement projects, but this time with the goal of serving the customer, not the operating agencies. [Albert Papp, Director, NJARP, PSM 2:35]

**Response:** Comment noted.

## **G. ACCESS TO THE REGION'S CORE (ARC) PROJECT:**

### **RELATIONSHIP BETWEEN ARC AND PORTAL BRIDGE**

**Comment 67:** Requested clarification whether Portal Bridge and ARC were separate projects and have independent utility. [Lingard Knutson, United States Environmental Protection Agency, ASM 1:2]

**Response:** While both projects are related and have a synergistic effect on additional capacity to NYC, Portal Bridge has independent utility. It could proceed with or without ARC and provide additional capacity along this corridor. Furthermore, while ARC is a new start project under the auspices of NJT and FTA, the Portal Bridge project is an existing structure owned by Amtrak which is in need of rehabilitation or replacement with or without the ARC project.

**Comment 68:** The FTA explained that there have been some changes to the ARC DEIS that need to be reflected in this project's Scoping Document. It was expressed that consistency between the two documents was important and that he would provide those changes to NJ TRANSIT. [James Goveia, Community Planner, Federal Transit Administration, ASM 5:3]

**Response:** Comment noted.

**Comment 69:** The FTA has communicated to NJ TRANSIT that the Portal Bridge is an essential element to the advancement of the ARC project and that while the Portal Bridge project can be viewed as being a project with independent utility from ARC, the reverse is not the case. The FTA wants to ensure that the full relationship of these two projects is discussed as it relates to all impact areas. [James Goveia, Community Planner, Federal Transit Administration, EM 1:1]

**Response:** Comment noted.

**Comment 70:** The tunnel project, under the ARC, and the expansion of capacity between Newark and Secaucus Junction needs to be combined into one project and be coordinated between all the stakeholders and all the riders, to make sure this gets done on time and under budget. The two projects must be combined for a single environmental and financial review by FTA in concert with FRA and for proper planning by NJ TRANSIT. Segmentation of these two projects, and the resulting separate planning and review of both, violates the spirit if not the law of the federal New Starts guidelines, and makes proper and effective project budgeting, design, and construction impossible to achieve. A second result of the segmentation is the understatement of the true cost of ARC by as much as a billion dollars. [Albert Papp, Director, NJARP, PSM 2:31,35; Joseph Clift, Citizen, PSM 5:45-49]

**Response:** The Portal Bridge project is not an FTA New Starts project. It is a project jointly sponsored by Amtrak and NJ TRANSIT with FRA as the lead federal agency for NEPA.

**Comment 71:** By making Hoboken a way station en route to New York, rail service to the Hudson County waterfront will be greatly improved, especially off-peak and weekends, stimulating the economies of Hoboken and northern Jersey City. This alternative should be carefully considered within the scope of the Portal Bridge environmental analysis. Combining the environmental analysis of the Hudson River Tunnel project and the Portal Bridge project permits consideration of innovative approaches such as this one, which are excluded when the existing “segmented analysis” is pursued. [George Haikalis, President, Institute for Rational Urban Mobility, PSM 4:43-45]

**Response:** This alternative is outside the scope of the Portal Bridge project, which is only considering alternatives that enhance the capacity of the NEC’s crossing of the Hackensack River.

#### COMMENTS RELATED TO ARC

*The following comments relate to the Access to the Region’s Core (ARC) project and are unrelated to the Portal Bridge project.*

**Comment 72:** An alternative alignment for the ARC tunnel has been suggested, via Hoboken. The impact of this alternate route should be considered as it would change the demand at Portal Bridge. [Gary Kazin, Newark Resident, CS 1:1]

**Comment 73:** Routing the proposed new Hudson River tunnel thru Hoboken instead of through Secaucus, offers many attractive gains. This routing requires far less construction and eliminates the need to disturb wetlands and other sensitive environmental areas in the Meadowlands. It costs far less to construct by making use of existing rail infrastructure west of Hoboken, including the three-

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track Lackawanna Rail Bridge across the Hackensack River. This alignment avoids the circuitous Secaucus Loop and permits NJ TRANSIT to abandon most of its Hoboken waterfront terminal, allowing it to be sold for new development. [George Haikalis, President, Institute for Rational Urban Mobility, PSM 4:43-45]

**Comment 74:** Reintroduce Alternative “G.” It would provide the necessary tunnel infrastructure to link New York’s conveniently located Grand Central Terminal with that of the less convenient West Midtown Penn Station. A track connection between these two great rail stations would have equal benefits for both states. New Jersey residents would gain critical access to the dynamic economic NJ TRANSIT hub that is east Midtown Manhattan, while New York and Connecticut residents could have future access to a rebuilt and rejuvenated series of west Midtown office complexes west of Penn Station, on land that New York Mayor Bloomberg is now trying to have redeveloped. [Albert Papp, Director, NJ Association of Railroad Passengers, PSM 2:32-33]

**Comment 75:** The Lackawanna Coalition has consistently preferred connecting Penn Station and Grand Central Terminal, as proposed under Alternative “G” of the ARC Major Investment Study. [David Peter Alan, Chair, Lackawanna Coalition, NJ-ARP, PSM 3:38]