

**A. INTRODUCTION**

This chapter summarizes and responds to comments on the Tier I Draft Environmental Impact Statement (DEIS) for the Cross Harbor Freight Program (CHFP). The cover sheet of the DEIS was signed by the Port Authority of New York and New Jersey (PANYNJ) acting as the project sponsor on October 31, 2014, and by the Federal Highway Administration (FHWA) acting as the lead agency on November 6, 2014. The document was then made publicly available in 49 repositories, most of which were public libraries, as well as some government and agency offices. The document was also posted on the project website ([www.crossharborstudy.com](http://www.crossharborstudy.com)). A Notice of Availability was published in the Federal Register on November 21, 2014, which established the public review period for the DEIS. Comments were accepted by mail, email, and fax, and as oral or written testimony at the public hearings. Seven public hearings were held between January 23rd and March 3rd, 2015. The comment period, originally scheduled to close on February 27, 2015, was extended to March 20, 2015.

Below, Section B identifies the organizations and individuals who provided relevant comments on the DEIS. Section C contains a summary of these relevant comments and a response to each. These summaries convey the substance of the comments made, but do not necessarily quote the comments verbatim. Comments on the DEIS in general are summarized below. Comments primarily on a specific chapter or aspect of the DEIS are summarized and grouped under a separate header for each topic or DEIS chapter. A number of comments that are not directly related to the DEIS or the DEIS process—or that concern topics not studied in the DEIS—are grouped at the end under a subheading titled “Other Comments.”

Many comments and testimonies in general support of the CHFP were received (C. Fitzsimmons, R. Fitzsimmons, Gillibrand, Hoffman, LaBrie, Lewis, McRae, Newell, Pellecchia, Ries, Rodriguez, Stanton, UPROSE, Van Bramer, Vanterpool, Williams, Wilt, Wylde). Some of these commenters expressed desire for the project to move forward, to advance to Tier II, and to obtain funding. Reasons for their support included the potential of the CHFP to minimize truck traffic, reduce congestion, minimize emissions, increase economic opportunity, and increase the safety and integrity of the supply of consumer goods to the New York City metropolitan region. Brooklyn Community Board 2 noted their unanimous vote in support of the project and encouraged efforts to advance the program (McRae).

Many comments were also received in support of a specific alternative or alternatives. Those comments are included and grouped under comments on Chapter 4, “Alternatives.”

Many commenters also expressed opposition to the project or concerns for the potential for local impacts. Concerns expressing opposition or concerns that are specific to an alternative or alternatives are included and grouped under comments on Chapter 4 or under specific environmental chapters (e.g., Water Resources). Numerous comments were received in general opposition to the project (not specific to a particular alternative). The commenters gave one or more of the following reasons for opposition to the project:

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- Current operations at Fresh Pond already pose challenges for surrounding residential communities.
- Outdated tracks and locomotives already produce excessive noise late at night.
- Lack of upgrades to the existing rail infrastructure and locomotive engines that the communities have requested.
- Truck traffic increase at Maspeth, worsening traffic that is currently an issue.
- Existing traffic and pollution in Greenville.
- Adverse environmental impact in Jersey City, particularly in Greenville and South Greenville.
- Failure of PANYNJ to recognize the impact that the program would have on neighborhoods in Jersey City.
- Increase in train whistles late at night and early in the morning that would get worse.
- Over 3 million residents who would be severely and negatively impacted in terms of traffic congestion, air pollution, noise pollution, and vibrations.
- Trucks would be taken off the Hudson River crossings but many more trucks would be put on the streets of Queens, Brooklyn, and Newark.
- Effect on quality of life.
- Environmental safety of transporting contaminated, smelly substances from someplace else into Jersey City.

(Barrett, Conte, Crowley, Fulop, G. Giordano, T. Giordano, JonathanC, Lavarro, Jr., Osborne, Sunset Park, Tayari, Vasil, Watterman)

Several commenters did not comment on a specific alternative or alternatives, but said that due to existing high levels of truck traffic they were “100 percent opposed to any plan that would put any more trucks on the streets of Sunset Park, Bay Ridge, and Boro Park.” (Breen, N. Campbell, Tondrick, Vlismas)

General requests (i.e., not specific to an alternative or environmental chapter) to address community concerns were to include:

- Full study and disclosure of local community impacts all along the freight line, at freight yards and at freight terminals being considered or in current use. (G. Giordano, Parisen)
- Planning of any proposed facilities, so that they have the least negative impact on surrounding communities. (G. Giordano, Parisen)
- Commitment for technological upgrades (i.e., new locomotives, track, and rails) to reduce community health, environmental, and quality of life burdens. (G. Giordano, Parisen)
- Fully capitalized mitigation plans, including funding to clean up the current rail freight. (Parisen)

One of the commenters suggested including the above studies or commitments in the Final Environmental Impact Statement (FEIS), while the other suggested including them in Tier II.

In response to the requests for full studies of local community impacts and detailed planning for proposed facilities, as well as commitments for technological upgrades and funding for mitigation plans, we note that these matters are more appropriate for Tier II. These requests are acknowledged and will be considered in Tier II. Tier II will evaluate and analyze potential

adverse impacts and will explore potential mitigation strategies, where appropriate, as required by the National Environmental Policy Act (NEPA).

**B. LIST OF ORGANIZATIONS AND INDIVIDUALS WHO COMMENTED ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT**

**AGENCIES**

1. Mr. Matthew Arancio, Senior Planner, Suffolk County Department of Economic Development and Planning (Suffolk County Department of Economic Development and Planning [DEDP])
2. Office of the Mayor of the City of New York (City of New York)
3. Ms. Judith A. Enck, United States Environmental Protection Agency (USEPA)
4. Ruth W. Foster, Ph.D., Acting Director, Permit Coordination and Environmental Review, New Jersey Department of Environmental Protection, Office of Permit Coordination and Environmental Review (NJDEP)
5. Lieutenant Commander W. M. Grossman, Waterways Management Coordinator, Chief, Waterways Management Division, United States Coast Guard (USCG)
6. Mr. Andrew L. Raddant, Regional Environmental Officer, United States Department of Interior, Office of the Secretary, Office of Environmental Policy and Compliance (US Department of Interior)
7. Ms. Gina Santucci, Director of Environmental Review, NYC Landmarks Preservation Commission (LPC)
8. Sneha Shukla, P.E., CE II, Planning New York State Department of Transportation R-11 (NYSDOT)
9. William M. Wheeler, Director, Special Project Development and Planning, Metropolitan Transportation Authority (MTA)

**GENERAL PUBLIC**

10. Mr. Bruce Alston, Urban Concerns of Jersey City (Alston)
11. Ms. M Peggy Breen (Breen)
12. Mr. Bob Brickman, Nassau County DPW / Planning Division (Brickman)
13. Mr. George M. Bulow (Bulow)
14. Mr. Jason H. Burg (Burg)
15. Mr. Jonathan C, (JonathanC)
16. Ms. Norma Campbell (Campbell)
17. Mr. Bob Cassara (Cassara)
18. Mr. Joe Conte (Conte)
19. Mr. Robert Dalsass (Dalsass)
20. Ms. Elizabeth Deegan, Project Greenville (Deegan)
21. Mr. Zack DesJardins (DesJardins)
22. Mr. Lewis Fidler, Former City Councilmember (Fidler)
23. Mr. Bill Galligan, CEO, Inter Rail Express (Galligan)
24. Mr. Eric E. Garvin, J.D. (Garvin)
25. Mr. Andrew Gordon (Gordon)
26. Ms. Beth Haskell (Haskell)
27. Ms. Emily Hegarty (Hegarty)
28. Mr. George Hoffman (Hoffman)

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29. Ms. Amanda Khan (Khan)
30. Mr. Mark Kolodny (Kolodny)
31. Mr. Peter Kumelowski, MOW Engineering (Kumelowski)
32. Ms Alice F. LaBrie (LaBrie)
33. Mr. Mark Lacari (Lacari)
34. Mr. Murray Lantner (Lantner)
35. Mr. Mr. Jim Legge (Legge)
36. Mr. Mr. John Maier (Maier)
37. Mr. Mr. Daniel Marsala (Marsala)
38. Mr. Robert Mays (Mays)
39. Mr. Liam McCabe (McCabe)
40. Mr. John McHugh (McHugh)
41. Ms. Dorothy Moore (Moore)
42. Mr. Felix A. Moreau (Moreau)
43. Ms. Linda Orlando (Orlando)
44. Mr. Oliver Pal (Pal)
45. Ms. Cheryl Pawlowski (Pawlowski)
46. Ms. Rita Pihra-Majurinen (Pihra-Majurinen)
47. Ms. Stephanie Pinto (Pinto)
48. Mr. John Quadrozzi (Quadrozzi)
49. Mr. Arnold Reinhold (Reinhold)
50. Mr. Lorenzo Richardson (Richardson)
51. Mr. Harry Ries (Ries)
52. Ms. Jean Ryan (Jean Ryan)
53. ScottieEmail (Staton)
54. Mr. John E. Stackfleth (Stackfleth)
55. Mr. George L. Stamatiades (Stamatiades)
56. Mr. Seth Tane (Tane)
57. Mr. Kabili Tayari, Former Jersey City Deputy Mayor (Tayari)
58. Mr. Jeff Tittel, Director, New Jersey Sierra Club (Tittel)
59. Ms. Lynn Tondrick (Tondrick)
60. Mr. Timothy Troxler, RE, LEED GA Resident Engineer, The LiRo Group, Program/Construction Managers | Engineers | Architects (Troxler)
61. Mr. Ron Troy (Troy)
62. Mr. Thomas Vlismas (Vlismas)
63. Mr. Kenneth Vogel (Vogel)
64. Ms. Roberta Weisbrod, Ph.D., Sustainable Ports (Weisbrod)
65. Mr. Alexander Wood (Wood)
66. Mr. Henry (Henry)

## **ELECTED OFFICIALS**

67. Honorable Eric L. Adams, Brooklyn Borough President (Adams)
68. Honorable Joseph P. Addabbo, Jr., New York State Senator, 15th District (Addabbo)
69. Mr. Michael Beltzer, Board Member, Bronx Community Board No. 9 (Beltzer)
70. Mr. Alvin M. Berk, Chairman, Brooklyn Community Board No. 14 (Berk)
71. Honorable Christopher D. Bodkin, Councilman, Town of Islip (Bodkin)
72. Honorable Richard Boggiano, Councilman, Jersey City Ward C (Boggiano)
73. Honorable Gale Brewer, Manhattan Borough President (Brewer)

**Chapter 12: Response to Comments Received on the DEIS**

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74. Ms. Shawn Campbell, District Manager, Brooklyn Community Board No. 14 (Campbell)
75. Honorable Yvette Clarke, Congresswoman, United States House of Representatives (Clarke)
76. Honorable Elizabeth Crowley, Councilwoman, New York City Council (Crowley)
77. Honorable Sandra Bolden Cunningham, New Jersey State Senator, 31st District (Cunningham)
78. Honorable Bill de Blasio, Mayor, New York City (de Blasio)
79. Honorable Ruben Diaz, Jr., Bronx Borough President, (Diaz, Jr.)
80. Honorable Eliot L. Engel, Congressman, United States House of Representatives (Engel)
81. Honorable Adriano Espaillat, New York State Senator, 31st District (Espaillat)
82. Honorable Simcha Felder, New York State Senator, 17th District (Felder)
83. Honorable Steven Fulop, Mayor, Jersey City (Fulop)
84. Honorable Frank Gajewski, Councilman, Jersey City Ward A (Gajewski)
85. Honorable Kirsten Gillibrand, United States Senator (Gillibrand)
86. Mr. Gary Giordano, District Manager, Queens Community Board No. 5 (G. Giordano)
87. Honorable Martin Golden, New York State Senator, 22nd District (Golden)
88. Honorable Carl E. Heastie, Speaker, New York State Assembly (Heastie)
89. Honorable Andrew Hevesi, Assemblyman, 28th District (Hevesi)
90. Honorable Brad Hoylman, New York State Senator, 27th District (Hoylman)
91. Honorable Steve Israel, Congressman, United States House of Representatives (Israel)
92. Honorable Corey Johnson, Councilman, New York City Council (C. Johnson)
93. Mr. Brian Kieran, Chairman, Brooklyn Community Board No. 10 (Kieran)
94. Honorable Brad Lander, Councilman, New York City Council (Lander)
95. Honorable Rolando R. Lavarro, Jr., President, Jersey City Council (Lavarro, Jr.)
96. Honorable Carolyn Maloney, Congresswoman, United States House of Representatives (Maloney)
97. Honorable Melissa Mark-Viverito, Councilwoman, New York City Council (Mark-Viverito)
98. Honorable Margaret Markey, Assemblywoman, 30th District (Markey)
99. Ms. Shirley A. McRae, Chairwoman, Brooklyn Community Board No. 2 (McRae)
100. Honorable Carlos Menchaca, Councilman, New York City Council (Menchaca)
101. Honorable Grace Meng, Congresswoman, United States House of Representatives (Meng)
102. Honorable Michael Miller, Assemblyman, 38th District (M. Miller)
103. Honorable Jerrold Nadler, Congressman, United States House of Representatives (Nadler)
104. Honorable Catherine Nolan, Assemblywoman, 37th District (Nolan)
105. Honorable Felix W. Ortiz, Assemblyman, 51st District (Ortiz)
106. Honorable Candice Osborne, Councilwoman, Jersey City Ward E (Osborne)
107. Mr. Yidel Perlstein, Chairman, Brooklyn Community Board No. 12 (Perlstein)
108. Mr. Martin Prince, Chairman, Bronx Community Board No. 10 (Prince)
109. Honorable Gustavo Rivera, New York State Senator, 33rd District (Rivera)
110. Honorable Ydanis Rodriguez, Councilman, New York City Council (Rodriguez)
111. Mr. Alberto G. Santos, Clerk, Hudson County Board of Chosen Freeholders (Santos)
112. Honorable Charles E. Schumer, United States Senator (Schumer)
113. Honorable José Serrano, New York State Senator, 29th District (Serrano)

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114. Honorable Daniel Squadron, New York State Senator, 26th District (Squadron)
115. Honorable Scott Stringer, New York City Comptroller (Stringer)
116. Honorable Jimmy Van Bramer, Councilman, New York City Council (Van Bramer)
117. Honorable Nydia Velázquez, Congresswoman, United States House of Representatives (Velázquez)
118. Honorable Joyce Watterman, Councilwoman, Jersey City Councilwoman At Large (Watterman)
119. Honorable Mark S. Weprin, Councilman, New York City Council (Weprin)
120. Honorable Jumaane Williams, Councilman, New York City Council (Williams)
121. Honorable Lee M. Zeldin, Congressman, United States House of Representatives (Zeldin)

## **ORGANIZATIONS AND BUSINESSES**

122. Ms. Sandy Aboulafia, President, Midwood Civic Action Council (Aboulafia)
123. Mr. Vincent Albanese, Laborers' International Union of North America (LIUNA) (Albanese)
124. Mr. Richard Andersen, President, New York Building Congress (Andersen)
125. Mr. Steven C. Armbrust, Assistant General Counsel, Corporate & Transportation Law, CSX (Armbrust)
126. Ms. Jeanne Barrett, South Greenville Neighborhood Association (Barrett)
127. Mr. Norman Brown, Legislative Director, New York State Council of Machinists (Brown)
128. Mr. Dylan Cepeda, Brooklyn Historic Railway Association (BHRA)
129. Mr. Ryan Chavez, Infrastructure Coordinator, UPROSE (UPROSE)
130. Mr. Mario F. Cilento, President, New York State American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) (Cilento)
131. Ms. Noemi de la Puente, Executive Director, New Jersey Environmental Lobby (NJEL) (de la Puente)
132. Mr. Demos Demopoulos, Secretary/Treasurer, Teamsters Joint Council 16 (Demopoulos)
133. Mr. Robert Diamond, Chairman, Brooklyn Historic Railway Association (BHRA)
134. Mr. Frank Falcicchio, South Greenville Neighborhood Association (Falcicchio)
135. Mr. Thomas Feighery, Laborers' International Union of North America (LIUNA) Local 147 (Feighery)
136. Mr. John Ferreira, Laborers' International Union of North America (LIUNA) Local 147 (Ferreira)
137. Mr. Richard Fitzsimmons, Tunnel Workers of New York City (R. Fitzsimmons)
138. Mr. Christopher Fitzsimmons, Laborers' International Union of North America (LIUNA) Local 147 (C. Fitzsimmons)
139. Mr. Tony Giordano, Sunset Park Restoration (Giordano)
140. Ms. Joanne Gorman, South Greenville Neighborhood Association (Gorman)
141. Mr. George Haikalis, President, Institute for Rational Urban Mobility (Haikalis)
142. Mr. Philip Healey, President, Biltmore Shores Civic Association (Healey)
143. Mr. Roger J. Herz, To Improve Municipal Efficiency (TIME) (Herz)
144. Mr. Robert P. Hill, President & Principal Naval Architect, Ocean Tug & Barge Engineering Corporation (Hill)
145. Mr. Mychal Johnson, UPROSE / South Bronx Unite (SBU) (M. Johnson)

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146. Mr. Nicholas Kapustinsky, Policy and Communications BALCONY - Business and Labor Coalition of New York (Kapustinsky)
147. Ms. Elissa Kyle, Sustainability Director, Vision Long Island (Kyle)
148. Ms. Martha Larkins, President, South Greenville Neighborhood Association (Larkins)
149. Mr. Ronald Lewis, President & CEO, Metropolitan Waterfront Alliance (Lewis)
150. Ms. Ya-Ting Liu, Director of NYC Sustainability Program, New York League of Conservation Voters (Liu)
151. Mr. Eli Markham, Alliance for a Greater New York (ALIGN) (Markham)
152. Ms. Marie McCrary, South Greenville Neighborhood Association (McCrary)
153. Ms. Alana Miller, Policy Manager, Transportation Alternatives (Miller)
154. Mr. Jim Newell, President, Brookhaven Rail (Newell)
155. Ms. Patricia Olsen, South Greenville Neighborhood Association (Olsen)
156. Mr. Mitchell H. Pally, Chief Executive Officer, Long Island Builders Institute (Pally)
157. Ms. Mary Parisen, Chair, Civics United for Railroad Environmental Solutions (CURES) (Parisen)
158. Mr. Vincent Pellecchia, General Counsel, Tri-State Transportation Campaign (Pellecchia)
159. M. Barden Prisant, PPSA Member, Prospect Park South Association (Prisant)
160. Ms. Jennelle Quarless, Legislative Manager, New York Working Families (Quarless)
161. Ms. Kathy Quirk, South Greenville Neighborhood Association (Quirk)
162. Ms. Denise Richardson, Executive Director, General Contractors Association of New York (Richardson)
163. Ms. Emily Roach, Research Analyst, Transportation Regional Plan Association (Roach)
164. Mr. Skipp Roseboro, New York Communities for Change (Roseboro)
165. Mr. John Ryan, Laborers' International Union of North America (LIUNA) Local 147 (John Ryan)
166. Ms. Carolina Salguero, Founder & Director, PortSide New York (Salguero)
167. Ms. Olivia Santoro, Community Organizer, Long Island Progressive Coalition (Santoro)
168. Mr. Carlo A. Scissura, Esq., President and CEO Brooklyn Chamber of Commerce (BCC/Scissura)
169. Mr. Peter Sikora, Research Economist, Communications Workers of America (CWA)
170. Mr. T. J. Smith, Laborers' International Union of North America (LIUNA) Local 147 (T. Smith)
171. Mr. Richard Smith, Laborers' International Union of North America (LIUNA) Local 147 (R. Smith)
172. Mr. Ryan Stanton, Political Director, Long Island American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) (Stanton)
173. The Sunset Park District Management Association (Sunset Park)
174. Ms. Gail E. Toth, Executive Director, New Jersey Motor Truck Association (Toth)
175. Ms. Angela Tovar, Director of Policy and Research, Sustainable South Bronx (Tovar)
176. Mr. James Tripp, Senior Counsel, Environmental Defense Fund (Tripp)
177. Ms. Veronica Vanterpool, Executive Director, Tri-State Transportation Campaign (Vanterpool)
178. Mr. Bill Vasil, South Greenville Neighborhood Association (Vasil)
179. Mr. Aaron Watkins-Lopez, Long Island Jobs for Justice (Watkins-Lopez)

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180. Ms. Samantha Wilt, Energy and Transportation Policy Analyst Natural Resources Defense Council (NRDC) (Wilt)
181. Mr. Justin Wood, New York Lawyers for the Public Interest (NYLPI) (Wood)
182. Mr. John Wund, Special Assistant to the President Building & Construction Trades Council of Greater New York (Wund)
183. Ms. Kathryn Wylde, President and CEO Partnership for New York City (Wylde)

### C. COMMENTS AND RESPONSES

#### CHAPTER 1: PROJECT PURPOSE AND NEED

- Comment 1-1:** Regarding page 1-2: it is USEPA’s understanding that the Regional Goods Movement Plan is now part of the Joint initiative “G-MAP,” a comprehensive good movement action program for the New York-New Jersey Metropolitan Region. As this is mentioned as a relevant planning study in the Tier I DEIS, any documentation or action plans from G-MAP should be accessible to the public via website links. (USEPA)
- Response 1-1:** The errata to page 1-2 include a description of G-MAP. Website links to the study are also provided.
- Comment 1-2:** Considering the extensive community impacts the current level of rail freight service has, our committee questions how one can justify the expense and impacts outlined in many of the build alternatives in the DEIS. (G. Giordano)
- Response 1-2:** Chapter 1 of the DEIS describes the project purpose and need and the problems with the way that freight is currently transported, which will get worse with growing demand. At the Tier I stage, detailed analyses of impacts on specific communities were not performed. Rather, potential areas of environmental concern were identified for further study in Tier II. Tier II will evaluate and analyze potential adverse impacts and will explore potential mitigation strategies, where appropriate. Chapter 4, “Alternatives,” acknowledged the project cost. The costs of infrastructure in general are not low. Considering the project’s geographic extent, its wide-ranging benefits, and the opportunity to improve the regional, and to some extent even national movement of goods, the costs are in line with the costs of other infrastructure projects of similar magnitude and importance.
- Comment 1-3:** There currently is no known significant demand by those shipping goods to utilize the rail network of Long Island. Current attempts by New York State and New York & Atlantic Railway have shown this to be a bleak horizon with only waste export as a demonstrated growth area in the last decade. (G. Giordano, Maier)

There is no demonstrated need for a freight tunnel or evidence that a tunnel would divert trucks from the region's bridges and tunnels. (Pihra-Majurinen)

There hasn't been any demonstrated need or request for your rail line; it would be wasteful and reckless, not to mention inconsiderate, to use taxpayer funds and burden us with a half a billion debt, for a project that will not benefit anyone but would hurt everyone. (Sunset Park)

**Response 1-3:** As shown in Table 5-4 of Chapter 5, "Transportation," railcar volume on the New York & Atlantic Railway has grown at a rate of more than five percent per year between 1996 and 2013. The demand for shipments to Long Island is also evidenced by the continued growth of the Brookhaven Rail Terminal. Additionally, the shipper survey and market analysis (Appendix A) show the potentially significant demand for and diversion of freight traffic created by the Rail Tunnel Alternative.

**Comment 1-4:** I realize that the whole purpose of this study is to improve freight traffic across the region, but perhaps if you can incorporate other goals the project could be more politically achievable. (Troxler)

**Response 1-4:** Chapter 1, "Purpose and Need," specifies four project goals that are most directly related to the project's purpose and need.

**Comment 1-5:** The world that supported rail freight east of Hudson and the cost-benefit that would make the tunnel plan worthwhile to communities in Brooklyn and Queens—and to New York City and New York State—are long gone. For example, in the past, there was no CSX to take traffic from western destinations and deliver it to eastern destinations. Today CSX already has a way to take double-stacks up the Hudson. Their River Line is said to be the best route to Selkirk and the Midwest. They don't need Cross Harbor. The tunnel—an idea that has been around for almost 100 years—is pitted against these long-term trends in 21st century New York City. (Parisen)

**Response 1-5:** The shipper survey and market analysis (Appendix A) show the potentially significant demand for the Rail Tunnel Alternative, which would divert freight traffic from existing modes.

**Comment 1-6:** Where in the DEIS is the scenario that the means of entering New York City get shut down and somehow the food and all the vital supplies can be put onto trains and distributed from them? Particularly because the Federal Emergency Management Agency (FEMA) and Transportation Security Administration (TSA) did not participate, asserting this benefit for the tunnel does not seem credible. (Parisen)

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**Response 1-6:** Having redundancy and modal balance in the transportation system helps improve regional resiliency, in accordance with the project goals. As reflected in Table 3-1, FEMA and TSA were invited to serve as Cooperating Agencies and will continue to be invited as part of Tier II, when their input and/or approval of more specific project plans will be of greater importance. PANYNJ is working with FEMA and other federal agencies, as well as representatives of the states of Connecticut, New Jersey, and New York, and New York City on overarching resiliency efforts, as part of the Sandy Recovery Infrastructure Resilience Coordination (SRIRC) group. In addition, PANYNJ has applied for a FEMA grant and is anticipating approval for replacement of the damaged barge mooring structures at Greenville Yard, through the removal of the existing barge mooring structures at mudline and replacement with a more resilient and cost-effective batter pile dolphin design.

**Comment 1-7:** It is understandable that PANYNJ wants to reduce traffic congestion along major freight corridors. What is difficult to understand is how PANYNJ can justify concentrating rail and/or truck traffic in densely populated residential areas. Is PANYNJ willing to trade off the rights of some people (many minority and low-income) to a clean and safe environment to benefit others. What is stopping PANYNJ from seeking a solution that is equitable for everyone? (Larkins)

**Response 1-7:** By implementing the Preferred Alternatives, CHFP would not only reduce traffic congestion, but would also result in a modal shift that would reduce truck miles traveled throughout the region, improving air quality region wide, including in many minority and low-income communities. A range of solutions was considered and evaluated. The factors that limit the range of possible solutions are the location of the rail freight corridor, which was built in the late 1800s and cannot be moved, and the availability of sufficiently large industrial land on the waterfront and/or inland with access to rail and/or truck routes. While every solution has the potential for some localized adverse effects, Tier II will evaluate and analyze potential adverse impacts and will explore potential mitigation strategies, where appropriate. Furthermore, the project will be advanced in a manner consistent with United States Department of Transportation (USDOT), Department Order 5610.2(a) (Department of Transportation Actions to Address Environmental Justice in Minority Populations and Low-Income Population) (May 2, 2012), and Federal Highway Administration, Order 6640.23A (FHWA Actions to Address Environmental Justice in Minority Populations and Low Income Populations (June 14, 2012)). In general, these Orders call for identifying and evaluating potential environmental and public health

effects, and interrelated economic and social effects, of FHWA programs, policies and activities, and taking steps to avoid, minimize, and/or mitigate disproportionately high and adverse environmental and public health effects, and interrelated social and economic effects, on minority and low-income populations.

**Comment 1-8:** Please remove the statement that Long Island Rail Road (LIRR) passenger train operations “prevent” weekday New York and Atlantic Railway customer industry service (p. 1-9). While passenger train movement is LIRR’s priority, this does not “prevent” the New York and Atlantic Railway from servicing customer industries on weekdays. The New York and Atlantic Railway operates freight trains along the Main Line and within freight territory during weekday daytime hours. (MTA)

**Response 1-8:** The errata reflect this revision.

**Comment 1-9:** The discussion of vertical clearance on Long Island on p. 1-9 should be revised to be consistent with p. 5-20. (MTA)

**Response 1-9:** The errata reflect this revision.

**Comment 1-10:** The New York-New Jersey region is plagued by aging roadways that are congested with trucks that navigate both Hudson and East River crossings to bring their cargo to the market place. The routes are plagued with delays that add to the cost of the products and the unpredictability of getting goods and services to their destinations on time. (D. Richardson)

**Response 1-10:** Comment noted.

## **CHAPTER 2: REGULATORY PROCESS**

**Comment 2-1:** The Marketing Section is not in the main body of the report. As a result, the reader is deprived of a full understanding of freight transportation East of the Hudson. Appendix A does not provide a good overall picture of the market and how it works. It mainly describes the details of how the traffic flows and forecasts were calculated. The report should be re-edited to make it easier to follow the methodology. It is a good report, don’t hide it.

It is a very hard document to read and follow. Ideas and descriptions just disappeared into thin air, and then reappeared two or three paragraphs later while reading a different idea or description. A document prepared for consideration of a major commitment of public funds and effort should be clearer. (Galligan/McHugh/Pinto)

**Response 2-1:** Comment noted.

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- Comment 2-2:** I hope that if there is any possibility of speeding up the process from here, that it be done. (Herz)
- Response 2-2:** Comment noted.
- Comment 2-3:** The 2014 Cross Harbor Freight Movement Tier I DEIS does not meet the requirements of the NEPA in regards to energy usage and greenhouse emissions and possibly in other areas where analysis is based on this inappropriate efficiency number. It is incumbent on PANYNJ to develop a realistic estimate for the energy efficiency of the Cross Harbor rail alternatives, perhaps by detailed modeling of the rail and ancillary operations expected for each alternative proposed. (Reinhold)
- Response 2-3:** As discussed in responses to comments on Chapter 6.5, “Energy and Climate Change,” the energy efficiency data used and the greenhouse gas emissions (GHG) presented in the DEIS are appropriate. FHWA has performed a legal sufficiency review of the DEIS and concluded that it meets the requirements of NEPA.
- Comment 2-4:** Once the Tier I analysis is completed, the project can move to a Tier II review. That is the part of the process where a much more detailed and comprehensive review of the proposed project is required. There are further opportunities for public hearings and comment at that stage. And that is when localized impacts and site-specific environmental concerns can and must be addressed (via commitments to specific mitigation measures, the imposition of stringent permit requirements, etc.). NRDC intends to carefully follow the proposed project as the Tier II environmental review moves forward. We’ll be paying specific attention to any identified localized pollution impacts and will be seeking the strongest mitigation measures and permit conditions to minimize any such problems. (Wilt)
- Response 2-4:** Comment noted.
- Comment 2-5:** It would be good to improve the Tier I so that we know exactly what steps are going to be taken, when they’re going to happen, where the funding’s going to come from to do the analysis, and who’s going to do it. (Galligan)
- Response 2-5:** The next step in the process is the Record of Decision (ROD), which will document the Preferred Alternatives selected for further review in Tier II. It is anticipated that the ROD will be completed in the summer of 2015. No decisions on funding have been made.
- Comment 2-6:** If a back-up alignment or route is not identified/selected in Tier I but turns out to be necessary for a rail freight tunnel to be built, must the

new alignment undergo an Environmental Impact Statement (EIS) process? (Galligan/McHugh/Pinto)

**Response 2-6:** Major changes to the conceptual rail tunnel alignment discussed in the Tier I DEIS are not anticipated. However, if modifications are proposed in the future, further environmental review may be needed to evaluate the environmental effects associated with the modified alignment.

**Comment 2-7:** Has PANYNJ staff written the DEIS and plans to write the EIS, or is an environmental consultant being used? If an environmental consultant is being used, doesn't the environmental consultant hired by PANYNJ have a vested interest in skewing the conclusions of the DEIS to meet the desires of PANYNJ to build the facility at Greenville Yards and not at an alternative site, and not to support the No Action Alternative? What is the name of the environmental consultant being used by PANYNJ, and how much are they being paid to support the conclusions that PANYNJ wants drawn from the DEIS and EIS? (Larkins)

**Response 2-7:** As shown in Chapter 10, the list of preparers includes FHWA, PANYNJ, and consultant firms, and describes the credentials of the preparers. Preparation of an EIS by a contractor is allowed by 40 Code of Federal Regulations (CFR) 1506.5(c). The contractors for this project have executed a disclosure statement, specifying that they have no financial or other interest in the outcome of the project. FHWA, as the lead agency, independently evaluated this EIS prior to its approval and takes responsibility for its scope and contents.

**Comment 2-8:** How many consultants were used to produce the DEIS? How many people have worked on the development of PANYNJ plans under discussion? How many minorities have worked on the development of PANYNJ plans under discussion? How many women have worked on the development of the PANYNJ plans under discussion? How many PANYNJ staff or consultants who worked on the alternatives and DEIS live in Hudson County, New Jersey? (Larkins)

**Response 2-8:** Chapter 10 of the DEIS includes the list of preparers. The consultant firms adhere to Executive Order 11246, entitled "Equal Employment Opportunity" and Department of Transportation regulations (49 CFR Parts 21, 23, 25, 26, and 27). The consultant firms do not discriminate on the basis of race, color, national origin, or sex and carry out the applicable requirements of 49 CFR Part 26. The consultant team includes a certified DBE firm.

**Comment 2-9:** How much did the DEIS cost to prepare, including the value of the compensation paid to employees? (Include all agencies and participants.) How was this study funded? How was this study

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approved? Who initiated this study? When? Where did the funding for production of the DEIS come from? How long did it take to produce the DEIS? (Larkins)

**Response 2-9:** The study, including the preparation of the DEIS, was funded through a SAFETEA-LU (The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users) earmark administered by FHWA with a 20 percent share matched by PANYNJ. The study was approved by FHWA and PANYNJ, as shown on the cover page of the DEIS. The current study was initiated with the Revised Notice of Intent, which appeared in the Federal Register on May 13, 2010.

**Comment 2-10:** Please provide the names, addresses and principals and directors of each firm, along with the amount of money they were paid and how each of the firms was chosen. Also provide the letters of agreement and Scopes of Work (SOW) with each firm. Also tell us how each firm was chosen and if there are principals or board members in any of the firms that have direct connections (either family or fundraisers or business partners or other close ties) with either the governor of New York, the governor of New Jersey, PANYNJ commissioners or other PANYNJ personnel associated with this report. Please provide the email or letter to each firm that notifies the firm of being chosen for this study. Please also tell us what percentage of persons from the consulting firms that are mentioned in the credits of this report are African-American or Hispanic. (Larkins)

**Response 2-10:** This is not considered to be a substantive comment on the content of the EIS. Substantive comments are those that question with reasonable basis the accuracy of information in the environmental review record or the adequacy of environmental analysis, and/or those that present reasonable alternatives other than those presented in the EIS or cause changes or revisions in the proposal. The information may be available through other sources. The contractors for this project have executed a disclosure statement, specifying that they have no financial or other interest in the outcome of the project.

**Comment 2-11:** PANYNJ has been purchasing land, making improvements to Greenville Yard site, planning future activities at the site, and other actions which are increasing truck and rail traffic, increasing air pollution, noise and vibrations in the Greenville Neighborhood, without public input, before a DEIS was even submitted. Doesn't this violate the intent of the NEPA regulations? (Larkins)

**Response 2-11:** The federal action at Greenville Yard has independent utility, i.e., to bring the existing infrastructure to a state of good repair, and was the subject of the *Greenville and 65th Street Yards Categorical Exclusion*

*Re-evaluation Statement* (PIN X500.491.121) consistent with the requirements of 23 CFR 771.117(d) and 23 CFR 771.129. Categorically Excluded actions are NEPA actions which meet the definition contained in 40 CFR 1508.4, and based on past experience with similar actions, do not involve significant environmental impacts. A specific list of Categorical Exclusions that normally do not require any NEPA documentation or FHWA approval is set forth in 23 CFR 771.117(c). Other projects, pursuant to 23 CFR 771.117(d), may also qualify as Categorical Exclusions if appropriately analyzed, documented, and approved by FHWA at the Division level. Opportunity for public comment is provided when new categorical exclusions (types or categories of projects for projects) are proposed as part of a rulemaking. Individual projects that are categorically excluded do not require public review. The categorically excluded action at Greenville includes the purchase of replacement lift bridges, new fenders at the replacement lift bridges, support tracks to connect up to two lift bridges to the rail network, raising the elevation of the yard, purchase of two railcar floats, purchase of up to two ultra-low emission locomotives for Greenville Yard, and other minor improvements at the yard. All work at Greenville Yard subject to NEPA meets NEPA regulations.

**Comment 2-12:** Under the NEPA regulations a finding of “significant adverse impact” should be made and this project should not be allowed to go forward. (Larkins)

**Response 2-12:** The comment implies that a project that results in a significant adverse impact cannot be implemented. This is incorrect. Under NEPA, when a significant adverse impact is identified, consideration of mitigation is required.

**Comment 2-13:** It has been shown that when multiple regulators and agencies are involved, it is often difficult, if not impossible to determine the authority that is ultimately responsible if a disaster arises. Who is ultimately responsible for ensuring the environmental safety of the people most affected by the CHFP negative implications? (Larkins)

**Response 2-13:** The ownership and operating entities of the various project elements have not yet been determined. However, all would be subject to USDOT regulations regarding safety. Tier II will evaluate and analyze potential adverse impacts and will explore potential mitigation strategies, where appropriate.

**Comment 2-14:** What we want and will need to see is how the specifics of the plan will affect Queens neighborhoods. It will be imperative that any impacts on Queens communities are taken into account and there are significant

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mitigation efforts and commitments included in any final plan. (Van Bramer)

**Response 2-14:** Detailed impact assessment will be performed as part of Tier II, and mitigation strategies will be explored, where appropriate.

**Comment 2-15:** I'm disturbed about going from Tier I to Tier II. It's going to take another three years and then it's going to take another 11 years to design something. (Pinto)

**Response 2-15:** As discussed in Chapter 4, "Alternatives," a near-term alternative would require approximately four years, while long-term alternatives could take approximately eight years.

### CHAPTER 3: AGENCY COORDINATION AND PUBLIC INVOLVEMENT

**Comment 3-1:** We are requesting that the February 27 comment period deadline be extended until such time that this Board can hold a Public Hearing with community participation. (Perlstein)

**Response 3-1:** The public comment period was extended to March 20, 2015.

**Comment 3-2:** I request that a representative familiar with the Draft EIS be authorized to address our Transportation Services Committee. (G. Giordano)

**Response 3-2:** PANYNJ representatives met with Queens Community Board 5 on March 11, 2015. Please refer to the Public Participation Plan in Appendix B for more detailed information on public outreach activities.

**Comment 3-3:** We request a presentation/update on the Cross Harbor study. (S. Campbell)

**Response 3-3:** A presentation was given and an update on the study was provided to Brooklyn Community Board 14 (CB14) on March 2, 2015. Please refer to the Public Participation Plan in Appendix B for more detailed information on public outreach activities.

**Comment 3-4:** How many hits to your website and is there any way to increase that number? Building business, civic leadership in particular, is a high priority. (Herz)

**Response 3-4:** The site-specific web report showed 5,229 views to the Cross Harbor Tier I DEIS download page.

**Comment 3-5:** The period for public comment should be extended indefinitely because most New Yorkers know nothing about the project. PANYNJ is trying to get this project approved in the dark of night. (Felder)

- Response 3-5:** NEPA requires a 45-day public comment period for a DEIS. The Notice of Availability for the DEIS was published in the Federal Register on November 21, 2014. The comment period closed on March 20, 2015. The extensive public outreach effort and the 120-day public comment period for the project by far exceeded minimum federal requirements. Members of the public who wished to provide input were given opportunity to do so. Please refer to the Public Participation Plan in Appendix B for more detailed information on public outreach activities.
- Comment 3-6:** Any waterborne terminal options selected outside of the Port District as part of the Tier II DEIS will require additional reviews by other USCG Captains of the Port within the First Coast Guard District. (USCG)
- Response 3-6:** Further coordination with USCG and other agencies will be part of Tier II environmental review. Coordination with USCG is indicated in Table 3-1.
- Comment 3-7:** Page 5-46, “Maritime Network and Facility Condition and Operations”: Anchorage Ground availability and space for mooring buoys permitted by the U.S. Army Corps of Engineers (USACE) is at a premium in New York Upper Bay and may not be a feasible option. The Tier I ROD must be presented to the Harbor Safety, Navigation, and Operations Steering Committee that includes vessel operators and harbor pilots that can provide guidance regarding vessel traffic patterns and mitigation measures to reduce the navigation impacts to the areas historically used by commercial vessels in the project area. (USCG)
- Response 3-7:** In accordance with NEPA regulations, the Tier I ROD will be publicly available. The Preferred Alternatives do not require mooring buoys within the footprint of the federal anchorages.
- Comment 3-8:** As this study moves to the next phase, I ask you to fully engage with local elected officials and responsible civic organizations here to fully understand the challenges we already face from trucks and train traffic and to explain how you might implement any plan in a way that mitigates its impact on us. (Markey)
- Response 3-8:** FHWA and PANYNJ have demonstrated a commitment to extensive public outreach and participation, as evidenced in Appendix B. Outreach to local elected officials, civic organizations, and other project stakeholders will continue during Tier II environmental review, as more detailed information becomes available. Tier II will evaluate and analyze potential adverse impacts on local communities associated with the Preferred Alternatives and will explore potential mitigation strategies, where appropriate.

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**Comment 3-9:** For many years the Sunset Park community has essentially been second, or not even invited to the table. We're really testing a new role for this community to be at the table. (Menchaca)

**Response 3-9:** Public participation was encouraged from all communities, including Sunset Park. Brooklyn Community Board Seven (CB7), of which Sunset Park is a part, is included in the project database as a member of the Stakeholder Advisory Committee (SAC). Since 2010, CB7 has been invited to the public scoping hearings, five SAC meetings, and seven public hearings on the Tier I DEIS. Opportunities to ask questions of the project team were provided at two presentations to the full Brooklyn Borough Board. CB7 also receives all electronic project updates and e-blasts. Please refer to the Public Participation Plan in Appendix B for more detailed information on public outreach activities. Numerous public comments were received and the public hearing held in Brooklyn was well attended.

**Comment 3-10:** There should be more printed, thorough information than what is available during public hearings. (Tayari)

**Response 3-10:** The information provided at the public hearings included: the Tier I DEIS as a "for reference" hard copy, as well as take-away CDs, comment forms, project newsletters (in English, Spanish, Yiddish, and Chinese), project display boards, a copy of the legal notice (in English, Spanish, Yiddish, and Chinese), and a project overview video.

**Comment 3-11:** What PANYNJ needs to do is send questionnaires out to the residents of the Greenville community, to see how the 250,000 residents would feel about having this in their city. (Alston)

**Response 3-11:** Residents of the Greenville community were able to provide comment at the public hearings, email the project team at [feedback@crossharborstudy.com](mailto:feedback@crossharborstudy.com), submit comments via mail to Cross Harbor Freight Program, c/o InGroup, Inc. PO Box 206, Midland Park, NJ 07432, or via fax to (201) 612-1232. Please refer to the Public Participation Plan in Appendix B for more detailed information on public outreach activities.

**Comment 3-12:** We hope that PANYNJ takes a vested interest in the Jersey City community; there should be a benign collaboration between the agency and its residents who have a vested interest here. (Mays)

**Response 3-12:** The Public Participation Plan in Appendix B describes outreach activities to communities and public officials, including representatives of Jersey City. One of the seven public hearings was held in Jersey City and was well attended.

**Comment 3-13:** As a resident of Greenville, I felt like this whole project was a ramrod down our throat. We don't know what exactly you're going to be transporting in our backyards.

We want to be at the table. We want to learn more of what's happening. Are you going to continue to have more of these meetings? When is your project going to take effect? How is this going to help the residents of Greenville? (Khan)

**Response 3-13:** Once a Tier I Record of Decision is finalized, any further analysis undertaken as part of Tier II will result in further outreach with project stakeholders, including the residents of Greenville. Outreach may include notification about the project schedule and public meetings for the Tier II analysis, when more detailed information becomes available. Appendix A shows the projection of commodities that would be transported as a result of the project, along the rail right-of-way and on designated truck routes. Please refer to the Public Participation Plan in Appendix B for more detailed information on public outreach activities.

**Comment 3-14:** Why is it that I did not learn anything about PANYNJ's Freight proposal until Tuesday evening at a neighborhood association meeting? Something so potentially detrimental should be highly publicized both by its proponents and its opposition. (Deegan)

**Response 3-14:** An initial Scoping Meeting was held in Jersey City in 2010. The City of Jersey City was represented as a participating agency on the SAFETEA-LU Committee as well as on the Technical Advisory Committee. Several non-government organizations as well as elected officials were briefed prior to the close of the comment period. The document Notice of Availability and public hearings were advertised in local and regional news publications. Please refer to the Public Participation Plan in Appendix B for an outreach listing.

**Comment 3-15:** If this program doesn't get modified before it goes through, we will pursue every avenue in order to put a stop to this. We have our full support of our local regional and State elected officials and we want you to know that you cannot come into our neighborhood and increase pollution, potentially creating devastating effects to human health and our environment, without having to answer for it. (McCrary)

**Response 3-15:** Comment noted.

**Comment 3-16:** Local community input is a must and local voices have to be responded to. That being said, there is real potential to make our City better in a significant way through a Cross Harbor Freight transport option. (Van Bramer)

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- Response 3-16:** Comment noted.
- Comment 3-17:** I'm confident that it is possible for the PANYNJ team to work with local residents, organizations and businesses to develop appropriate mitigating strategies. (Markham)
- Response 3-17:** Comment noted.
- Comment 3-18:** Once PANYNJ moves on to a Tier II analysis, we ask that we receive a presentation on how the remaining plans would specifically affect our area and what remedial actions would be taken. (Prisant)
- Response 3-18:** Comment noted.
- Comment 3-19:** Nassau County appreciates the opportunity to comment on the CHFP Tier I DEIS, although at this time Nassau has no specific comments to submit on the draft report. One overarching comment, however, is that while Nassau is not yet ready to commit to joining the list of Cooperating Agencies, we may make this request during the Tier II process as site-specific analyses are undertaken. Meanwhile, we do ask that you keep us informed of all steps, meetings, reports and other work products being produced for both the Tier I and II phases. (Brickman)
- Response 3-19:** Comment noted.
- Comment 3-20:** While Suffolk has no specific comments to submit at this time, we reserve the right to comment during the Tier II process when site specific analyses are undertaken. Please do keep us informed of all steps, meetings, reports, and other work products being produced for both the Tier I and Tier II phases. (Suffolk County DEDP)
- Response 3-20:** Comment noted.
- Comment 3-21:** The United States Department of the Interior has no comments on the DEIS and 4(f) Evaluation. (US Department of Interior)
- Response 3-21:** Comment noted.
- Comment 3-22:** Please clarify why the Federal Railroad Administration (FRA), Surface Transportation Board (STB), and USCG do not appear in Table 2-1 (Potential Approvals Needed), since they are listed as "cooperating agencies" in Table 3-1 and would have funding, approval and/or permitting authority. (NJDEP)
- Response 3-22:** Errata include revisions to Table 2-1 to indicate that approval from those agencies would potentially be needed.

## Chapter 12: Response to Comments Received on the DEIS

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- Comment 3-23:** The Office of Dredging and Sediment Technology is requesting the opportunity to review the Tier II Draft EIS that will follow this review and more robust comments will be provided when additional detail is presented by the applicant. (NJDEP)
- Response 3-23:** Comment noted.
- Comment 3-24:** The EIS does identify several potential impacts that could occur as a result of the required dredging to create the trench for the tunnel installation. However, the EIS does not identify potential impacts to existing submerged infrastructure. In addition to several electrical transmission routes, please be aware that the Passaic Valley Sewerage Commission (PVSC) main discharge line appears to be in the vicinity of the tunnel location. In addition, the Bayonne Energy Center's three electrical transmission lines could be in the vicinity of the tunnel route as well. Future coordination between the applicant and PVSC and the Bayonne Energy Center is strongly recommended. (NJDEP)
- Response 3-24:** Coordination with PVSC and the Bayonne Energy Center will be undertaken in Tier II, as appropriate.
- Comment 3-25:** The applicant should be aware that all dredging projects require that the sediment be physically and chemically characterized prior to its removal. A sampling and analysis plan approved by NJDEP and the New York State Department of Environmental Conservation (NYSDEC) should be sought a minimum of six to nine months prior to applying for the necessary approvals to perform the construction activity. Failure to receive approval from NJDEP or NYSDEC may result in difficulties in finding a suitable upland placement site for the material. A separate meeting should be scheduled to discuss sediment characterization. (NJDEP)
- Response 3-25:** The need for sediment characterization and the construction approval timelines are noted and a meeting will be scheduled during Tier II, as needed. In Tier II, more specific design plans will become available, indicating any areas that would require dredging.
- Comment 3-26:** Because the project will be located below the mean high water line, and upland within 500 feet of the mean high water line, it is likely that any proposed project would require Waterfront Development approval. Any impacts to freshwater wetlands and/or transition areas would also require Freshwater Wetland Permit approvals. (NJDEP)
- Response 3-26:** Prior to construction, Waterfront Development approval would be sought, if needed. The Freshwater Wetlands Protection Act and NJDEP requirements are noted in DEIS Chapter 6.8, "Natural Resources."

**Comment 3-27:** The ground level of the Greenville Yard is being raised to match that of the Global terminal and follow new post-“Hurricane Sandy” regulations. For the Rail-Marine part that means rail cars will have to move onto and off of barges that are designed to adjust to changes in the tide. PANYNJ’s proposed new Greenville Float Bridge design will extend the float bridge over New York Bay, well over 100 feet with the land edge of the Float Bridge nine feet above sea level. Rail cars will be required to transverse over the floating bridge on 4.5 percent grade. The recommended maximum grade for a locomotive-hauled adhesion railroad is 2 percent. It would be the first float bridge built in North America with such a steep grade.

The DEIS should verify that this design has been reviewed and approved by FRA, USCG, and the National Transportation Safety Board (NTSB). Their comments and advice should be made part of this record. (Galligan/McHugh/Pinto)

**Response 3-27:** The Transfer Bridge No. 10 will be a new 160 feet long by 40 feet wide movable rail bridge structure. During normal operations, the transfer bridge will be operating within the range of (+/-) 2 percent grade for rail car transfers. However, the bridge is designed to allow the bridge operator to raise the span to a maximum +4 percent upward and a maximum -6 percent downward to adjust for the more extreme tidal conditions. With the acquisition of three 1,050 HP high continuous tractive effort switching locomotives, no switching issues are anticipated on the transfer bridge. The FHWA and Conrail have reviewed and approved the Bridge 10 design. USACE and the NJDEP have issued the required permits for construction. No other agency approvals are required. The design of Bridge 10 does not require approval from these agencies. FRA has jurisdiction to conduct safety inspections. USCG and NTSB do not have jurisdiction.

**Comment 3-28:** Brookhaven Rail, LLC requests that its suggestions for Tier II analyses be entered into a public or stakeholder “Scoping” discussion preceding Tier II work. We will be available and willing to participate in any such Scoping discussion. (Newell)

**Response 3-28:** Comment noted.

**Comment 3-29:** The lack of 2014 cooperation and participation for this Tier I DEIS by federal organizations that did participate or cooperate in 2010 is notable. These include, according to Table 3.1.1, the FRA (cooperated 2010, no participation or cooperation indicated in 2014), STB (participated in 2010, no participation or cooperation indicated in 2014), USACE (cooperated in 2010, not cooperating or participating 2014, according to the table). This is not a credible DEIS process without the active

participation of these agencies, including the STB, which would be involved in licensing a rail tunnel and perhaps other aspect of Build and No Build Alternatives. (Parisen)

**Response 3-29:** Agencies were invited to cooperate and participate during project Scoping in 2010. Following the re-initiation of the project activity in 2014, agencies had the opportunity to establish cooperating and participating status again. The FRA, STB, and USACE all received hard copies of the Tier I DEIS. All agencies, whether they responded initially or subsequently, were invited to all agency meetings and were encouraged to provide comments. As shown in Table 3-1 of the DEIS, all three of these agencies were invited as Cooperating Agencies. More extensive cooperation from these agencies is anticipated in Tier II, when specific plans are further developed and when agency input and approval would be more relevant.

**Comment 3-30:** PANYNJ failed to secure the participation of FEMA or the TSA as cooperating agencies (no replies to the invitations), and also the FRA, according to Table 3.1.1, so this is a critical omission from the promised 2011 Scope for the DEIS. Where is the promised analysis of safety and security? (Parisen)

**Response 3-30:** Per their preferred submission guidelines, FEMA received a copy of the Tier I DEIS via website, TSA via CD-ROM, and FRA via printed hard copy for review and comment. The safety and security analysis will be performed as part of Tier II, when more detailed design information becomes available.

**Comment 3-31:** Give community stakeholders a place at the planning table, not just a comment. Why wasn't that meeting at Queens Borough Hall—for which four hours were mandated—a discussion, like the Scope meeting? (Parisen)

**Response 3-31:** The Queens Borough Hall hearing on March 3, 2015 was a formal public hearing to hear testimony on the Tier I DEIS. The objective of a hearing is different than that of an information session. Questions from the public and testimony are not answered or addressed during a hearing. The public information session that took place as part of the Scoping process was a forum for dialogue with the project team. In addition, as part of the outreach program conducted after publication of the Tier I DEIS, the project team held briefings for elected officials, the Technical Advisory Committee/Stakeholder Advisory Committee (TAC/SAC), Borough Boards, Community Boards, transportation and environmental advocates, and other interested parties, all of whom were afforded opportunities for submitting questions to and engaging in dialogue with the project sponsors. Please refer to the Public

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Participation Plan in Appendix B for more detailed information on public outreach activities.

**Comment 3-32:** PANYNJ specifically said that the meeting would be held at P.S. 30 School. Why has this meeting not been scheduled? (Larkins)

**Response 3-32:** Due to afterschool activities, P.S. 30 did not have availability at the time of coordination. Since the primary concern was to find a suitable venue in the Greenville neighborhood, a secondary location for a public hearing was secured at the Mary McCleod Bethune Life Center.

**Comment 3-33:** Why was the City of Jersey City not included in the development of the DEIS? Why was the City of Jersey City not included in the development of the No Action Alternative? (Larkins)

**Response 3-33:** The City of Jersey City participated in the Scoping process and hosted a public information session on Thursday, October 7, 2010, at Jersey City Council Chambers. The City of Jersey City Mayor's Office was also invited as a member of the SAFETEA-LU Committee as a Participating Agency and on the TAC. Representatives were invited to 11 meetings from 2010 to 2015. Eight of those meetings were attended by representatives of the City of Jersey City (2010–2011). Please refer to the Public Participation Plan in Appendix B.

**Comment 3-34:** Councilmen and the Mayor of Jersey City, and the Hudson County Board of Chosen Freeholders, have been fighting this facility for years. Why does PANYNJ continue to place this facility in a community that will be negatively affected and where it is not wanted? (Larkins)

**Response 3-34:** This Tier I EIS was developed with the purpose of selecting the mode and alignment that best meet the purpose and need. The DEIS discusses why the alternatives were selected, and includes connecting to the national rail network and leveraging existing infrastructure.

**Comment 3-35:** Why hasn't PANYNJ scheduled any meetings or public hearings in Bayonne, or informed any in the community of Bayonne, an obvious stakeholder, which will be directly affected by air pollution from the CHFP? (Larkins)

**Response 3-35:** Although there were no specific public hearings or information sessions in Bayonne, there were public hearings and meetings in Jersey City and Newark, NJ. The public hearings were advertised in the Bayonne Community News as well as several other publications in Hudson County. The City of Bayonne Planning Department and City of Bayonne's Mayor's Office were included on the project TAC/SAC. There were a total of seven public hearings for the project.

**Comment 3-36:** NEPA regulations require that there be “meaningful public engagement.” There has been no meaningful public engagement by PANYNJ. Scheduling public hearing during the dead of winter, in the coldest winter since 1934, is not public engagement. Telling the South Greenville Neighborhood Association that a public meeting would be scheduled for #30 School in South Greenville, and then not scheduling the meeting, is not public engagement. The public meeting at the Bethune Center, which is Ward F and is not part of Greenville where the CHFP facility will be located, is not public engagement. Why did you have the period for public comment in the dead of winter in one of the coldest winters on record? Didn’t anyone question the wisdom of that? Was the intention of that to ensure that the fewest people would be able to attend? (Larkins)

**Response 3-36:** The Tier I DEIS was released in the end of November 2014. Scheduling hearings during the busy Christmas and New Year’s holidays, or during mid-winter school breaks, would have made it difficult for many interested persons to attend and testify. Therefore, the public hearings on the Tier I DEIS were originally scheduled to be held in late January 2015. This schedule also allowed for additional public outreach in the form of meetings with elected officials, the project TAC/SAC, transportation and environmental advocates, and other interested parties. Due to severe inclement weather, four hearings were rescheduled, and the comment period was extended to accommodate the postponements. Public comments were also accepted via email at [feedback@crossharborstudy.com](mailto:feedback@crossharborstudy.com), mail to Cross Harbor Freight Program, c/o InGroup, Inc. PO Box 206, Midland Park, NJ 07432, and fax to (201) 612-1232. Please refer to the Public Participation Plan in Appendix B for more detailed information on public outreach activities.

**Comment 3-37:** Will you please prepare a short five to ten page summary in plain English explaining the proposals and explaining all the environmental risks to the Greenville neighborhood of Jersey City? The DEIS is too technical and too long for average people to read and understand. Can all questions be answered with truth and the facts in reports that are easy to read short and simple? (Larkins)

**Response 3-37:** The Executive Summary of the Tier I DEIS is approximately 25 pages long and describes the project Alternatives and their potential environmental effects as studied in broad terms in this Tier I environmental review. General information about the project is available on the project website, [www.crossharborstudy.com](http://www.crossharborstudy.com) and was presented in a video at the start of each public hearing. This video can also be accessed on the project website. Project fact sheets and

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newsletters were made available at the public hearings, and are available for download on the project website.

**Comment 3-38:** What government agency will oversee the health and safety aspects of this plan? (Larkins)

**Response 3-38:** The various cooperating and involved agencies would oversee different aspects of health and safety. Safety of freight movement operations is under the purview of USDOT. Safety of waterborne operations is under the purview of USCG.

**Comment 3-39:** Why were the public hearings in New Jersey not advertised in local newspapers? How did you expect community members to learn about the hearings? (Larkins)

**Response 3-39:** The public hearings and postponements due to inclement weather were advertised in local newspapers and on the project website. Project stakeholders and interested parties received e-alerts announcing hearing dates and locations. Please refer to the Public Participation Plan in Appendix B for an outreach listing.

**Comment 3-40:** How many different government and other agencies are involved in this project and which one assumes primary responsibility for the final decision and ensuing repercussions? (Larkins)

**Response 3-40:** All agencies that are involved in the project and their roles are described in Table 3-1 and Table 3-2 in Chapter 3 the DEIS. As federal lead agency, FHWA will sign the NEPA Record of Decision.

**Comment 3-41:** The South Greenville Neighborhood Association of Jersey City requests additional public meetings about the DEIS and the plan's impact on our neighborhood. Will you conduct such meetings? If not, why not, and if so, how will you publicize them? (Larkins)

**Response 3-41:** Outreach will continue during Tier II environmental review, as more detailed information becomes available, and members of The South Greenville Neighborhood Association will be included in the outreach activities.

**Comment 3-42:** Were there meetings with Jersey City government officials regarding this DEIS? If so, please provide dates and who attended such meetings. (Larkins)

**Response 3-42:** The list of Jersey City government officials who were invited to and/or attended the meetings is as follows:

## Chapter 12: Response to Comments Received on the DEIS

Technical Advisory Committee	Invited and attended	January 26, 2012 and January 31, 2012
SAFETEA-LU Committee	Invited and attended	June 30, 2010
Technical Advisory Committee	Invited and attended	March 24, 2010
Scoping : Public Information Session	Invited and attended	October 7, 2010
SAFETEA-LU Committee	Invited and attended	October 26, 2011
Technical Advisory Committee	Invited and attended	June 28, 2011
SAFETEA-LU Committee	Invited	November 12, 2014
Technical Advisory Committee	Invited	November 21, 2014
Elected Officials Briefing (NY Session)	Invited and attended	November 13, 2014
Elected Officials Briefing (NJ Session)	Invited	November 14, 2014
Elected Official Briefing	Invited and attended	February 3, 2015

**Comment 3-43:** Can we obtain 50 hard copies of the EIS with the answers to these questions? (Larkins)

**Response 3-43:** As a courtesy, five hard copies of the FEIS will be mailed. Additionally, the FEIS will be available online at [www.crossharborstudy.com](http://www.crossharborstudy.com) as well as available at public viewing repositories. A representative of the South Greenville Neighborhood Association will be notified via email with the repository locations.

**Comment 3-44:** Precisely what actions are now being taken in Greenville Yards? What is the cost of the current actions being taken? How are these actions/projects funded? How was the Greenville Yard Repair and Replacement Project funded? How much does the Greenville Yard Repair and Replacement Project cost? Who authorized the Greenville Yard Repair and Replacement Project? (Larkins)

**Response 3-44:** See Response to Comment 2-11. As part of the No Action Alternative disclosed in the DEIS, and discussed at various public outreach meetings, PANYNJ is currently engaged in a project to bring the cross-harbor railcar float facilities of New York New Jersey Rail, LLC (NYNJR), both at Greenville and in Brooklyn, NY, to a state of good repair. Planned improvements include, among others, a new transfer bridge and additional rail tracks and switches at Greenville, rehabilitation of ties, tracks and switches in Brooklyn, the purchase of larger marine rail barges (railcar floats) and the purchase of new, ultra-low-emission locomotives at Greenville and Brooklyn. The estimated total project cost is approximately \$133 million, which will be funded by federal and PANYNJ funds. The project was authorized by the PANYNJ Board of Commissioners and underwent review under NEPA with FHWA as the lead agency.

**Comment 3-45:** Were there public hearings and opportunities for public comment on the “No Action Alternative” projects? (Larkins)

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- Response 3-45:** See response to Comment 2-11. The No Action Alternative includes various projects that either underwent separate public review or did not require it.
- Comment 3-46:** Aren't the current projects paving the way for more expansion of Greenville Yards? Wouldn't that mean that the stage is set to further exploit the Greenville area of Jersey City by investing public funds in the preliminary work already underway? In other words, hasn't PANYNJ already started the work to execute the full CHFP alternative or alternatives described in this report—likely without the benefit of the public comment that is required by law? (Larkins)
- Response 3-46:** See Response to Comment 2-11. The project described in the Response to Comment 3-44, which forms part of the No Action Alternative, would improve the railcar float system by replacing antiquated infrastructure with more modern and robust facilities. Such project, which is already underway, is completely separate from, and does not in any way require or commit any party to fund or implement, any of the Build Alternatives discussed in the DEIS. Moreover, such project was reviewed (as required by law) under the NEPA, and it was determined by the FHWA that the project qualified for a Categorical Exclusion, eliminating the need for further environmental review.
- Comment 3-47:** What “pro-active” outreach efforts did PANYNJ actually make? For example, did you ever seek out any community groups or neighborhood associations in Jersey City, Bayonne, or Newark for their input? If so, which groups were contacted and when? If not, how were your actions “pro-active”? (Larkins)
- Response 3-47:** Non-governmental stakeholder organizations were identified in both New York and New Jersey. In New Jersey, various environmental, business, labor, and transportation groups were invited to a special briefing in advance of the public hearings on January 20, 2015. Multiple organizations were also included on the SAC. A listing of groups and meetings can be found in Appendix B.
- Comment 3-48:** Why were the majority of public hearings on CHFP held during the day, thus denying many people who work the opportunity to comment? (Larkins)
- Response 3-48:** There were a total of seven public hearings for the communities in the study area. Two daytime meetings were held in Newark, NJ, and Manhattan, NY, to accommodate federal and local agencies and were scheduled to be held from 10 AM to 2 PM; the public hearings in Brooklyn, Bronx, Queens, Suffolk County, NY, and Jersey City, NJ were all scheduled in the afternoon/evening, 4 PM to 8 PM. Public

## Chapter 12: Response to Comments Received on the DEIS

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comments were also accepted via email at [feedback@crossharborstudy.com](mailto:feedback@crossharborstudy.com), mail to Cross Harbor Freight Program, c/o InGroup, Inc. PO Box 206, Midland Park, NJ 07432, and fax to (201) 612-1232.

**Comment 3-49:** As described in Chapter 6.11, “Environmental Justice,” have summaries of pertinent documents (such as the EIS) been translated into languages other than English and made available to the public? If so, how were copies made available to non-English-proficient individuals? Does PANYNJ even know what other languages are spoken in Greenville? (Larkins)

**Response 3-49:** Newsletters summarizing the project, as well as the published legal notices of all seven public hearings, were available in English and also translated into Spanish, Chinese, and Yiddish. These newsletters, including the Spanish, Chinese and Yiddish versions, were made available at all public hearings. In addition, interpretation services and other accommodations were offered and made available upon request at all public hearings, and this opportunity for interpretation services was widely publicized.

**Comment 3-50:** As outlined in Chapter 6.11, “Environmental Justice,” were notices of public meetings translated into appropriate languages and placed in publications that are relevant to particular environmental justice communities? Describe how and to what extent this happened. (Larkins)

**Response 3-50:** Public Hearing notices were translated into Spanish, Chinese, and Yiddish and were advertised in the following foreign language and niche publications:

El Diario (Spanish)	December 30, 2014
Chinese World Journal	December 30, 2014
Der Yid (Yiddish)	January 2, 2015
Der Blatt (Yiddish)	December 31, 2014
Hamodia (English, widely read by the Orthodox Yiddish-Speaking Communities in Flatbush and Borough Park)	December 31, 2014

**Comment 3-51:** The CHFP public hearing at the Bethune Community Center on Thursday, February 26, showed overwhelming opposition by the people of Jersey City and their elected officials to the CHFP. Clearly, Jersey City residents are fearful that they will bear disproportionate risks to their health, safety, and quality of life if the project moves forward. Please explain to us, the residents of Jersey City and surrounding communities, how this is not the ultimate WIN-LOSE situation? (Larkins)

**Response 3-51:** There is a discussion in the Environmental Justice analysis of the relative impacts and whether they are disproportionate. This analysis

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will be more detailed in Tier II to more specifically identify and evaluate the potential for disproportionate adverse impacts and explore mitigation strategies, where appropriate.

**Comment 3-52:** The South Greenville Neighborhood Association met with the Hudson County Board of Chosen Freeholders and they passed resolution #131-3-2015, below. We request your comments.

**Resolution Opposing the PANYNJ of New York and New Jersey's Proposed Cross Harbor Freight Operation**

**Whereas**, the PANYNJ of New York and New Jersey has proposed a plan to move freight from New York through the Greenville Section via barge to the Greenville Yards and then move the freight from there via rail; and

**Whereas**, the proposed plan will have a significant negative impact on the Greenville Section of Jersey City; and

**Whereas**, in particular, the negative environmental impact to the Greenville Section includes noise and air pollution and risks of toxic hazards.

**Now, therefore, be it resolved**, that the Board of Chosen Freeholders of the County of Hudson strongly opposes the PANYNJ of New York and New Jersey's Cross Harbor Freight Plan; and

**Be it further resolved**, that the Board directs the Board Clerk to have this Resolution opposing the PANYNJ of New York and New Jersey's Cross Harbor Freight Plan entered into the public comments currently being taken by the PANYNJ of New York and New Jersey.

(Larkins)

**Response 3-52:** Comment noted.

**Comment 3-53:** With the appropriate planning and community input a Cross Harbor freight tunnel can be a vital investment in the region's infrastructure. (Schumer)

**Response 3-53:** Comment noted.

**Comment 3-54:** MTA applauds PANYNJ and FHWA for their outreach efforts during this process, and we encourage them to continue and increase these endeavors. Coordination with communities and their elected official, City and State Agencies, and freight operators will be crucial to the success of this project. (MTA)

**Response 3-54:** Comment noted.

**CHAPTER 4: ALTERNATIVES**

**Comment 4-1:** I support the double-stack, double track Rail Tunnel Alternative for one or more of the following reasons:

- It is the best long-term solution;
- It has the largest capacity and greatest redundancy;
- It has one of the highest benefit-to-cost ratios of any major transportation project; ample return on investment;
- It would reduce dependence on trucks;
- It would increase road safety and longevity;
- It would have a positive effect on quality of life;
- It would improve safety by decreasing the number of long-haul trucks on the road, including the Long Island Expressway;
- It would be a more efficient, cost-effective way of moving goods;
- It would help boost job creation;
- It would help alleviate gridlock and truck traffic congestion in New York City and its surrounding counties by up to over 150,000 vehicle miles traveled per day;
- It would adequately address projected growing needs of the region;
- It would improve regional air quality;
- It would provide security in the transportation network;
- It would provide regional and national economic benefits;
- It would allow more goods to move by rail;
- It would offer a safer, more efficient, sustainable way to move goods;
- It would provide a connection between NYC and the national freight rail network;
- It would provide a positive effect on the local economy;
- It would reduce CO<sub>2</sub> emissions;
- It would increase the resiliency of supply of goods;
- It would reduce damage to existing infrastructure;
- It would reduce safety hazards for pedestrians and cyclists;
- It is the most effective way of improving regional freight transportation;
- It would provide traffic and air quality benefits to the Bronx and reduced dependency on the George Washington Bridge;
- It would benefit Long Island and the region;
- It would reduce congestion in Brooklyn and Queens;

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- It would benefit public health, including asthma;
- It would improve emergency response with less truck traffic; and
- It would enhance national security and improve resiliency against catastrophe.

(City of New York, Aboulaflia, Andersen, BCC, Bodkin, Brewer, Clarke, de la Puente, Demopoulos, Engel, Espaillat, Fidler, C. Fitzsimmons, R. Fitzsimmons, Herz, Israel, C. Johnson, M. Johnson, JonathanC, Lander, Lewis, Liu, Maloney, Mark-Viverito, Markham, McCabe, McHugh, A. Miller, Newell, Ortiz, Pally, Pellecchia, Quarless, Rodriguez, Santoro, Schumer, T. Smith, Squadron, Stanton, Stringer, Tovar, Vanterpool, Watkins-Lopez, Weisbrod, Weprin, Williams, Wilt, Wund)

I respectfully ask that the Cross Harbor Rail Freight Tunnel option be selected, and that my colleagues in the federal government fund this project, and support its development and completion. (Mark-Viverito)

### **Response 4-1:**

Comments noted. The double-stack double-track Rail Tunnel Alternative is recommended as one of two Preferred Alternatives for further consideration in Tier II.

### **Comment 4-2:**

I support the Rail Tunnel Alternatives for one or more of the following reasons:

- The benefits of the project would outweigh the cost for the Bronx, New York City, and the whole region.
- It would benefit Bronx residences (not called out in Tier I);
- It would provide relief from congestion, wear and tear, and emissions in New Jersey;
- It would reduce truck traffic, which is important because one 80,000-pound tractor trailer causes the same vibration damage to our roads, highways, and water mains as 10,000 automobiles;
- It would reduce Staten Island truck traffic;
- It would provide a more efficient means of transporting goods;
- It would bring environmental benefits;
- It would provide safety and sustainability benefits;
- It would help bypass the overcrowded and congested roadway system and help the region transport necessary items;
- It would reduce delays and the unpredictability of getting goods and services;
- It would reduce highway gridlock;
- It would improve air quality;
- It would help economic growth; and

- It would revolutionize the transportation of goods throughout the region.

(Beltzer, Cilento, CWA Dalsass, Diaz, Jr., Engel, Feighery, Ferreira, Kapustinsky, Kolodny, Lacari, Markham, Pellicchia, D. Richardson, John Ryan, Salguero, R. Smith, Troxler, Wilt, J. Wood, Wund)

**Response 4-2:** Comments noted. One of the Rail Tunnel Alternatives—the double-stack double-track Rail Tunnel Alternative—is proposed as one of two Preferred Alternatives for further consideration in Tier II.

**Comment 4-3:** I oppose one or more of the Rail Tunnel Alternatives for one or more of the following reasons:

- Over three million residents would be severely and negatively impacted in terms of traffic congestion, air pollution, noise pollution, and vibrations;
- The tunnel alone would create impassable bottlenecks at key locations;
- There is no demonstrated evidence of a need for the freight tunnel;
- Any kind of a tunnel would result in most of the burden on our communities and East New York and some other specific communities in the area; and
- The proposed Cross Harbor Tunnel is a waste of money. It would cost so much to very little gain.
- Fresh Pond Rail Yard is already running at capacity.
- There would be additional trains and possibly an intermodal facility and additional trucks in Maspeth.
- There are no plans to protect the surrounding community from the severe impacts.

(G. Giordano, T. Giordano, Haskell, Newell, Nolan)

**Response 4-3:** Comments noted. The Rail Tunnel Alternatives that would be most likely to result in adverse impacts have not been recommended for advancement to Tier II.

**Comment 4-4:** I support the selection of a near-term (Waterborne) alternative and a long-term alternative (Rail Tunnel) for one or more of the following reasons:

- The Enhanced Railcar Float Alternative would increase the current rail share in a cheap and easy way and lighten the amount of freight being transported by trucks, while we work to construct a solid long-term solution;
- An augmented car float system would strengthen the Cross Harbor route, making it a normal option for shippers in anticipation of the development of a rail tunnel;

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- The Enhanced Railcar Float Alternative won't divert a large amount of freight and the Rail Tunnel Alternative would be needed to significantly reduce truck traffic congestion, improve regional air quality, and provide redundancy and security in transportation network, while also providing economic benefits;
  - The Rail Tunnel is the best long-term strategy and is essential to the economic future of the Northeastern United States. This should not stop any entity, public or private, from continuing to build out truck float, container float, or rail float operations that could be used before the tunnel is completed or as a supplement to the tunnel, either to transport HAZMAT that cannot go in the tunnel, or to reach locations that are not well-served by rail;
  - The Rail Tunnel, while costly in the short term, would alleviate significant congestion on some of the most over utilized roadways in the country;
  - A maximum capacity waterborne float alternative would build toward the long-term goal of a rail tunnel capable of handling double-stacked containers;
  - Implementation of cost-effective steps to increase rail freight capacity with an interim capacity waterborne alternative and East of Hudson improvements will increase the viability of the Rail Tunnel Build Alternative;
  - By advancing the modal shift to rail freight as early as possible, in large target freight categories, a demand is being built for the Tunnel, thereby shortening Tunnel ramp-up time, and improving Tunnel financial feasibility;
  - Continue improvements to the Cross Harbor float system that provides seamless, reliable, scheduled fast service and move forward with freight rail tunnel with major attendant improvements on the east side of the river to connecting infrastructure, including freight rail lines and intermodal yards in New York City, Long Island, and southern New England;
  - Adopt a phasing strategy by building demand with the Enhanced Railcar Float Alternative before pursuing a Rail Tunnel Alternative.
- (City of New York, CWA, deBlasio, Diaz, Jr., Golden, Heastie, Hoylman, Markham, MTA, Nadler, Newell, Rivera, Salguero, Tripp, Velázquez, A. Wood)

**Response 4-4:** The Preferred Alternatives could be implemented in such a phased manner—the Enhanced Railcar Float Alternative in the near term and the Rail Tunnel Alternative in the long term.

**Comment 4-5:** None of the tunnel alternatives examine a combined passenger and freight alternative. Our transportation dollars should be spent improving passenger service, to remove commuters from cars and alleviate

highway congestion, not for a freight rail market where the demand is very questionable. There ought to be freight/passenger tunnels connecting New Jersey and New York State, New York City, Staten Island, and Brooklyn. The project should consider passenger service from southern Brooklyn to Manhattan.

If you are going to increase rail traffic through Bay Ridge and Southern Brooklyn/Long Island, please include passenger rail and not just freight rail. It's stupid to do all that work and not include something for commuters. It would squander an opportunity to improve access to communities in Brooklyn, Queens, and the Bronx underserved by transit today.

Dedicating a cross-harbor tunnel and the Bay Ridge line exclusively to freight services misses an opportunity to improve regional mobility and ignores the changing travel patterns of our growing region, only delaying the inevitable comingling of freight and passenger trains. The five Rail Tunnel Alternatives identified in the DEIS imply that solutions that would improve both freight and passenger mobility are incompatible. The DEIS prematurely dismisses alternatives that propose dual use. The DEIS also fails to take into account technological developments that allow for safe mixed passenger-freight operation and experience in other dense metropolitan areas.

Specific passenger/freight tunnel proposals from commenters included:

- **Proposal 1:** Consider constructing an immersed tube rail tunnel under New York Harbor with two upper heavy rail tracks for freight trains and two lower subway tracks, very similar to what was built for the East Side Access. Move the tunnel location to a shorter crossing and provide the option of a tangible benefit for regular people, subway service.
- **Proposal 2:** Construct new Hudson River passenger rail tunnels that would connect the existing platforms and tracks in Penn Station and then link them to existing platforms and tracks in the lower level of Grand Central Terminal. With this connection in place, most off-peak and weekend regional passenger rail service would be directed away from the existing passenger route through Penn Station and Sunnyside, Queens, releasing capacity to accommodate high performance, low-profile container trains and other properly sized rail freight cars. Larger freight cars would continue to use the Jersey City, Brooklyn Cross Harbor car float service. The passenger rail connection would permit rail passengers west of the Hudson to more easily reach Manhattan's east side with its extraordinary concentration of office space. Likewise, Bronx, Westchester and Mid-Hudson and Connecticut passengers would gain better access to the growing developments in west Midtown. The Boston/Washington Northeast Corridor would be routed through

Manhattan's two major activity centers, greatly improving its attractiveness, especially when competing with air shuttle travelers.

The Gateway project is a tunnel through to midtown that goes halfway across Manhattan. Dig it all the way across to Queens and solve the problem that way, just make it a freight passenger tunnel that splits the cost between two modes. That makes it more popular. The rail lines will also line up for that tunnel as it presently stands.

Let the thing go out into Long Island and let it hitch up with the LIRR. It could be passenger and freight. Freight only is the better alternative but we just need to do something.

- **Proposal 3:** PANYNJ's plan should be revised to include a passenger rail link to Staten Island. The first portal would surface near Brooklyn's 1st Avenue, at the old Cross Harbor rail yard. This would permit freight rail access to the Sunset Park waterfront, including, but not limited to, Bush Terminal and the Sims Recycling facility. The second Brooklyn Freight portal would emerge in the LIRR Bay Ridge cut near 6th Avenue. An underground connection to the 4th Avenue BMT subway would be made just south of the 59th Street station in Brooklyn. The four tracks would meet in either of two configurations; the first, a double level "trench tunnel" similar in design to the MTA's 63rd Street tunnel, which is currently being used in the East Side Access project; or in a single level horizontal arrangement, as per the City's circa 1925 design. The proposed tunnel would consist of four tracks to St. George, and then two freight tracks continuing to New Jersey. This would keep subway trains on a separate right-of-way away from freight trains and ameliorate PANYNJ's concerns with a shared tunnel. Our tunnel proposal would not exceed a two percent grade in order to conform to existing rail infrastructure across the United States.
- **Proposal 4:** The Cross Harbor Tunnel should be realigned to provide both freight and passenger service to Staten Island, before continuing on to New Jersey. The Tunnel should utilize elements from the original Narrows Tunnel project developed by the City of New York during the 1920s.
- **Proposal 5:** It would be easier and cost less [to implement the alternatives] from Bay Ridge to Staten Island and run the [Port Authority Trans-Hudson (PATH) train] from Newark airport from Staten Island as well.
- **Proposal 6:** The possibility of placing rail on the new Tappan Zee Bridge so it is first made for freight and then added onto for commuters at a later date seems the best way to spend tax dollars.
- **Proposal 7:** Continue evaluating CHFP options to include a review of whether new freight and passenger capacity could be delivered concurrently. For example, the DEIS rules out one such option as a "fatal flaw," citing "potential operational and scheduling constraints on rail freight imposed by sharing track with passenger

service...resulting in minimal windows for freight, at best” (pages four through eight of the DEIS). The next phase of the EIS process should include “outside-the-box” thinking, including further study of options that may have been prematurely deemed unfit for full review.

- **Proposal 8:** Maybe passenger service could go around about to Grand Central, being that the connector through Access to the Region’s Core (ARC) doesn’t work, but you can also use it for buses only and the transportation wouldn’t be too bad and that will help out with that a little bit that way.
- **Proposal 9:** A connection to the Northeast Corridor tracks already exists. Having a train connection from Brooklyn to Newark Airport and beyond on the Northeast Corridor could eliminate many vehicle trips that now go through Manhattan or Staten Island. On the Brooklyn side, it could connect with subways that are near the existing freight tracks. I imagine a New Jersey Transit line extending from the Newark Airport station to where the N and D subway lines cross at New Utrecht Avenue, with a new transit hub at that point. This would vastly expand the interconnectivity of the subway system and would likely also revitalize that part of Brooklyn.
- **Proposal 10:** The Bay Ridge line is a significant piece of railroading. It doesn’t look that way now but it’s a four-track piece of railroad and it has multiple issues, not just for freight but for heavily rail passenger service, and this need to be reviewed soon and in an unprejudiced way.
- **Proposal 11:** The Bay Ridge right-of-way should be repurposed to accommodate improved freight service and new passenger service. The Bay Ridge line running through Brooklyn and Queens offers a once-in-a-generation opportunity to develop a transit solution to this growing problem. A new transit service on the right-of-way would bypass Manhattan’s central business district and instead allow residents in the Bronx, Brooklyn, and Queens to rapidly move within and between boroughs. If passenger service were precluded with the enhancement of a freight-only corridor, a valuable option to connect millions of residents of New York City’s outer boroughs would be permanently lost.

(BHRA, Boggiano, DesJardins, Galligan, G. Giordano, Haikalis, Hegarty, Kolodny, Kumelowski, Lewis, Maier, Marsala, McHugh, Pinto, Roach, Staton, Vogel)

**Response 4-5:**

As discussed in Chapter 1, “Purpose and Need,” CHFP is aimed at improving the movement of freight across the harbor. The major destination hubs for commuters and for freight are very different and, as such, a study of alternatives for improved passenger service warrants its own analysis, separate and distinct from the Tier I EIS. While dual

passenger and freight service could potentially overcome the substantial design challenges, the end result would not be optimal for passengers, and would be seriously disadvantageous for freight, since freight operations would be constrained by scheduling for passenger service. Responses to specific proposals outlined in the comment are addressed as follows:

**Proposal 1:** Tunnel technologies for the new Cross Harbor tunnel will be studied in the Tier II. An immersed multi-level tube tunnel would face enormous constructability issues crossing active navigational channels and likely cause massive environmental impacts.

**Proposal 2:** The ARC or Gateway alignment for serving both passenger and freight was eliminated in the fatal flaw analysis. This alignment does not have a direct connection with the Bay Ridge Branch and Lower Montauk Branch.

**Proposals 3, 4, and 5:** The Staten Island-Brooklyn alignment was eliminated in the fatal flaw analysis on the basis of the previous studies' findings and environmental and socioeconomic impacts specific to that alignment. PATH service is for passengers only and is beyond the scope of the CHFP, the purpose and need of which is to improve the movement of freight across the New York Harbor.

**Proposal 6:** The Tappan Zee Bridge freight rail alternative was included in the initial list of 27 Alternatives but did not pass the initial screening/fatal flaw evaluation (see Table 4-2 of the DEIS).

**Proposal 7:** At the time of the Tier II assessment technological options and developments that would have the potential to change the movement of freight would be considered. If any such technologies or developments would have the potential to affect the outcome of the DEIS fatal flaw screening analysis, new alternatives based on such technologies or developments could be evaluated.

**Proposal 8 and 9:** Improving passenger service alone does not meet the purpose and need of the CHFP.

**Proposal 10:** The history and the current conditions of the Bay Ridge Branch were reviewed as part of the DEIS.

**Proposal 11:** The Bay Ridge right-of-way only connects Queens and Brooklyn, not the Bronx. The compatibility issues of sharing tracks and right-of-way between freight and transit services on the Bay Ridge Branch, including constructability, safety, and level of service (LOS), make this proposal infeasible at this time.

- Comment 4-6:** I am in favor of the Double-Stack, Double-Track Rail Tunnel as the most efficient way to move goods to the eastern boroughs of New York City, Long Island, and Connecticut. I am not 100 percent on board with the shuttle and chunnel alternatives yet until I see how the vehicular traffic will funnel on both sides of the harbor, but certainly anything is better than the No Build alternative. (Ries)
- Response 4-6:** Comment noted. The Rail Tunnel Alternative is being advanced to Tier II as one of two Preferred Alternatives. The Rail Tunnel with Shuttle Service and the Rail Tunnel with Chunnel Service alternatives are not proposed for advancement to Tier II.
- Comment 4-7:** Of the ten build options presented in the DEIS, the use of container float operations is preferred and its utilization encouraged. (G. Giordano, Maier)
- Response 4-7:** Comment noted.
- Comment 4-8:** I'm in favor of the No Action Alternative. (Pawlowski)
- Response 4-8:** Comment noted.
- Comment 4-9:** My local Community District 5 area already faces a severe impact from current operations on rail lines that pass through many of our communities and from truck traffic on residential and shopping streets. The freight tunnel alternatives you are examining will create a heightened threat if those alternatives are pursued. I agree with Community Board 5 that the marine-based alternatives present the most acceptable options for my neighborhoods. (Markey)
- Response 4-9:** One of the Waterborne Alternatives, the Enhanced Railcar Float Alternative has been selected as a Preferred Alternative and recommended for advancement to Tier II. The Rail Tunnel Alternative has also been selected as a Preferred Alternative, to better improve the movement of freight over the long term. Other Rail Tunnel Alternatives (Rail Tunnel with Shuttle Service, Rail Tunnel with Chunnel Service, Rail Tunnel with Automated Guided Vehicle (AGV) Technology, and Rail Tunnel with Truck Access) are not recommended for advancement to Tier II, due in part to the greater potential they have for adverse localized effects. The potential for localized adverse effects of the Preferred Alternatives will be further evaluated and analyzed in Tier II and potential mitigation strategies will be explored, where appropriate.
- Comment 4-10:** Waterborne transportation means more pollution and will not create jobs. The Cross Harbor Tunnel can take lots of trucks off the road. We need jobs, and with your decision the environment is going to get worse in the coming years. (JonathanC)

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- Response 4-10:** The Rail Tunnel Alternative was selected as a Preferred Alternative and is recommended for advancement to Tier II. The waterborne Enhanced Railcar Float Alternative is also a Preferred Alternative, and is an option that could more easily be implemented in the near term and result in environmental and economic benefits, as detailed in Chapter 6 of the DEIS.
- Comment 4-11:** For any of these alternatives to work, existing facilities, equipment, and operations must be modernized. (Velázquez)
- Response 4-11:** The needed improvements to freight facilities, track, operations, and equipment are discussed in the DEIS (see Chapter 4). These improvements would help modernize the freight system.
- Comment 4-12:** We propose that PANYNJ and MTA consider decking over the open cut portions of the Bay Ridge Branch and selling and/or leasing the air rights to raise additional funds for the construction of the tunnel.
- We feel the cap on the Brooklyn shaft off Short Road should be opened, and the extant tunnel examined, and its already built length determined, for possible future use. (BHRA)
- Response 4-12:** Comment noted.
- Comment 4-13:** I agree with the study's prognosis of our city's freight problems. There is too much truck traffic, too much air pollution, limited Hudson River crossings, and economic constraints. However, when addressing these issues, community impact must be given significant weight in the Record of Decision and Tier I Final Environmental Impact Study. Negative impacts cannot simply be dismissed as collateral damage. I write to voice my concerns with any freight alternative that would increase truck and rail traffic in New York's 6th Congressional District. I am specifically worried about the impacts on Fresh Pond Yard, Maspeth Yard and the surrounding communities. There must be a significant and bold mitigation strategy before I will be able to support any of these plans. This does not only include noise and pollution mitigation from future impacts, but the problems my constituents currently face need to be addressed as well. (Meng)
- Response 4-13:** Potential localized adverse impacts will be further evaluated and analyzed in Tier II and will include more detailed studies of operations at Fresh Pond Yard and Maspeth Yard. Potential mitigation strategies will be explored as part of Tier II, where appropriate.
- Comment 4-14:** Due to their ability to drastically reduce truck vehicle miles traveled (VMT) in the region, I'd like to state my preference for the Rail Tunnel Alternatives. I read some of the Draft EIS, and I am wondering why

electric locomotives appear to not be under consideration. They are common for freight in Europe. Of course, existing freight railroads all seem to use diesel-electrics now, and the trains would have to change locomotives to use the tunnel, but that seems like a small price to pay for cleaner air and reduced ventilation needs for the tunnel. It is my understanding that tunnels were the reasons that electric locomotives first came into common use, so why not here? With that you can even route electric commuter and Amtrak trains through it, for better regional passenger rail, making it an even better use of public dollars. (Troxler)

**Response 4-14:**

Diesel-electric locomotives constitute the current industry standard for freight movement along the national freight rail system. There are few electrified rail corridors, and these see little or no movement of freight utilizing electric locomotives. Although it would be possible, as part of the Rail Tunnel Alternative, to construct facilities at each end of the Tunnel to facilitate changeovers from diesel-electric locomotives to electric locomotives, there would be time and cost penalties associated with such changeovers, which would have a detrimental impact on projected freight demand for the tunnel. Further, the costs of procuring and maintaining a dedicated fleet of electric locomotives solely for use within the tunnel would add to the capital and operating costs of the facility.

**Comment 4-15:**

Why not construct a rail tunnel under the Hudson and East River that can be used by both freight and passenger trains? Why can't a joint rail-truck tunnel be designed that addresses a specific regional need, such as how to get trucks in and out of the Port of Brooklyn without overwhelming nearby streets and highways?

- Freight and passenger trains, even super-fast passenger trains, use the same tunnel nearly everywhere in the world. They use the same tunnel because tunnels are very expensive and are often located in places where only one tunnel can be built. A dual-use freight/passenger tunnel and a rail truck tunnel have the potential for increasing cross-river tunnel productivity and servicing area freight transportation.
- Instead of running trucks and freight trains on the Bay Ridge Line or denigrating the infrastructure to achieve double-stack clearances for a mere six miles, the Bay Ridge Line could be restored to its original four-track design and used by both freight trains and passenger trains, such as the use proposed by the Regional Plan Association. Nearly every tunnel in the world is used regularly and safely by passenger and rail freight trains, even high-speed passenger trains and even in tunnels and stations where security considerations are critical.

- Either through an extension of the Tier I process, or in Tier II, or in between Tiers I and II, a vigorous, world-class professional, unprejudiced, and transparent evaluation exploring the feasibility and pluses and minuses of a joint freight/passenger use of the proposed Gateway tunnel should be undertaken and included as a Build Alternative. It would include use of the proposed Gateway Hudson River tunnel, with double-stack clearances extended east in a new tunnel under the East River to Long Island City. This Build Alternative would enable freight trains to operate between New Jersey/Long Island/Southwestern Connecticut/Downstate New York at times when the tunnels are lightly used, such as at night. The evaluation should include the cost of connecting the Gateway-west tunnel to freight lines in New Jersey and a connection to the LIRR Lower Montauk Line in Long Island City, with double-stack clearances and other modifications from that point to South Brooklyn. This would require freight trains to operate electrically from Newark eastward, generating a major environmental and public health benefit.

(Galligan/McHugh/Pinto)

**Response 4-15:**

For a response as to why a freight/passenger tunnel was eliminated in the Tier I DEIS screening analysis, please see Response to Comment 4-5. Regarding the Bay Ridge Branch clearances and a four-track design, two tracks with some sidings would suffice for improving the movement of freight, which is the purpose and need for the proposed projects.

A four-track design and passenger train movement would result in a greater need for land and additional potential adverse effects on the environment, the study of which are beyond the scope of this EIS. Passenger service is not part of the project goals and objectives or the project purpose and need.

The feasibility of a joint freight/passenger tunnel along the Gateway alignment need not be reevaluated as part of CHFP, as it was already considered in the DEIS and eliminated from further consideration. As discussed in Chapter 4 of the DEIS, the time windows for freight movement on this busy passenger alignment would be very limited and would not be sufficient to meet the purpose and need of CHFP.

**Comment 4-16:**

The alternatives analysis wrongly dismisses mixed passenger and freight alternatives. The selection of alternatives also appears inconsistent. We disagree that Alternatives 16, 17, and 18 were “fatally flawed,” as indicated in section 4, page 8 of the DEIS. The following details our concerns regarding each of the three alternatives:

Alternative 16, which considers using capacity on new trans-Hudson tunnels for freight, is rejected based on an analysis completed for the

cancelled ARC project more than seven years ago. This analysis is out of date and shouldn't be applied to the proposed Gateway trans-Hudson project—as stated in the DEIS. The two projects are fundamentally different, with different alignments and serving different facilities. Advancements in technology and techniques over the past decade could result in a different outcome today.

The DEIS assumes a subway option for Alternative 17, which analyzes a passenger and freight tunnel to Staten Island. More compatible freight and passenger options exist but weren't examined, and the isolated nature of the Staten Island Railway doesn't require that it operate subway-compliant rolling stock if connected to the Bay Ridge line.

Alternative 18 should not be dismissed based on an outdated analysis. Especially in light of investment being made at the New York Container Terminal and the need for greater redundancy between the five boroughs of New York City, this option could have served these goals as well as connecting to New Jersey. (Roach)

**Response 4-16:**

See Response to Comment 4-5.

Alternative 16: The focus of the cancelled ARC project and the current Gateway project is essentially the same—to provide improved passenger service between Midtown New York City and New Jersey. While nothing in the CHFP precludes the incorporation of freight as part of Gateway, the demand for a rail freight crossing could not be met by Gateway alone. Quite apart from serious design challenges (e.g., compatibility of a passenger rail tunnel with overhead power and certain types of freight cars), the projected growth in passenger traffic and the preference that would be given to passenger movements severely limit the amount of freight that could be transported via Gateway and, as such, the Gateway project alone would not sufficiently meet the purpose and need of CHFP. As noted in the DEIS (Table 4-2 of Chapter 4), “potential operational and scheduling constraints on rail freight imposed by sharing track with passenger service along the nation's most heavily used passenger corridor would result in minimal windows for freight, at best.” No further consideration of this alternative as part of CHFP is warranted.

Alternative 17: Even if different types of passenger rail vehicles were assumed for this alternative, such that all operational and safety issues could be addressed, the Bay Ridge Branch could not accommodate the projected freight demand if it also had to accommodate passenger service. The Bay Ridge Branch is one of the few dedicated freight rail rights-of-way remaining in the region and as such is a scarce asset that must be preserved for freight movement. As noted in Table 4-2, the Bay Ridge Branch “is a vital east-of-Hudson rail line for freight” and “would

not have the capacity to accommodate passenger service.” The stated purpose and need for the CHFP is to improve the movement of freight across the New York Harbor. While the improvement of passenger service is not necessarily in conflict with this goal, the improvement of freight service is the primary consideration and CHFP Alternatives are therefore aimed at improving freight service. No further consideration of this alternative as part of CHFP is warranted.

Alternative 18: As noted in Table 4-2, “the Staten Island alignment was eliminated in favor of the New Jersey rail tunnel alignment in previous studies due to the more direct routing with the New Jersey alignment and several significant environmental and neighborhood character impacts exclusive to the Staten Island alignment.” The investment being made at the New York Container Terminal does not alter the conclusion of the prior study regarding adverse environmental and neighborhood character impacts exclusive to the Staten Island alignment. The alignment proposed with the Preferred Alternatives would provide for greater redundancy and resiliency. No further consideration of Alternative 18 is warranted.

**Comment 4-17:** Improved passenger rail service between New York and New Jersey should be considered as an alternative use of the \$7 to \$11 billion cost of the tunnel options. Two proposals are currently awaiting potential funding, extending the New York City subway’s 7 line to Secaucus Junction and the Gateway Project to add two new tunnels from New Jersey to Pennsylvania Station in New York. Each of these projects has the potential to free up capacity for trucks on existing road crossings of the Hudson by getting commuters out of their cars. If moving freight across the Hudson is the goal, passenger rail options that get cars off the bridges and tunnels deserved to be weighed against the rail freight tunnel options. (Reinhold)

**Response 4-17:** The CHFP would not preclude the implementation of projects that improve passenger rail service. However, the proposed No. 7 subway line extension and the proposed Gateway project alone would only indirectly and insufficiently improve the movement of freight. By reducing VMT from personal vehicles, these projects would free up some capacity on roadways and harbor crossings, but would not result in a modal shift for freight movement. The region would therefore continue to rely overwhelmingly on trucks for freight transport, with all the attendant environmental, economic and quality of life problems associated with such reliance. The No. 7 extension and Gateway projects alone would therefore not sufficiently meet the purpose and need for CHFP.

- Comment 4-18:** If we have a tunnel, I hope will be called the Cross Harbor Nadler Tunnel. (LaBrie)
- Response 4-18:** Comment noted.
- Comment 4-19:** Work should begin immediately on the long-proposed Cross Harbor rail tunnel connecting New Jersey to Brooklyn, thus allowing freight trains to easily come to Long Island. (Bodkin)
- Response 4-19:** While it is anticipated that planning for the rail tunnel would continue and that certain near-term improvements would be implemented as soon as practicable, the construction of the rail tunnel requires the completion of a Tier II EIS and engineering design of the tunnel and associated infrastructure. As discussed in Chapter 4 of the DEIS, the Rail Tunnel Alternative could take eight years to construct, not including the EIS and engineering work that would precede construction.
- Comment 4-20:** There is a security danger of having only one major way of supply for the region, and its having to cross one of the most traveled bridges in the country. (Roseboro)
- Response 4-20:** Enhancing regional resiliency, safety, and security, and protecting infrastructure is one of the four project goals, discussed in Chapter 1 of the DEIS. By providing additional means of supplying the region, the Preferred Alternatives would further this goal.
- Comment 4-21:** I'm deeply concerned about the Cross Harbor Freight Tunnel creating competition and its impact on waterborne commerce and waterfront terminals.
- While I see myself as more locally focused and your plan more globally focused, I asked that due consideration be given to waterfront operators and if this rail freight tunnel is going to be an asset to the waterfront, that it's all of the waterfront that is active industrial, not just government-owned facilities. The waterfront can connect to this supply chain of rail.
- I ask that due consideration be given to these waterfront operators and that this rail freight tunnel, if it is going to be an asset to the waterfront, that it's all of the waterfront that is active industrial, not just government-owned facilities to facilitate what they want to address. (Quadrozzi)
- Response 4-21:** The Rail Tunnel Alternative would mainly divert freight from trucks onto rail. Waterborne commerce and waterfront terminals would not be expected to be affected adversely as a result of the project. Rather, it is anticipated that the rail freight tunnel would be an asset to the waterfront businesses and industries.

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- Comment 4-22:** As an interim measure, Brooklyn Community Board 2 encourages PANYNJ to campaign for the reinstatement of two-way tolls on the Verrazano-Narrows Bridge. The current toll structure frequently leads to truck drivers choosing a less direct route—often via eastbound Interstate 278, the Manhattan Bridge, Canal Street, and the Holland Tunnel—in order to avoid tolls. This practice results in unnecessary infrastructure deterioration and air pollution. (McRae)
- Response 4-22:** Comment noted.
- Comment 4-23:** I believe the Cross Harbor Rail Freight will solve some of our traffic congestion problems while being a more fiscally and environmentally responsible way to transport commodities in New York and the surrounding areas. (Serrano)
- Response 4-23:** Comment noted.
- Comment 4-24:** I urge PANYNJ to rethink these alternatives and come up with a real plan that reduces congestion, the production of GHG, upgrades our infrastructure while also ensuring that the quality of life for our community is not seriously diminished. (Nolan)
- Response 4-24:** The Preferred Alternatives would reduce congestion, reduce GHG emissions, and improve and develop freight transportation infrastructure, along with providing economic and other benefits. Localized effects will be further studied in Tier II, and, consistent with NEPA, measures will be developed to avoid, minimize, or mitigate potential adverse local environmental effects, where appropriate.
- Comment 4-25:** With the potential increase of use in the rail line to transport garbage and freight into and from Long Island, the surrounding communities have been severely impacted by the noise, odors, and vibrations from passing freight trains. The surrounding communities are struggling with the current level of freight traffic and any increase in freight through Fresh Pond Junction would prove to be detrimental to the quality of life of residents in the surrounding community. I cannot support any Rail Tunnel Alternative without addressing the many quality of life issues. (M. Miller)
- Response 4-25:** Potential localized effects of the Preferred Alternatives, which include the Rail Tunnel Alternative, will be evaluated and analyzed in more detail as part of Tier II and potential mitigation strategies will be explored, where appropriate.
- Comment 4-26:** As you decide which alternatives to include in the Tier II EIS, I ask that my comments and our community's concerns be taken into consideration. I also ask that the Tier II EIS examine consequences of

an incremental approach, the combination of Waterborne and Rail Tunnel Alternatives, and a detailed mitigation strategy. (Meng)

**Response 4-26:**

As requested and as required by NEPA, community concerns and public comments were considered in selecting the Preferred Alternatives. The Rail Tunnel Alternatives with Shuttle Service, Chunnel Service, AGV Technology, and Truck Access were not selected as the Preferred Alternatives and are not recommended for further evaluation in Tier II, largely due to likely extensive localized effects. A phased approach is proposed. Near-term actions of independent utility could be implemented first. The Enhanced Railcar Float Alternative would require less time to implement, as discussed in Chapter 4 of the DEIS, and could precede the implementation of the Rail Tunnel Alternative, which would address the project purpose and need more fully in the long term. Tier II will evaluate and analyze potential adverse impacts on local communities associated with the Preferred Alternatives and will explore potential mitigation strategies, where appropriate.

**Comment 4-27:**

Community Board 10 members remain deeply concerned about the impact any regional plan would have on the quality of life of local residents abutting the 65th Street Rail Yard and Bay Ridge Line, including the over 800 families in the Bay Ridge Towers, as well as the surrounding mostly one- and two-family homes in Bay Ridge/Dyker Heights. Therefore, at this time, it is the recommendation of our members to cut down the list of alternatives by half to those that are worthy of more discussion:

1. Waterborne Alternative—Railcar Float
2. Waterborne Alternative—Truck Float
3. Rail/Tunnel Alternative—Rail Tunnel
4. Rail/Tunnel Alternative—Rail Tunnel with Truck Access
5. No Action

Once we can gather more information in Tier II, then we will make the best recommendation for our members of Community Board 10.

Community Board 10 members also recommend exploring a broader regional effort to address truck traffic congestion rather than diverting a significant portion to the Bay Ridge Line.

Finally, since all alternatives in the Tier I DEIS place a heavy burden on the 65th Street Rail Yard, we have determined that further study in a Tier II EIS must include local neighborhood enhancements and improvements due to the burden that will be placed on our community. (Kieran)

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- Response 4-27:** Both Preferred Alternatives—the Enhanced Railcar Float Alternative and the Rail Tunnel Alternative—are recommended for advancement to Tier II. Tier II will evaluate and analyze potential localized adverse impacts associated with the Preferred Alternatives and will explore potential mitigation strategies, where appropriate. A “No Action” alternative is required to be analyzed in any EIS, and thus the No Action Alternative here will also be included as part of Tier II. The reasons the Truck Ferry and the Rail Tunnel with Truck Access Alternative are not recommended for advancement to Tier II are discussed in Chapter 13, “Preferred Alternatives.”
- Comment 4-28:** Concerns raised in our comments about potential adverse environmental impacts of any of the “Build Alternatives” should not be construed as constituting preference for the “No Action Alternative.” CB14 has not taken a position on that at this time. (Berk)
- Response 4-28:** Comment noted.
- Comment 4-29:** According to the Tier I DEIS, the “train” alternatives (those which rely exclusively on train transport while within Brooklyn) could reduce truck traffic on NY27. This would help to protect local air quality. Conversely, some of the Tier I “truck” alternatives (those which require the use of trucks) and the “No Action” alternative could exacerbate emissions levels near NY27. CB14 has serious concerns about the impact of the “truck” alternatives on environment conditions near NY27. (Berk)
- Response 4-29:** All of the alternatives studied require some amount of truck transport to final destination and the potential impacts of truck traffic associated with the Preferred Alternatives will be studied in greater detail in Tier II.
- Comment 4-30:** Those alternatives relying exclusively on trains could offer measurable environmental benefits for CB14 residents, businesses and institutions in the immediate vicinity of NY Route 27. However, any such benefits probably would come at the cost of the environmental and economic costs facing their neighbors to the south near the Bay Ridge Line, if rail traffic there is to be substantially increased. (Berk)
- Response 4-30:** Potential adverse effects of rail traffic on local communities will be addressed in Tier II.
- Comment 4-31:** Moving freight on trucks with or without a driver on ferries would increase the cost of freight movement as it is highly inefficient and time-consuming. I can’t imagine how time-consuming it would be

waiting to board a ferry and disembarking, and the cost for two drivers! This could also impact drivers' hours of service issues. (Toth)

**Response 4-31:** Comment noted.

**Comment 4-32:** I noticed that this was talked about at the 2000 meeting on the Tappan Zee Bridge where connecting the CSX West Shore Line near the Palisades Center Mall to the Putnam Branch (Westchester County Bike Path) rail bed down to West 225th Street in the Bronx where it comes into connection with the Hudson Line.

My concern actually is the Tappan Zee getting worked on and having a design that's capable of carrying rail and using the connection there. And there's so many connections when you look at the map you have. You have the line drawn very wide like a diamond. If you cut straight through, you'll end up at the Tappan Zee anyway.

There are alternative ways, including the Putnam branch on the east side that connects down to Spuyten Duyvil to make the connections back to Hell Gate Bridge. And on the west side, you have the west shore that's there. And if you already have the design from Tappan Zee, they already went out to Suffern and you can make the connection there or even over to the Sterling Line to make the connection down south or out west. (Vogel)

**Response 4-32:** This alternative was included in the initial list of 27 Alternatives but did not pass the initial screening/fatal flaw evaluation (see Table 4-2).

**Comment 4-33:** Look at a shorter route for Brooklyn Bay Ridge to Staten Island. (Staton)

**Response 4-33:** This alternative was previously considered and eliminated, as discussed in the DEIS, in Chapter 4, "Alternatives."

**Comment 4-34:** Consider placing the tunnel between Owl's Head and the St. George ferry terminal on Stand Island. This alignment allows for a much shorter tunnel 1.5 miles long (under the harbor) instead of 3.5 miles long. (DesJardins)

**Response 4-34:** A tunnel alignment from New Jersey to Owl's Head was previously considered and eliminated from further analysis (see Alternative 23 in Table 4-1 and Table 4-2 of the DEIS). A western terminus on Staten Island was also considered and eliminated from further analysis (see Alternative 18). The combination of these two eliminated alternatives, as proposed in the comment, would not provide benefits over the alignment proposed with the Preferred Rail Tunnel Alternative, recommended for advancement to Tier II.

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- Comment 4-35:** I urge you to take a strong look at the Rail Truck Alternative because it obviously shows that there is a diversion possibility; it provides the opportunity to connect the proposed Port of Brooklyn at Sunset Park and the South Brooklyn Marine Terminal (SBMT). Rather than take it to the East New York Yard, it could be a way of bringing trucks to the highway system without overburdening the streets in Sunset Park and Bay Ridge. (Galligan)
- Response 4-35:** As discussed in Chapter 13, “Preferred Alternatives,” while the Rail Tunnel with Truck Access Alternative would provide numerous benefits, it would also present substantial challenges and result in potentially severe adverse environmental effects—regardless of whether the terminus is in East New York, as considered in the DEIS, or on the Brooklyn waterfront, as suggested in the comment.
- Comment 4-36:** Right now between 10,000 and 11,000 car loads of municipal solid waste (MSW) are generated. This is City-controlled waste, generated in Brooklyn and Queens. It is going via the Selkirk Hurdle, a 284-mile loop to go nine miles west to go south. That traffic is going to Virginia and South Carolina. It’s low-hanging fruit. That’s the direction the car float should be the most efficient to accomplish. (McHugh)
- Response 4-36:** MSW is included in the market analysis and projected future freight flows (see Appendix A, Figure A-9).
- Comment 4-37:** You have to be able to prove that the enhanced float system or the float system alone is even going to be an adequate spare part to get us to the tunnel. (McHugh)
- Response 4-37:** Tier I EIS shows a clear demand for an Enhanced Railcar Float System. See Table 5-5 in Chapter 5.
- Comment 4-38:** I suggest you look at the Highland route through Staten Island as an alternative. And I also say then when you come across Staten Island, come out from that shore and head to Brooklyn instead of from Greenville, you have the ability to split that tunnel at about the shoreline in Brooklyn and come down First Avenue and provide direct access to the maritime terminal in Brooklyn. (McHugh)
- Response 4-38:** As discussed in the DEIS, the Staten Island alignment was considered and eliminated through the screening analysis. See DEIS Chapter 4, “Alternatives.” Variations of this alternative, as suggested in the comment, would not eliminate the considerable environmental effects that are specific to the Staten Island alignment, as discussed in Table 4-2 of the DEIS.

- Comment 4-39:** Among the things that can be a solution, I think the increase float operations temporarily is good but the money could better be spent, for example, to raise bridges coming down from Albany in the New York metropolitan area and Long Island or to lower the roadbeds, at the same time, to build additional tracks by widening some of the bridges where needed so that rail freight can move aside from passenger trains.
- Raise all bridges between Selkirk and Brookhaven, on Long Island, to allow sufficient clearance for double-stacked rail container cars. (Bulow)
- Response 4-39:** Certain improvements in this area, independent of the CHFP, are anticipated, however modal diversion is not expected to be substantial. Furthermore, the proposal noted in the comment does not address the project purpose and need to improve the movement of freight across the New York Harbor. The proposal would improve the movement of freight via the existing northern crossings of the Hudson.
- Comment 4-40:** Work with CSX and Metro-North railroads to make sufficient changes in the existing rail roadbed along the Hudson River (and a few miles along the Harlem River) to accommodate additional freight line operations and increase the “window” of time available downstate for such operations. In this way, both public and private funds can be dedicated to such changes. (Bulow)
- Response 4-40:** Increasing the “window” of time available for operations was included in the Transportation Systems Management (TSM) Alternatives. This alternative would not independently meet the project purpose and need, though TSM elements were incorporated into the Build Alternatives (see page 4-19 of the DEIS). Adding an additional line to the existing roadbed would not meet the project purpose and need.
- Comment 4-41:** Encourage the remaining local manufacturers and large governmental agencies who can best take advantage of increased rail freight service to change their internal procurement procedures to accommodate an increase in such service, as well as to build or expand existing rail sidings to their warehouses/factories, or to find newer sites for the creation of more advanced facilities capable of handling such deliveries. (Bulow)
- Response 4-41:** This strategy would be considered through the development of an operations plan in a Tier II analysis.
- Comment 4-42:** Perhaps one solution to our dilemma would be two deep water ports, one for gasoline and home heating oil and the other for container ships. The petroleum port can be a small offshore island connected by pipeline

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to a Long Island tank farm. The container port would be for food, medicine, and everything else. (Bodkin)

**Response 4-42:** An international container terminal (Red Hook Container Terminal) already exists east of Hudson. This facility has capacity to accommodate an increase in activity. None of the alternatives under consideration in the Tier I DEIS preclude future development of waterborne facilities or shipping to/from Long Island.

**Comment 4-43:** Nowhere in the study is there any recommendation for increasing commuter rail or providing ferry service for cars and buses. Cars and buses combined make up more than 90 percent of the traffic and cause far more congestion and emissions. Ultimately, the congestion these vehicles create increases the cost of goods. (Toth)

**Response 4-43:** The project purpose and need is to improve the movement of freight across the harbor. Improvements to commuter services would only indirectly and insufficiently improve the movement of freight and would not meet the project goals and objectives discussed in Chapter 1.

**Comment 4-44:** We would support more incentives for off-hour deliveries, such as the New York City Department of Transportation (NYCDOT) successful off-hour delivery program. This would require support from shippers and receivers. We also recommend a study to determine the effectiveness of truck only lanes that could help to expedite freight moving by truck. (Toth)

We need to couple freight rail investments with a system of charges for our trans-Hudson crossings and connecting major roadways that experience congestion so as to moderate congestion and dis-incentivize any new vehicular traffic that would take up any slack that a freight rail system would bring about. Such congestion-related charges would also serve as an additional incentive for more shippers to move goods during non-congested hours. (Tripp)

**Response 4-44:** These or similar programs were considered in the DEIS, as part of the Transportation Demand Management (TDM) Alternative and eliminated through the Qualitative Screening Using Project Goals, as discussed in Chapter 4, “Alternatives” and shown in Figure 4-3. Off-hour deliveries and truck only lanes could reduce congestion, but would not affect the modal imbalance and the overwhelming regional dependence on trucks. These measures would also result in only a small fraction of air quality benefits, GHG emissions reduction, and economic benefits, as compared with the Preferred Alternatives. While congestion charges could to some extent “dis-incentivize any new vehicular traffic that would take up any slack that a freight rail system would bring

about,” temporal shifts in truck activity would not sufficiently meet the purpose and need of the project and are therefore not considered further as part of CHFP.

**Comment 4-45:** I was part of the Gowanus Community Stakeholder Group and we were in favor of building a tunnel to replace the Gowanus Expressway. And one of the major concerns was that, if this was to be built, that you don’t have a collision. So this thing needs to be far enough down that in the event if that ever gets built, that they bypass one another. (Cassara)

**Response 4-45:** Operational safety and security will be considered in Tier II as appropriate.

**Comment 4-46:** I realize the double-stack alternative means bridge restriction here on Long Island will have to be addressed but all of this does not have to happen immediately; whether it is double stack, single stack, trailer-on-flatcar (TOFC), bulk freight, etc., we need some relief before the entire tri-state area ceases to function at all. (Ries)

**Response 4-46:** The Enhanced Railcar Float Alternative is proposed as a Preferred Alternative that could start to be implemented in the short-term, before double-stack clearances are fully addressed.

**Comment 4-47:** What I would like to see is a Cross-Harbor Freight Rail Tunnel, which may also include local “Chunnel” and “Shuttle” service for the immediate New York City area. However, I would also like to see this huge asset leveraged for Connecticut and New England. The first, most basic step would be to build, market, and utilize transload sites, as well as existing rail-connected industries for traditional carload rail-shipped goods. I would like to see container and truck “Shuttle” trains from north Jersey to Cedar Hill, CT, Davisville, RI, Worcester, MA, and possible an additional site in the Hartford-Springfield area. (A. Wood)

**Response 4-47:** The Rail Tunnel with Chunnel and Shuttle Service Alternatives were not selected as Preferred Alternatives that are recommended for advancement to Tier II, mainly due to potential extensive localized adverse impacts. Leveraging of the CHFP for freight transport to Connecticut and New England is intended and improvements to freight facilities and building of the market is envisioned as part of Tier II assessment and implementation of the Preferred Alternatives. Although the development of Shuttle service is not included in the Preferred Alternatives, further consideration of Shuttle service by others would not be precluded by the selection of the Preferred Alternatives.

**Comment 4-48:** I am a firm proponent of the Cross-Harbor Freight Tunnel project. While I think waterborne solutions may improve the freight movement

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situation of the New York metro area, the rail tunnel will provide a much greater asset to improve freight logistics in the future, both regionally and nationally.

Please consider constructing tunnels containing the following:

1. two dedicated rail lines to shuttle freight from/to western Long Island/South Bronx ports and industrial areas to/from New Jersey ports/intermodal facilities;
2. two dedicated rail lines for flow through trains to/from points west of Hudson and New England; and
3. two rail lines with double-stack clearance to handle truck trailers and container boxes to/from intermodal facilities in New Jersey and Queens.

All of this implies the need to improve existing track on either side of the water, [and] hopefully railroad company involvement. (Stackfleth)

**Response 4-48:**

Comment noted. As discussed in the DEIS, the east-of-Hudson rail network is historically substandard in accommodating modern railroad equipment, especially for double-stack intermodal cars. The DEIS has identified potential improvements that are necessary for intermodal railcars to reach Queens and Long Island through the tunnel and Bay Ridge Branch, including item 3 in the comment. Other rail improvements may potentially improve the utilization of the rail facilities built in the Rail Tunnel Alternatives. However, there are physical and institutional difficulties that make these improvements less feasible.

**Comment 4-49:**

The truck access option makes sense if trailers are lifted by crane to rail cars and moved to an intermodal facility in Queens. I do not think that truck access makes sense if that means the tunnel becomes another portal for trucks to cross the Hudson, thus defeating the objective of lowering truck mileage in general. (Stackfleth)

**Response 4-49:**

Comment noted.

**Comment 4-50:**

Assuming the design of the inter-modal facilities in Long Island and New Jersey contain “state-of-the-art” freight movement equipment, ease of improvement of that equipment in the future; and ample room to handle increased volume, the Cross Harbor Freight Tunnel could, conceivably, help reduce truck mileage nationally by the use of rail for truck trailer transport. (Stackfleth)

**Response 4-50:**

Comment noted.

- Comment 4-51:** This project was a primary reason for the creation of PANYNJ, and the fact that it is has not yet been started, let alone completed, is a huge contributor to the massive truck traffic in New York City and Nassau and Suffolk Counties. I'd note that it would need good strong connections to the rail lines on Long Island and have multiple locations for connecting trucks to rail so that no one community would be stuck with heavier local traffic. The point is to get as many trucks off the road as possible, especially long-distance trucks. (Troy)
- Response 4-51:** Comment noted.
- Comment 4-52:** It would be helpful to have more than just one crossing at the Hudson. I always thought that the State made a mistake when they decided to go forward with the Tappan Zee Bridge. It seemed to me that that would have been a perfect time to think about a rail crossing there. (Hoffman)
- Response 4-52:** The Tappan Zee Bridge alignment was considered in the Long List of Alternatives and eliminated through the initial screening/fatal flaw evaluation. See Alternative 27 in Table 4-1 and Table 4-2, in Chapter 4 of the DEIS.
- Comment 4-53:** One of the things that would be helpful to the Brookhaven Rail Terminal was if they had more crossings of the Hudson and that probably the tunnel would be the most direct way to do it but I'm sure it's a lot more expensive. (Hoffman)
- Response 4-53:** Comment noted.
- Comment 4-54:** The waterborne projects you're promoting don't work. The reason this proposal came up in 1921 was because during World War I the waterborne crossings on the river jammed, couldn't be used. We have the same problem today. Nothing has changed. We can't go back to the last century, to two centuries ago, and think that's going to serve modern commerce. (McHugh)
- Response 4-54:** The assertion made in the comment is not correct. Despite whatever disruptions may have occurred during World War I, cross-harbor rail car float operations have been successfully utilized to move freight between the rest of the nation and the east-of-Hudson region for over a century. NYNJ continues to operate successfully today and has experienced a steady growth in demand in recent years. For example, when PANYNJ purchased the franchise in 2008, the railcar float operation was moving less than 1,000 revenue carloads per year. In 2014, NYNJ moved over 3,600 revenue carloads of freight and is anticipated to move up to 2.8 million tons per year by 2035, with the Enhanced Railcar Float Alternative, as shown in Table 5-5 of the DEIS.

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- Comment 4-55:** It makes absolutely no sense that we've allowed our bridges to fall apart or close. There used to be a bridge up by Poughkeepsie, there was a freight bridge that closed about 20 years ago. (Tittel)
- Response 4-55:** Comment noted.
- Comment 4-56:** We need to have this investment, not only for the jobs, but being able to go from a container, from a ship, right onto rail and bring it over to Brooklyn or Long Island. (Tittel)
- Response 4-56:** Comment noted.
- Comment 4-57:** We have to figure out the best way to pay for the tunnel, and how to make this cost-effective, because if we end up building a tunnel and it's too expensive to use, then we're not taking the trucks off the road. So we need to have partnership with the state and PANYNJ and the federal government. This is something that is long overdue for the economic health of this region and the health of citizens. (Tittel)
- Response 4-57:** The CHFP is a partnership between PANYNJ and FHWA, as the lead federal agency. Other federal agencies, as well as state and regional transportation and other agencies are also involved with the project, as Cooperating or Participating agencies. Funding mechanisms have not yet been identified and will be further considered in Tier II.
- Comment 4-58:** When you examine the alternatives, all 10 of them, almost every single one of them would include Greenville Yards.
- Of all the freight diversion—amounting to millions of tons per year—the biggest gain is when you choose the tunnel option. When the tunnel is coupled with the truck traffic, it then becomes the biggest bang for your buck.
- And I understand that the component of the second tier is to look more at the environmental impact when you narrow it down to smaller alternatives, but it's hard to believe that there wouldn't be significant environmental impacts to South Greenville.
- It's nice that the Cross Bronx Expressway is being reduced as far as the traffic, but we're going to get 3,000 more trucks on the Newark Bay Extension and Route 1 & 9. (Gajewski)
- Response 4-58:** The Rail Tunnel with Truck Access Alternative, which would result in this level of traffic, is not being recommended for advancement to Tier II. The Preferred Alternatives are not projected to result in additional truck traffic on the New Jersey Turnpike Newark Bay extension or on Routes 1 & 9.

- Comment 4-59:** The DEIS presumes a rail marine No Build. It doesn't exist. You have a four-and-a-half percent grade. You have 286,000-pound cars. You're building an enhanced marine rail alternative with something that doesn't exist. I think that basically what you're doing is using the best of 19th century technology in the 21st century. (Pinto)
- Response 4-59:** The statements made in this comment are incorrect. See Response to Comment 4-54. The existing NYNJR railcar float operation has been experiencing steady growth in recent years. The No Action Alternative, which includes improvements to bring the railcar float operation to a state of good repair, is already ongoing. The existing grade at Greenville Yard does not impede current operations and the grade will be improved as part of the No Action Alternative. The railcar float operation already accommodates 286,000 pound cars.
- Comment 4-60:** It's a little too early to already rule that this project is not going to be beneficial to us environmentally and for our infrastructure. I think that the current situation that we have with the trucks on the road is not going to go away. And I think that before we make a final decision that we should evaluate this further in the Tier II EIS. (Albanese)
- Response 4-60:** Comment noted.
- Comment 4-61:** A similar plan for a Cross Harbor Rail-Freight line was rejected in the 1940s and now, with more advanced methods of transportation to consider, it should be rejected again. (Sunset Park)
- Response 4-61:** Comment noted.
- Comment 4-62:** If the material is ferried directly from New York to Port Elizabeth, no residents will be put in danger. That is the safe and sensible alternative. (Gordon)
- Response 4-62:** As discussed in Chapter 4 of the DEIS, a lift on-lift off (LOLO) Container Barge and a roll on-roll off (RORO) Container Barge were considered, as well as a container barge terminus at the Elizabeth Port Authority Marine Terminal. While the container barge does meet the purpose and need of the CHFP, it addresses a relatively small market demand and is not recommended as a Preferred Alternative for advancement to Tier II. However, it should be noted that there are benefits of transporting freight by container barge, especially international containers, and that proposals to develop container barge terminals and service could be advanced by others or as part of different initiatives.
- Comment 4-63:** If you really want to do something, do something that's stationary. Do something like vertical farms where you're producing jobs. You're

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being sustainable and you're not having a general heavy impact on the environment. And what we need is a non-impact economy. Have vision, listen to people, and if they say no, don't do it. (Burg)

**Response 4-63:** Vertical farming or similar production centers are beyond the scope of the EIS and the project, the purpose and need of which is to improve the movement of freight across the harbor.

**Comment 4-64:** Maybe we need to just put everything on a boat and just sail it somewhere and then get it in another area where it could get on land if they need to and then bring it into the part of the mainland where it needs to go. But it doesn't need to continue to come through our community. (L. Richardson)

**Response 4-64:** Waterborne Alternatives were considered and one (the Enhanced Railcar Float Alternative) is recommended as a Preferred Alternative for advancement to Tier II.

**Comment 4-65:** There's a tunnel project that was abandoned. I believe it's the ARC project, a tunnel which is already in place. If you can add this to your list of options, that would be perfect. You already have a tunnel there under the Hudson. You could use that tunnel instead of ruining our neighborhood with potentially flammable train cargo. (Legge)

**Response 4-65:** The ARC project was commuter rail tunnel project to enable additional passenger service from New Jersey to midtown Manhattan. That project would not have met the purpose and need for CHFP. ARC was discontinued in 2010 and the tunnels proposed as part of ARC were not constructed.

**Comment 4-66:** I worry about how much usage of containerization there is after Panama opens up their new canal that can take more freight through the canal rather than taking it by rail freight across the U.S., and hence losing a lot of business and, therefore, not being a good money-generating income for keeping maintenance on the thing 50 years from now. (Vogel)

**Response 4-66:** The potential effects of the Panama Canal expansion on inland transportation networks in the U.S. are continuously debated. The demand analysis assumes that there is an effect, but that the rapid growth in domestic intermodal traffic observed in recent years will continue, and overall rail carload and intermodal traffic will increase through 2035.

**Comment 4-67:** Disruption from the Throgs Neck Bridge construction incident several years ago brought mayhem to surrounding streets and highways. Having a freight tunnel to bring in supplies or personnel from mainland on

Long Island in an emergency would be essential. A tunnel could be an extra insurance policy for the people of Long Island in my view. (Dalsass)

**Response 4-67:** The Preferred Alternatives would provide redundancy in the freight transportation system, improving regional resiliency. As noted in the comment, a freight tunnel could be used to bring in essential supplies, and potentially personnel, in the case of an emergency.

**Comment 4-68:** Can a system be found to distribute goods where they have to go, the freight that has to go to Brooklyn are dropped off in Brooklyn; material in Queens, in Queens and all other freight brought out on its way to its destination in Long Island? That way the bulk of material can reach its closest destination point keeping truck delivery equal to what it is today on City streets. There must be methods with computers and scanning. (Dalsass)

**Response 4-68:** The Preferred Alternatives would be developed to accomplish exactly that—deliver freight by rail to freight facilities in Brooklyn, Queens, the Bronx, Long Island, and New Jersey, as close as possible to the ultimate destination of the freight, keeping the truck delivery local (from the freight facility, to the ultimate destination, within the same county or area).

**Comment 4-69:** If ferries become part of the long-term solution, perhaps they could be designed to incorporate some of the functions of a turnpike/thruway rest area. Maybe if the ferry trip could be combined with other tasks that can be done in about an hour, such as getting a meal, taking a shower, taking a nap, doing paperwork, etc., it would be much more attractive to truckers and other that need to traverse the metro area. (Troxler)

**Response 4-69:** Comment noted.

**Comment 4-70:** I see that the study refers to third rail passenger trains, such as what LIRR and MTA use, as being incompatible with freight rail, but says nothing about overhead catenary systems as you find on the Northeast Corridor. In the interest of air quality and noise mitigation, perhaps you should look at catenary electric for the entire route. Consider air quality in the region, perhaps it is time to look more seriously at the electrification of more freight routes. (Troxler)

**Response 4-70:** See Response to Comment 4-14.

**Comment 4-71:** On the surface, the Truck Float and Truck Ferry Alternatives appear identical, other than costs and the movement of the truck driver. Table ES-5 covers both alternatives, indicating that each would have an

identical impact. If there are significant environmental differences between these alternatives, they should be clearly highlighted.

Compared to the LOLO alternative, the RORO alternative requires additional infrastructure in the form of truck ramps at the termini and moves less freight for the same sized vessel due to the inclusion of the chassis and tractor in the move. Table ES-6 covers both alternatives, showing identical impact. If there are significant environmental differences between these alternatives, they should be clearly highlighted. (NJDEP)

**Response 4-71:**

From a demand standpoint, there is no difference between the Truck Float and Truck Ferry Alternatives, as indicated in Table 5-5, as the mode choice model could not capture the differences in cost noted in the comment. As discussed in Chapter 4, the Truck Float Alternative would require the purchase of truck floats, and use of tugs, while the Truck Ferry Alternative would require the truck ferry. As suggested in the comment, there are no substantial environmental differences between these alternatives.

As noted in the comment, the LOLO and RORO Container Barge Alternatives are similar. There is no measureable difference in demand or operational environmental effects. As noted in the comment and described in the DEIS, the RORO Container Barge Alternative would require additional infrastructure. On the other hand, the LOLO Container Barge Alternative would require more space, for the lift-on lift-off equipment. As a result, 51st Street Yard was identified as a terminus for the RORO Container Barge Alternative, but not for the LOLO Container Barge Alternative, for which there would not be enough space at that location.

None of the four Waterborne Alternatives mentioned in the comment was selected as a Preferred Alternative for advancement to Tier II.

**Comment 4-72:**

The listing of Waterborne Alternatives includes one Enhanced Railcar Float. However there are two figures—ES-3 and ES-4—covering two subsets of this alternative. A single figure combining all parts of the proposed alternative would make comparison between alternatives far easier. (NJDEP)

**Response 4-72:**

An attempt to combine the two figures was made. The presentation of the two options on a single figure resulted in a loss in clarity, as the two options would generate a different number of truck and train trips at various locations. While the suggestion made in the comment is appreciated and makes sense, it did not work well in practice.

- Comment 4-73:** The National Marine Fisheries Service (NMFS) suggests avoiding the use of the immersed tube option as a possible Rail Tunnel Alternative, since this will require significant dredging of the harbor’s seafloor in comparison to the other proposed options. The use of established waterfront terminals and support facilities is also encouraged to minimize disturbance to important benthic habitats across the proposed areas of development. (NJDEP)
- Response 4-73:** The concerns with immersed tube tunnel construction were identified in the DEIS. If an immersed tube tunnel construction is proposed in Tier II, the potential effects will be further considered. Actual areas of disturbance and dredging requirements will be determined, and coordination with NJDEP and with NMFS will continue in Tier II. The use of existing waterfront terminals and support facilities is proposed as part of the Preferred Alternatives, consistent with the suggestion in the comment.
- Comment 4-74:** A stronger look has to be taken of the rail truck tunnel, particularly its impact on the development of the Port of Brooklyn. It’s an opportunity to have a private roadway and a railroad; a railroad for long-distance trains to take containers in and out to faraway places but, also, an opportunity to move trucks and containers over to New Jersey to the warehouse infrastructure. (Galligan)
- Response 4-74:** See Response to Comment 4-35.
- Comment 4-75:** More intermodal connections out in Long Island would make this project even more useful. (Beltzer)
- Response 4-75:** Comment noted.
- Comment 4-76:** There is a viable, economical alternative for cross-harbor freight movements, and it can serve to move both rail cars and vehicles. A series of barges (carfloats) can be designed and built, which will allow for the carriage of both railcars and trucks, at times on the same float.
- The barges will utilize AT/B, or “Articulated Tug/Barge” technology to connect the tug into the stern of the barge in a semi-rigid configuration that will give the combined unit the maneuvering capability of a single vessel, and higher speed or lower fuel consumption. The tugs will be state-of-the-art low emissions diesel-electric designs, twin screw and using multiple diesel generators to provide power. (Learn more about the AT/B at [www.oceantugbarge.com](http://www.oceantugbarge.com).) (Hill)
- Response 4-76:** The Truck Float Alternative was not selected as a Preferred Alternative. Specific technology options for the Enhanced Railcar Float Alternative

will be further evaluated in Tier II, with a focus on proven technologies and options that best meet the project needs.

**Comment 4-77:** The traditional Rail Float System could never equal the strength of a rail tunnel as a diverter of freight from truck or even as a “precursor” of the tunnel. As the No Build Alternative is a rebuild of the existing float operations in the Greenville Yard, that rebuild should be designed to achieve most of the goals in the Enhanced Rail Marine.

The question must be asked and answered whether having an Enhanced Rail Marine Build Alternative is necessary when just a few minor tweaks in the design of the yet-to-built No Build Rail Marine could carry the tonnage forecast for the Enhanced Marine Alternative much sooner and at a lower cost. (Galligan/McHugh/Pinto)

**Response 4-77:** The No Action Alternative includes already approved projects, including improvements to the existing railcar float service between Greenville Yard and 65th Street Yard that would bring these facilities to a state of good repair. As discussed in Chapter 5, “Transportation” and shown in Table 5-5 of the DEIS, the Enhanced Railcar Float Alternative would move up to 2.8 million tons of freight per year in 2035, *in addition* to the freight that would be moved with the No Action Alternative. Development of any additional capacity above and beyond the No Action Alternative constitutes a Build Alternative. The greater potential of the Rail Tunnel Alternative to divert freight is disclosed in the DEIS. The Enhanced Railcar Float Alternative would help build up the rail freight market and infrastructure and may be developed as a precursor to the Rail Tunnel Alternative. Both are recommended for advancement to Tier II as Preferred Alternatives.

**Comment 4-78:** Why has PANYNJ designed a railcar-carrying barge that will carry only two cars more than the barge currently in use? The proposed barge increases capacity from 16 to 18 cars. Building a barge that increases the capacity by only two cars is a waste of funds when a much higher-capacity barge could be obtained at a very slight increase in cost. The increase cost of a significantly larger barge would likely be paid back in lower operating costs in a short time.

In earlier slide presentations at TAC and SAC meetings and again in oral presentations at East of Hudson Task Force meetings it was almost a given that a large-capacity barge holding between 30 and 36 cars would be purchased to carry rail cars between Greenville and Brooklyn. (Galligan/McHugh/Pinto)

**Response 4-78:** The statements in the comment are incorrect. The barge currently used by NYNJR is capable of carrying up to 14 railcars, depending on the

size and type of car. The proposed acquisition of new barges capable of carrying 18 railcars each would be a major step in enhancing the capacity of the railcar float operation.

The barge capacity contemplated at the time of earlier presentations at TAC and SAC meetings was based on conceptual plans. With the benefit of additional analysis and design work, it was subsequently determined that an 18-car barge would be optimal. An 18-car barge is the largest barge capable of being safely moved across the harbor by a single tug. Tugboat operators charge for their services by units of time. Since the cost of such services is the largest single component in NYNJR's operating budget, a barge design that would allow for additional volume, while keeping tug costs at the same level, would be ideal in terms of helping the operation grow and be financially self-sufficient.

**Comment 4-79:** Labeling the AGV, Chunnel, and Shuttle as alternatives diminishes the professional image of the report. These alternatives are not real alternatives. They are interesting examples of how the base tunnel could be used, how it could be marketed. The investments associated with them should be borne by the beneficiary, such as a railroad or private investor. They are not equal in status to the straightforward Rail Freight Tunnel and/or the Rail-Truck Tunnel alternatives by both cost of investment and magnitude of impact. (Galligan/McHugh/ Pinto)

**Response 4-79:** Each of the Rail Alternatives is different. As shown in Table 5-5 of the DEIS, the amount of freight moved by the each Rail Alternative is different. As shown in Figures 5-13 through 5-17, the number of daily train and truck trips that would result with the various Rail Alternatives is different. The infrastructure needs and needed land is also different for the various Rail Alternatives, as discussed in DEIS Chapter 6.1, "Land Use, Neighborhood Character, and Social Conditions."

**Comment 4-80:** What is the back-up tunnel route/alignment for the Rail Freight Tunnel should the Tier I DEIS potential route not be feasible? (Galligan/McHugh/Pinto)

**Response 4-80:** If the preferred alignment is determined to be unfeasible, a different tunnel route would require further environmental review.

**Comment 4-81:** The Rail-Truck Alternative presented in the DEIS should be dropped or replaced by a more creative application. If the Greenville-Brooklyn or, even better, the Staten Island-Brooklyn alignment were to pass under Owls Head Park, as has been suggested in earlier reports, it would be split into two branches in the tunnel under the park, so that one branch continues east to join the Bay Ridge Line. That segment would be all

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rail. The second branch would continue northward as a rail-truck tunnel up First or Second Avenue and emerge into what could become the new Port of Brooklyn. (Galligan/McHugh/Pinto)

**Response 4-81:** See Response to Comment 4-35. The proposed variation on the Rail Tunnel with Truck Access Alternative would not eliminate the potential for severe environmental impacts and challenges presented by the alternative considered in the DEIS. The Staten Island alignment was previously eliminated, as explained in Table 4-2 of the DEIS.

**Comment 4-82:** Double stack is not required east into Long Island or to the northeast or New England. The single deck Inter Rail approach would be the best way to service Long Island, New England, and points along the Northeast Corridor, absent a major investment to increase clearances on that line. (Galligan/McHugh/Pinto)

**Response 4-82:** Comment noted.

**Comment 4-83:** The proposed alternatives that focus on both rail and shipping options help to reduce the dependence on trucking and wear and tear on our roadways. It is assumed that whichever of these proposals is chosen, it will tie in to a freight rail system for Long Island. Freight rail is a benefit to Long Island communities and our region, unfortunately some projects such as Brookhaven Rail Terminal have been met with opposition due to environmental questions and concerns regarding overall public benefits of the projects. These issues will need to be addressed if an expansion of freight rail on the island is to happen. (Kyle)

**Response 4-83:** Comment noted.

**Comment 4-84:** Carload freight does offer the four truck per freight car advantage. And carload freight is largely compatible with the LIRR today, and can be made more so with modest capital investment to bring more of the lines up to "Plate F" clearance standards and increasing weight limits to 286,000 pounds system-wide. The big loads carried by carload freight take heavy trucks off the roads, and heavy trucks are disproportionately responsible for wear and tear on highways. Carload freight can be facilitated by constructing more transload facilities. These are smaller and cheaper than intermodal yards, which require much more land area for staging containers. (Reinhold)

**Response 4-84:** Comment noted.

**Comment 4-85:** The sensible thing to do would be to first build the needed facilities and consider harbor crossing improvements as projected demand begins to

exceed the capacity of the Hudson Line and Cross Harbor barge. (Reinhold)

**Response 4-85:** The Preferred Alternatives would likely be implemented following a phased approach, with certain Enhanced Railcar Float and near-term improvements and development of the freight facilities addressing the more immediate needs, while the planning and design for the Rail Tunnel progresses to address long-term regional needs.

**Comment 4-86:** No funding should be provided to massive capital improvement until a coordinated policy framework for enabling rail freight is established, and progress in building the needed infrastructure on Long Island is demonstrated. (Reinhold)

**Response 4-86:** This EIS is intended to identify the needed infrastructure to move freight by alternate means more efficiently. The framework for enabling rail freight exists. The framework does not preclude policy changes. PANYNJ is working with the New York City Economic Development Corporation (NYCEDC) and other regional stakeholder on the East of Hudson Rail Freight Taskforce, to coordinate needed improvement and resolve challenges. Regional agencies (New York Metropolitan Transportation Council [NYMTC] and North Jersey Transportation Planning Authority [NJTPA]) have developed regional freight plans that include rail. And New York State and State of New Jersey have developed state rail plans that include freight rail.

**Comment 4-87:** TDM is a common alternative in transportation-related EISs, but it is missing from the Cross Harbor DEIS. (Reinhold)

**Response 4-87:** TDM, or travel demand management, was considered in the initial list of alternatives, but was excluded from the study due to its inability to achieve stated goals and objectives (See Chapter 4, “Alternatives,” page 4-18).

**Comment 4-88:** Improvements to the CSX Hudson line, such as passing sidings and advanced signaling, should be studied. Passenger train conflicts on this line are no more severe than they are on the LIRR and there is more space available for solutions. (Reinhold)

**Response 4-88:** See Response to Comment 4-40. The available operating windows on the CSX Hudson line would be even more limited than the current condition after Amtrak’s Empire Service improvements are in effect.

Capacity improvements to the Hudson line may increase the competitiveness of the Northern Corridor, but will have a very limited impact on encouraging mode shift from truck to rail.

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**Comment 4-89:** The DEIS says “to fully realize the potential benefits of the Rail Tunnel Alternative and the associated improvements to the rail system, rail yards, and terminals, cooperation from a number of participants involved in moving freight to and through the area would be necessary. This would require changes in the institutional organization by New York and New Jersey area public agencies and the private freight railroads. The main goal of reorganization would be to streamline the current operational structure, and align commercial interests of the railroads with the goal of maximizing the public return on the proposed investments” (DEIS p. 5-3). But those same limitations affect east of Hudson rail freight today. The streamlining proposed in the DEIS could be initiated now, with very little capital cost. Bringing the stakeholders together to discuss solutions would be a start. (Reinhold)

**Response 4-89:** Comment noted.

**Comment 4-90:** The largest freight diversion according to the DEIS would be from the Truck Plus Rail Tunnel Alternative. Most of the diverted freight would be carried by truck in this alternative. So why not at least consider a truck-only tunnel? Instead of terminating at a rail line, it could be extended east, perhaps with several portals, and be designed to merge directly into the Long Island highway network. By restricting such a tunnel to vehicles that meet emission standards, a large overall improvement in regional air quality could result. (Reinhold)

**Response 4-90:** The Rail Tunnel with Truck Access Alternative was not selected as a Preferred Alternative and is not recommended for advancement to Tier II. The truck diversion projected for the Rail Tunnel with Truck Access Alternative would reduce truck traffic on existing crossings, but the truck component of that alternative would not reduce truck VMT or truck traffic on regional roadways. Furthermore, the design of the Rail Tunnel with Truck Access Alternative and the likely localized adverse environmental impacts would present a major challenge to implementation. With regard to restricting the tunnel to vehicles that meet emissions standards, laws prohibiting restrictions on interstate commerce and the national nature of goods movement would make the implementation of such a restriction challenging.

**Comment 4-91:** In one of the tunnel options, the DEIS suggests using automation to move containers through the tunnel across the harbor. Similar automation might be used to make rail barge operations more efficient. This might make rail barges more competitive and should have been studied. (Reinhold)

- Response 4-91:** AGV technology is well developed and extensively used in container ports and industrial facilities, and is considered as an alternative because it is a mature technology.
- Automated rail barge operations or AGV-carrying barge operations are technologies not previously developed.
- Comment 4-92:** We concur with the DEIS' conclusion in Chapter 4, "Alternatives," that clearance mitigation is a "required" infrastructure improvement needed to implement the Rail Tunnel Build Alternative and to realize its full benefits. Tier II work should gather existing documentation that the rail freight agencies have already completed, if any, on rail clearance conditions, survey results, mitigation designs and cost estimates. (Newell)
- Response 4-92:** Comment noted.
- Comment 4-93:** We concur with the factors raised under "East of Hudson Barriers and Constraints" in Chapter 5, "Transportation," concerning system unification (although the term "unification" is not used). The existence of the current "un-unified" system results in extraordinary costs and shipper uncertainty.
- In Tier II, we request that a "sub-alternative," in which some level of unification, market pricing, and clearances aimed at attracting rail freight shippers (at a lower operating cost and freight rates of the unified system) is modeled in order to evaluate the potential rail freight demand, impact, and financial feasibility of the measures as a best case projection to use as a benchmark or target. (Newell)
- Response 4-93:** Comment noted.
- Comment 4-94:** A suitably sized and geographically centered rail terminal as a component of a modern rail freight system will be an integral low-vulnerability part of any emergency preparedness plan. This important issue has not been explored and we believe should be included in Tier II documentation for national and regional resiliency. (Newell)
- Response 4-94:** A single rail terminal would result in greater localized environmental impacts than the development of multiple facilities, proposed as part of the Preferred Alternatives, to bring the freight as close as possible to its ultimate destination. By developing more than one terminal, the Preferred Alternatives would make the region more resilient than if only one facility were to be developed.
- Comment 4-95:** Chapter 4, "Alternatives," and Chapter 5, "Transportation," of the DEIS discuss "existing yards and terminals," citing their collective

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“inadequacy” for expanded freight volumes. The cited limitations on the ability to handle increased volumes of rail freight and lack of highway access may be accurate for other yards and terminals in the East of Hudson system, however, they do not apply to Brookhaven Rail, LLC. (Newell)

**Response 4-95:** Comment noted.

**Comment 4-96:** BR is requesting that the rail freight tonnage projections and cost benefit analysis to be done in the Tier II model include an alternative that envisions a rail freight environment and circumstances intended to attract rail freight from the market, including some or all of the following: an additional level of unification of the system; pricing and rate measures; clearances and other issues utilizing alternative public-private partnership opportunities for financing; cost-effective designed and sized container vessel(s) or other suitably sized interim waterborne alternatives; opportunity for public/private funding; account for the greater container packing weights for rail-bound containers than truck-bound containers due to highway and bridge truck weight restrictions; added level of truck VMT reduction achievable with co-located and packaging synergies; and potential benefits of beginning a high-volume waterborne alternative which will accelerate ramp-up and economic viability of the Rail Tunnel Build Alternative. (Newell)

**Response 4-96:** The “seamless,” “base,” and “limited” options for the Rail Tunnel Alternative simulate different levels of rail system unification and pricing. Public-private partnerships and cost-sharing opportunities and cost-efficient design and operation considerations will be evaluated for the alternatives that advance to Tier II.

**Comment 4-97:** Please consider effects on communities and human health as essential factors in picking an alternative, not as adverse impacts of a decision. (Parisen)

**Response 4-97:** Potential localized environmental effects on communities were considered in selecting the Preferred Alternatives and will continue to be considered in developing design and potential mitigation strategies as part of Tier II, as appropriate. Of the Rail Tunnel Alternatives, the Rail Tunnel Alternative (without the Service, Technology, and Truck Access option) was selected and recommended for advancement to Tier II, as the potential adverse effects would be less extensive and could be more easily mitigated.

**Comment 4-98:** Equipment updates must be addressed in Tier II, along with infrastructure. (Parisen)

## Chapter 12: Response to Comments Received on the DEIS

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- Response 4-98:** Equipment updates will be addressed in Tier II, as discussed in the DEIS and as noted in the comment.
- Comment 4-99:** Unlike the NYMTC freight villages market study, the DEIS focuses on what government wants, not on what businesses need. The Alternatives chapter of the DEIS focuses on grandiose building plans. Where is the market for these plans? Where is the demonstrated link between Alternatives and customers' logistics chains, and the identification of stakeholders who are lining up for each Alternative? (Parisen)
- Response 4-99:** Appendix A describes the private sector market research that supported the demand estimates.
- Comment 4-100:** CURES respectfully requests that the tunnel not be included in the Tier II EIS. This is because we have learned enough in Tier I to know that the tunnel doesn't provide sufficient benefits or have enough stakeholders to justify spending scarce public resources planning or building it. Tier I proves that the tunnel transfers problems from the Hudson River and harbor crossings to Brooklyn and Queens. Tier I proves that the tunnel can't do what its advocates said it would—get a lot of trucks off the road. Tier I proves that building the tunnel doesn't create capacity in the rail or roadway system, or a lot more customers who need or want rail. CURES asks you to redirect scarce public resources toward new ideas for freight movement and urgently needed passenger transportation. (Parisen)
- Response 4-100:** The comment is incorrect. The Tier I DEIS does not prove that the tunnel transfers problems from the Hudson River and harbor crossings to Brooklyn and Queens or that it does not get many trucks off the road. On the contrary, the DEIS shows that the Rail Tunnel Alternative would result in a range of regional benefits, as well as benefits to Brooklyn and Queens. The benefits include reduced congestion and VMT, as discussed in Chapter 5, "Transportation," job creation and economic value resulting from transportation improvements, as discussed in Chapter 6.2, and energy, GHG reduction, and air quality benefits, as discussed in Chapter 6.5, "Energy and Climate Change," and Chapter 6.6, "Air Quality," respectively. New ideas for freight movement and improvements to passenger transportation would not be precluded by CHFP. However, improvements to passenger transportation would not meet the purpose and need of the project.
- Comment 4-101:** Please focus on short- and long-term projects that have more benefits and stakeholders, and serve the needs of businesses and communities in 21st century New York City. (Parisen)

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- Response 4-101:** The purpose of and need for CHFP is to improve the movement of freight across the New York Harbor, as discussed in Chapter 1 of the DEIS. The benefits of the project to stakeholders, businesses and communities are widely discussed in the DEIS. Of the Preferred Alternatives recommended for advancement to Tier II, the Enhanced Railcar Float Alternative could be more easily implemented in the short term, while the Rail Tunnel Alternative would require more time to implement, but would result in long-term benefits.
- Comment 4-102:** Considering the extent of community impacts the current level of freight service has, I question how we are to justify the expense and impacts outlined in many of the build alternatives of the DEIS. Considering the negative impacts that one single train causes each day, this magnitude of growth is unsustainable and would be a literal nightmare of hardships for the residents of Ridgewood. (Maier)
- Response 4-102:** The DEIS did not quantify the extent of potential localized impacts of the Build Alternatives. Tier II will evaluate and analyze potential localized adverse impacts associated with the Preferred Alternatives and will explore potential mitigation strategies, where appropriate.
- Comment 4-103:** What prevents the New York Container Terminal/Howland Hook Marine Terminal (HHMT) from being a viable site or alternative consideration for the CHFP? Does it have anything to do with a lack of capacity in terms of roadway infrastructure and improving truck access to HHMT, which PANYNJ is undertaking efforts to expand?<sup>1</sup> (Garvin)
- Response 4-103:** A container barge alternative with a terminus on Staten Island would capture an even smaller market than the LOLO and RORO Container Barge Alternatives considered.
- Comment 4-104:** I'd like to see better rail infrastructure in the New York metropolitan area. Future generations will be impacted by decisions we make today and I believe railroads are the best solution for mass transit and freight in the area. (Moreau)
- Response 4-104:** Comment noted.
- Comment 4-105:** Because this Tier I DEIS does not indicate a preferred alternative, USEPA must rate each alternative identified. From the environmental perspective, No Action is the least appealing alternative. USEPA rates the following alternatives as LO—Lack of Objections:
- The Enhanced Railcar Float Alternative;

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<sup>1</sup> <http://www.panynj.gov/port/howland-hook-marine-terminal.html>

- The Truck Float Alternative;
- The Truck Ferry Alternative;
- The Lift On-Lift Off Container Barge Alternative; and
- The Roll On-Roll Off Container Barge Alternative.

The Rail Alternatives offer the greatest opportunities to decrease regional VMT and thereby reduce regional air emissions. The DEIS also indicates, however, that the new rail termini will result in local increases in locomotive and truck pollution. In addition, most of the Rail Alternatives would require some, as yet unidentified, land acquisition and construction of ventilation shafts. USEPA recognizes that emissions and land acquisition impacts will be quantified during the Tier II EIS. USEPA urges that every effort be made to minimize impacts to local host areas, especially low-income communities that suffer from disproportionate impacts of air pollutants. In the same vein, land acquisition should not damage coastal resources and other habitat that may be affected. In rehabilitation of existing tracks or construction of additional track on the New York side, consideration should be given to minimizing direct and cumulative impacts to communities. Given the planning timeframe and scale of the rail alternatives, these environmental and community considerations should be incorporated into detailed project development from the outset. In light of all these potential concerns, USEPA has rated all Rail Alternatives as EC-2—Environmental Concerns—additional information needed. (USEPA)

**Response 4-105:**

One of the alternatives rated by USEPA as LO—the Enhanced Railcar Float Alternative is recommended for advancement to Tier II as a Preferred Alternative. The Rail Tunnel Alternative, rated by USEPA as EC-2 because additional information is needed is also recommended for advancement to Tier II as a Preferred Alternative. More detailed studies will be performed as part of Tier II to determine the effect of potential localized increases in locomotive and truck emissions, and identify the land that would need to be required. As recognized by USEPA, such detailed studies are appropriate for Tier II assessment. Tier II will also identify options to minimize localized impacts and cumulative impacts, especially any potentially disproportionate impacts on low-income and other environmental justice communities. Coastal resources and other habitat would also be considered further in Tier II.

**Comment 4-106:**

Page ES-5 gives a description of the Enhanced Railcar Float Alternative that describes the upgrade of the existing car float operations, carrying rail cars (enclosed railcars used for bulk commodities) across the harbor. However, Table ES-1 lists a carload and “carload with intermodal” option in freight diversions, and Figure ES-3 gives a range of train and truck volumes that “reflects carload only service at the low

end of the range and intermodal service in addition to carload at the high end of the range.” This also happens on page 4-26 (description), Table 5-5 (diversion numbers) and Figure 5-9 (train and truck volumes). Chapter 5, “Transportation,” Section D, page 5-36 does discuss that float service could divert more freight “if intermodal freight could be accommodated.” USEPA is unable to find a clear description of an intermodal railcar float alternative in the document. If an intermodal railcar float is considered a viable alternative, it should be fully described as an alternative, environmental impacts discussed, and be included in Table 5-6 regarding Level of Service changes. (USEPA)

**Response 4-106:** Intermodal service is an optional component of the Enhanced Railcar Float Alternative. Traffic and environmental effects are described in ranges accounting for the “carload only” or “with intermodal option.” Further clarification regarding the carload and intermodal components of the Enhanced Railcar Float Alternative is provided in the errata.

**Comment 4-107:** An alternative site analysis was performed for sites in New York State. Why was no alternative site analysis done in New Jersey considering other sites such as Linden, Elizabeth, or southern New Jersey?

Why were no other port cities in New Jersey or further south considered for at least one of the alternatives (Linden, Perth Amboy, Elizabeth)?

Linden and Perth Amboy have expressed an interest in having this facility in their less-populated areas. Why can't this proposed facility be sited in Linden or Perth Amboy, rather than the environmental justice community of Greenville?

Have you considered shipping freight traffic to Linden, NJ instead of Jersey City? If so, please describe. Have you considered shipping traffic to other NJ locations instead of Jersey City? If so, please explain. Have you considered shipping the freight to other states instead of New Jersey? If so, explain. (Larkins)

**Response 4-107:** The Truck Float Alternative and Container Barge Alternatives considered alternative locations in New Jersey, including Port Newark/Elizabeth Port Authority Marine Terminal. A location in South Amboy was also considered as a terminus for the Build Alternatives (see p. 4-22). Other sites were rejected due to increased cost and transit times and reduced projected demand (see Table 4-2 and Sections D and F in Chapter 4). Multiple existing freight facilities and potential sites were considered in both New York and New Jersey. Two freight facilities in New Jersey would be needed for the implementation of the Preferred Alternatives—Greenville Yard and Oak Island Yard. The selection of the freight facilities for further analysis and consideration considered

the benefits of leveraging existing infrastructure and connections to the national freight transportation network.

**Comment 4-108:** PANYNJ has already spent \$155 million to purchase land at the Greenville Yards. Isn't it therefore a foregone conclusion that no alternative site would ever really be considered, the No Action Alternative is not being seriously considered, and the DEIS is a just a hand-waving activity used to pacify USEPA, NYSDEC, NJDEP and the community?

Why did you spend the money to create the alternatives, when you already determined that Greenville Yards was the place you intended to grow and even the "No Action" alternative includes expansion of Greenville Yards? (Larkins)

**Response 4-108:** The statements made in the comment are not true. There is an existing railcar float operation at Greenville Yard, which has been in operation since the early 1900s. PANYNJ purchased the NYNJR franchise in 2008 and has been operating it ever since. This franchise sails between Greenville Yard and two points in Brooklyn—the 51st Street and the 65th Street rail yard. Much of the infrastructure supporting this operation was destroyed during Hurricane Sandy. A temporary pontoon is currently in place to allow railcars to be loaded onto the barge. Repairs to this facility, including the construction of a new transfer bridge, are part of the No Action Alternative. PANYNJ is investing funds in these existing facilities to bring them to a state of good repair. These improvements that are part of the No Action Alternative have independent utility and would be implemented regardless of which Build Alternatives, if any, are implemented. The amount of investment quoted in the comment is also incorrect. It should be noted that a No Action Alternative in NEPA is not the same as the Existing Conditions. The No Action Alternative includes projects that are planned and approved that would be implemented in the future, by the analysis year for the EIS, i.e., 2035, in the case of CHFP.

**Comment 4-109:** Is construction work already being done at Greenville Yards to accept freight barges from New York City? (Larkins)

**Response 4-109:** There is an existing railcar float operation at Greenville Yard, which has been in operation since the early 1900s. PANYNJ purchased the NYNJR franchise in 2008 and has been operating it ever since. This franchise sails between Greenville Yard and two points in Brooklyn—51st Street and the 65th Street rail yard. Much of the infrastructure supporting this operation was destroyed during Hurricane Sandy. A temporary pontoon is currently in place to allow railcars to be loaded

onto the barge. Repairs to this facility, including the construction of a new transfer bridge, are part of the No Action Alternative.

**Comment 4-110:** If actions are being taken under the “No Action Alternative,” why is it called a “no action alternative”?

The No Action Alternative is a farce. Why is there no real No Action Alternative in the DEIS? Some actions proposed in the No Action Alternative, such as the long-term lease by PANYNJ of portions of Greenville Yard, would be unnecessary if the project does not move forward. (Larkins)

**Response 4-110:** Under NEPA, “No Action” does not mean that nothing happens. The No Action Alternative is the continuation of existing conditions and the implementation of already planned and approved projects. The long-term lease and other approved work to improve NYNJR are necessary to keep the existing operation in service and have independent utility. Even if none of the Build Alternatives move forward, the long-term lease by PANYNJ of portions of Greenville Yard and the improvements approved as part of the No Action Alternative would be needed.

**Comment 4-111:** Is the Greenville Yard Repair and Replacement Project being done in anticipation of funding of one of the 10 CHFP alternatives? (Larkins)

**Response 4-111:** The improvements to the NYNJR facility at Greenville Yard would bring the existing railcar float service at the yard to a state of good repair. The long-term lease and other approved work to improve NYNJR are necessary to keep the existing operation in service and have independent utility. The funding for any of the 10 CHFP Build Alternatives is not necessary for the existing operation to continue or for the approved No Action improvements to be implemented. The railcar float service would continue to operate whether or not a Build Alternative is implemented.

**Comment 4-112:** I would like to suggest a revised plan of moving the material by barge directly from New York through the Kill Van Kull to ports in Newark and Elizabeth. The ports already are equipped to manage freight by water and train. This would have the least harmful impact to the neighborhoods and families surrounding Greenville Yards. Please provide details about efforts to explore such a plan and why it is not considered in the proposals currently presented. (Larkins)

**Response 4-112:** Container barge service already operates between New Jersey and New York. Please see Response to Comment 4-107.

**Comment 4-113:** If one of the loading and unloading operations takes place in the Port of Norfolk, Virginia, or Savannah, Georgia, the loading and unloading

costs will be no more and likely less. Shipping by water is usually the cheapest mode in terms of ton-miles and hundreds of miles of travel on the congested I-95 corridor will have been avoided. I suggested this alternative during the scoping process, but it was rejected as out of scope. Yet four other waterborne non-rail options were considered. (Reinhold)

**Response 4-113:** The identified purpose and goals of the project are to move freight serving the New York/New Jersey region and to reduce truck traffic on the harbor crossings (see Chapter 1). The above proposal did not meet this purpose.

**Comment 4-114:** The DEIS speculates that the breakeven point (where truck and carload rail costs are equal) could be reduced by various techniques, such as shuttle trains, but provides no concrete examples where this has succeeded. \$7 billion is too much to spend on a transportation experiment. (Reinhold)

**Response 4-114:** The DEIS does not make this speculation.

**Comment 4-115:** I represent Ward C, Journal Square. Put some effort into the terminal in Journal Square and the PATH trains. (Boggiano)

**Response 4-115:** The CHFP purpose and need is to improve the movement of freight across the harbor, as discussed in Chapter 1 of the DEIS. Improvements to Journal Square and the PATH trains would not meet the CHFP purpose and need.

**Comment 4-116:** To use 19th century railroad technology to solve a 21st century problem without taking advantage of new freight modalities is foolish. (T. Giordano)

**Response 4-116:** Rail technology continues to improve and such improvements are continuously being made in the rail freight systems and networks. There is demand for rail freight service, as evidenced by the regional growth in freight rail, including NYNJR, as well as by the demand projections shown in DEIS Table 5-5.

**Comment 4-117:** We, and Community Board 5, have the only freight rail yard, the only major freight rail yard in certainly the western portion of Long Island. And all of the freight that comes into Queens and then goes out on the Island and goes back up to Selkirk, very often empty, and empty cars have to come through Glendale and come through Middle Village. (G. Giordano)

**Response 4-117:** With the Preferred Alternatives, freight facilities in Brooklyn, the Bronx, Long Island and New Jersey would also be developed. Freight

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would not be transloaded (between rail and truck) at the Fresh Pond Yard and that yard is smaller than other facilities proposed. Potential localized impacts will be studied in more detail in Tier II and options to mitigate adverse impacts will be developed.

**Comment 4-118:** To ignore the potential to increase freight movement in and out of New York City at our major airports highlights how this multi-million dollar study has narrowed its focus to a point that their conclusion would be foregone except when viewed in the “real” world. (T. Giordano)

**Response 4-118:** The majority of freight moving to/from the region is not compatible with air service. Air freight typically moves high-value, low-weight goods that are time-sensitive. Increasing air capacity will not serve the large volumes of key consumption products that need to move across the Hudson (see page 1-14). Furthermore, freight transport is declining at PANYNJ airports. Freight carried by air is delivered by truck to its ultimate local destination, and diverting those truck trips to a different mode would not be practical.

**Comment 4-119:** You are expecting to build a new float that will increase your capacity by one. Unfortunately, it’s only 18 cars and they’re 60-foot cars. That’s the No Build. The repaired car float system is the No Build. (McHugh)

**Response 4-119:** This is not correct. As discussed in the DEIS, the No Action Alternative includes improvements to the railcar float operation, including the purchase of a new railcar float. The Enhanced Railcar Float Alternative would include additional improvements, as discussed in Chapter 4, of the DEIS. As shown in Table 5-5 of the DEIS, the Enhanced Railcar Float Alternative would move up to 2.8 million tons of freight per year *in addition* to the No Action Alternative.

**Comment 4-120:** The DEIS does not really do the job well. It doesn’t do it fast enough and puts the opportunities for improved rail freight at risk, particularly the delay that’s caused by the rail marine. The rail marine is, in my view, inadequate and unreliable. (Galligan)

**Response 4-120:** Comment noted.

**Comment 4-121:** While the best option may be to improve the freight by train network, one must suspect that would not occur due to prior resistance from the New Jersey governor when he cancelled plans for a tunnel several years ago. Please continue your work in developing a real plan for freight utilizing barges that could capitalize on utilizing 2 to 3 smaller existing locations rather than one larger depot. The residents would not welcome one large area. (Healey)

**Response 4-121:** Comment noted.

**Comment 4-122:** PANYNJ has proposed a plan to move freight from New York through the Greenville Section via barge to the Greenville Yards and then move the freight from there via rail. The proposed plan will have a significant negative impact on the Greenville Section of New Jersey. In particular, the negative environmental impact to the Greenville Section includes noise and air pollution and risks of toxic hazards. The Board of Chosen Freeholders of the County of Hudson strongly opposes PANYNJ's proposed CHFP. (Santos)

**Response 4-122:** The Board of Chosen Freeholders discussed the movement of freight via railcar float. It should be noted that in addition to the Enhanced Railcar Float, the Rail Tunnel Alternative was selected as a Preferred Alternative and both are recommended for advancement to Tier II. More important, it should be noted that the DEIS did not specifically identify significant adverse impacts to communities. Tier II will further evaluate and analyze potential localized adverse impacts associated with the Preferred Alternatives and will explore potential mitigation strategies, where appropriate. The Board of Chosen Freeholders of the County of Hudson will be included in future outreach activities.

**Comment 4-123:** This project must be abandoned by PANYNJ. Your own environmental report states that this is going to be detrimental to the health and welfare of the people that live in this area.

PANYNJ should be sitting still at this time because of Bridge Gate, because of taking over the Atlantic City Airport, the funding of the reconstruction of the Pulaski Skyway. These are all things that are black eyes for PANYNJ.

It doesn't create jobs. It creates havoc. It creates stress.

Please have senior administrators stop this project. It does not benefit anyone. (Falcicchio)

**Response 4-123:** The DEIS does not state that the project would be detrimental to public health and welfare. The DEIS discloses a wide range of benefits and identifies areas where further detailed study in Tier II is needed to determine the potential for adverse local impacts and explore mitigation strategies.

PANYNJ is involved with the project because it has the ability to develop projects both east and west of Hudson, as a bi-state agency, with control of multiple facilities for freight movement, including NYNJR.

As discussed in DEIS Chapter 6.2, "Economic Conditions and Effects," the Build Alternatives would create job opportunities and beneficial

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economic activity. As discussed in the various subchapters of Chapter 6, CHFP would benefit the region.

**Comment 4-124:** Please provide a description, in plain English, of the Greenville Yard Repair and Replacement Project. (Larkins)

**Response 4-124:** The project is part of the No Action Alternative. It includes the purchase of replacement lift bridges, new fenders at the replacement lift bridges, support tracks to connect up to two lift bridges to the rail network, raising the elevation of the yard, purchase of two railcar floats, purchase of up to two ultra-low emission locomotives for Greenville Yard, and other minor improvements at the yard. See Response to Comment 2-11.

**Comment 4-125:** Due to the many challenges associated with the rail alternatives, including the infrastructure constraints associated with clearance and weight restrictions and the operational challenges of sharing infrastructure with the busiest commuter railroad in North America, pursuing the Rail Tunnel Alternative will prove challenging and will require careful, in-depth analysis in the Tier II phase and close coordination with the MTA. Our recommendations for further study are provided below:

Enhanced Railcar Float Alternative—We believe this alternative sufficiently meets all four project goals and we recommend it is advanced for further study.

Rail Tunnel Alternative—We recommend this alternative is advanced or further study. We believe this alternative has the potential to sufficiently meet all four project goals, though may require mitigation efforts in the Maspeth Yard area, the 65th Street Yard, and 51st [Street] Yard areas, and in areas surrounding Long Island facilities.

Rail Tunnel with AGV Technology Alternative—We do not recommend advancing this alternative. We have concerns about commingling AGV platforms with regular freight train service on the Bay Ridge Branch. The DEIS does not include a discussion of whether there is an example where AGV platforms and freight trains currently share track space, or whether this option would be permissible to FRA and other federal regulators.

Rail Tunnel with Truck Access Alternative— We do not recommend advancing this alternative. This alternative would place significant new roadway demands on the area surrounding the East New York terminal. We also have concern about sharing the existing Bay Ridge Branch rail infrastructure right-of-way with a vehicle roadway, as is described in this alternative. (MTA)

- Response 4-125:** Comment noted.
- Comment 4-126:** We suggest that the newly opened Wheel Spur Yard in Long Island City, Queens be added to the list of potential supporting facilities when discussing the alternatives. The Wheel Spur Yard has both rail access and the potential for future marine transloading (pp. 4-24, 4-25). (MTA)
- Response 4-126:** Wheel Spur Yard is included in the errata, in the list of potential supporting facilities.
- Comment 4-127:** I express my opposition to the proposed CHFP. I do not believe the tunnel alternative is an appropriate solution. It could have negative impacts on residential neighborhoods located adjacent to Fresh Pond Rail Yard. The DEIS contains projections of impacts on a 54-county area and, as such, does not adequately address or reflect the realities for neighborhoods and residents in Queens, whose daily quality of life would be significantly affected by a Cross Harbor rail tunnel. I reject the tunnel option in favor of alternatives that might make better use of local waterways, aid in upgrading existing and antiquated rail freight systems, reduce traffic congestion, and otherwise improve upon current transport methods. (Addabbo)
- Response 4-127:** Comment noted.
- Comment 4-128:** I support the expansion of freight rail in the greater New York City region. My constituents in Eastern Long Island would be key end-stage beneficiaries of any expansion of rail freight in the New York City region. The expansion of rail freight capacity in the New York region, especially on Long Island, is also an essential element in emergency preparedness. A reliable modern rail freight system for areas east of the Hudson River is of critical importance to local and national security. (Zeldin)
- Response 4-128:** Comment noted.
- Comment 4-129:** The reliance on trucks is a drag on business. During the Comprehensive Port Improvement Plan (CPIP) planning process, many Brooklyn businesses complained that traffic to New Jersey ports was so bad that driving times were too long and unpredictable, making it hard to schedule their pickups.
- Much of the study focuses on the need to improve freight movement for the future, but the truck burden is excessive NOW because it:
- Slows driving times
  - Leads to serious air pollution problems (waterborne transportation causes less air pollution)

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- Causes such wear and tear on roads and bridges that they are in a constant state of repair (or shambles). (Salguero)
- Response 4-129:** Comment noted.
- Comment 4-130:** We recommend making the barge a combined RORO barge.
- This will help service businesses in New York City east of the Hudson. The belt of manufacturing businesses from the Brooklyn Navy Yard to Sunset Park and big box stores lining the Brooklyn waterfront are likely customers.
  - Servicing trucks will help the carfloat business grow faster, as the service grows, carfloat frequency will increase, making the service more desirable.
  - The RORO option will allow oversize items, large construction equipment, the modular houses being assembled in the Brooklyn Navy Yard, etc., to be moved without jamming up the roadways.
  - This would also allow the possibility of adding air freight to the service. The FedEx and UPS depots for most of the boroughs are within a few hundred yards of the waterfront. The FedEx has a depot in Sunset Park, a short drive from your float bridges.
  - If would make the service a stronger resiliency asset, because people could be evacuated on buses, emergency equipment (such as ambulances or firetrucks) could be mobilized to the location, temporary housing trailers, or food and medicine in bulk could be delivered, etc. (Salguero)
- Response 4-130:** Comment noted.
- Comment 4-131:** We recommend looking at other New York City locations that could be temporary/emergency docking locations. Resiliency plans for Lower Manhattan are being discussed. It should include a port facility that could receive a barge float for evacuation/removal or delivery of items. (Salguero)
- Response 4-131:** While any of the potential waterborne facilities identified in the DEIS could likely be used in an emergency for evacuation or delivery of items, the purpose and need of the project is to improve the movement of freight across the harbor on a regular basis. None of the Alternatives would preclude others from developing temporary/emergency docking locations, as part of resiliency plans for Lower Manhattan or other projects.
- Comment 4-132:** We recommend looking at other locations in New York City that could be long-term partners for regular service. Look into distribution from Hunts Point by water to make Hunts Point more resilient using waterborne distribution. (Salguero)

- Response 4-132:** As discussed in Chapter 4, “Alternatives,” Hunts Point Yard was considered as a terminus for the Truck Float and Truck Ferry Alternatives. Oak Point Yard, within Hunts Point, is also under consideration.
- Comment 4-133:** The Buckeye Pipeline currently carries jet fuel, as well as other hazardous products, to JFK Airport and other destinations. The project contemplates relocation of the pipeline to enable the track bed to be lowered and widened. Resolution of all pipeline relocation issues should precede selection of alternatives to be advanced to Tier II. (Berk)
- Response 4-133:** The conceptual relocation of the Buckeye Pipeline would be developed as part of the engineering effort to support a Tier II analysis of the Preferred Alternatives, if appropriate.
- Comment 4-134:** In Chapter 4, “Alternatives,” there is reference to a list of projects in Appendix A that fall under the No Action alternative, and will be pursued irrespective of the 10 Build Alternatives, yet that list was not provided in Appendix A. Given that any increased rail and barge activity will take place at NYCEDC’s 65th St and 51st Rail Yards, NYCEDC requests the list to be provided to confirm any assumptions built into the No Action alternative are accurate. (City of New York)
- Response 4-134:** A note regarding the DEIS reference to the list is included in the errata.
- Comment 4-135:** PANYNJ and MTA should consider decking over the open cut portions of the Bay Ridge Branch and selling and/or leasing the air rights, to raise additional funds for the construction of the tunnel. (BHRA)
- Response 4-135:** Comment noted.
- Comment 4-136:** The cap on the Brooklyn shaft off Shore Road should be opened, and the extant tunnel examined, and its already built length determined, for possible future use. (BHRA)
- Response 4-136:** Comment noted.
- CHAPTER 5: TRANSPORTATION**
- Comment 5-1:** Efficient freight movement is integral to a healthy City economy. (deBlasio)
- Response 5-1:** Comment noted.
- Comment 5-2:** Too much freight currently enters New York by way of a single, heavily traffic crossing, the George Washington Bridge. The resulting delays increase the cost of doing business while raising the prices that New Yorkers pay. (deBlasio)

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- Response 5-2:** Comment noted.
- Comment 5-3:** Shifting freight to rail will open a new supply chain, especially for freight arriving from the south and west of New York City. (deBlasio)
- Response 5-3:** Comment noted.
- Comment 5-4:** Large shipments arriving to the City by rail can be distributed out into a network of rail routes and more localized delivery vans and small trucks east through Long Island, reducing last mile truck traffic. (deBlasio)
- Response 5-4:** Comment noted.
- Comment 5-5:** When Hurricane Sandy disrupted the Port, fuel supplies were delayed for weeks. Rail can avoid obstructed crossings and bring large volumes of cargo into the City largely unfettered. (deBlasio)
- Response 5-5:** Comment noted.
- Comment 5-6:** The Cross Harbor Freight Tunnel will complete the system in New York, finally connecting New York City to the national freight network. Expanding freight connections reduced the transaction costs of changing modes multiple times from rail to truck, to truck and back. (deBlasio)
- Response 5-6:** Comment noted.
- Comment 5-7:** Last year, private railroads invested \$25 billion in the nation's rail systems, an important consideration at a time when infrastructure investment is a major challenge. (deBlasio)
- Response 5-7:** Comment noted.
- Comment 5-8:** A double-stack rail freight tunnel will improve the region's security by ensuring that goods can still be delivered in an event where access to the George Washington Bridge or other Hudson River crossings is disrupted. (Mark-Viverito)
- Response 5-8:** Comment noted.
- Comment 5-9:** As currently written, the plan is unworkable and unacceptable and would lead to a significant increase in truck traffic in our local neighborhoods in Queens. (Nolan)
- Response 5-9:** One of the goals of the CHFP is to address the region's over-reliance on trucks for freight movement, and to examine other modes of transportation (such as water and rail) to bring freight as close as possible to its final destination, relegating truck transport to the proverbial "last mile travelled." As noted in the Tier I DEIS, depending

on the alternative, this may result in an increase in local truck traffic in areas adjacent to support facilities (e.g., freight yards) where freight will need to be transloaded from rail onto truck for the final journey to destination. However, it is important to note that even under the existing freight movement system, which is almost totally dependent on long-haul trucks, truck traffic does not end once trucks have crossed the Harbor by way of a bridge or tunnel. These truck movements continue until the freight reaches the factory, warehouse, distribution center, residence or other location where it is to be delivered. As a result, many of these trucks travel over local highways and over streets and roadways in local communities. By virtue of relegating truck transport to the “last mile travelled,” the alternatives under consideration in the Tier I DEIS would reduce overall truck VMT in the counties where such transloading facilities are situated, with the exception of the Rail Tunnel with Truck Access Alternative, which would result in a VMT increase in Brooklyn. The Rail Tunnel with Truck Access Alternative was not selected as a Preferred Alternative and is not being recommended for advancement to Tier II.

It is also important to note that Tier II will evaluate and analyze potential adverse impacts of local truck traffic and will explore potential mitigation strategies, where appropriate. These could include, among others, additional or re-timed traffic signaling, new turning lanes, and dedicated truck routes.

**Comment 5-10:**

According to Section 5 of the DEIS, the CHFP Tier I Build Alternatives are expected to benefit regional through traffic, but may increase local traffic in the vicinity of major freight transfer nodes. Based on the latter expectation, the Tier I DEIS identifies intersections near major nodes for detailed traffic analysis in Tier II. None of these are in Brooklyn Community District 14 (CD14). Although CB14 applauds the projected regional traffic reduction, as mentioned earlier, some of the Build Alternatives involving trucks and/or containers seem to have the potential to increase truck traffic on NY27 within CD14. This would create air quality, noise, and traffic problems for local residents, businesses, and institutions. (Berk)

**Response 5-10:**

A substantial increase in truck traffic on NY27 within CD14 is not anticipated with the Preferred Alternatives. If more detailed evaluation in Tier II reveals the potential for a substantial increase in truck traffic beyond the network of intersections identified in the DEIS, the extent of the study will be broadened to include CD14. Tier II air quality and noise analyses would be performed at the intersections as needed, based on the traffic study.

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- Comment 5-11:** CB14 believes that the selection of Tier I Alternatives to be advanced to Tier II should be informed by projections of traffic along the three east-west corridors. Such projections would benefit from baseline traffic flow data. (These data would enable projections of any *reductions* in truck traffic associated with one of the “train” alternatives.) (Berk)
- Response 5-11:** Detailed traffic data would be part of Tier II analysis.
- Comment 5-12:** CB14 requests that the decision to move any Alternative to Tier II be predicated on collecting detailed baseline traffic flow data along NY27 at one of its intersecting arterials, specifically, at the intersection of Caton Avenue and Flatbush Avenue. Traffic flow on Flatbush Avenue should also be measured. Similarly, baseline measures should be taken for air quality and noise. (Berk)
- Response 5-12:** A substantial increase in truck traffic on NY27 within CD14 is not anticipated with the Preferred Build Alternatives. If more detailed evaluation in Tier II reveals the potential for a substantial increase in truck traffic at the locations mentioned in the comment, baseline data for traffic, air quality and noise will be collected at that time.
- Comment 5-13:** The increased truck trips generated by the tunnel alternatives would flood our city streets, and in many cases be utilizing roadways that are not built for it. Much of this truck traffic would not be destined for New York City locations, but would simply be moving the tractor trailer traffic from Hudson River vehicular crossings to the outer boroughs, while increasing that burden in the worst case scenarios presented by the DEIS. (G. Giordano, Maier)
- Response 5-13:** Projected population and economic growth in New York City suggest freight demand will increase in the future. The Build Alternatives would shift some of that demand from trucks to an alternative mode, such as rail or water. One of the goals of the CHFP is to reduce truck traffic and use other modes to bring freight as close as possible to its ultimate destination, relegating truck transport to the proverbial “last mile traveled.” See Response to Comment 5-9.
- Comment 5-14:** It will be very good get some of the truck traffic off of the streets and relieve a lot of communities, particularly communities that are suffering from a lot of issues to begin with. (Williams)
- Response 5-14:** Comment noted.
- Comment 5-15:** The benefits from the construction of this project are overwhelming in terms of taking traffic off of the streets. (McCabe)
- Response 5-15:** Comment noted.

## Chapter 12: Response to Comments Received on the DEIS

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- Comment 5-16:** In the absence of rail infrastructure, most of the goods that come to our region are hauled by the trucks. It's inefficient. (Brewer)
- Response 5-16:** Comment noted.
- Comment 5-17:** Numerous trucks pass through the residential areas that comprise our Board. These trucks either sit in traffic jams spewing diesel fumes into the air that we breathe, or are grinding their gears as they shift, creating aggravating noise pollution.
- Worst of all are the accidents caused by the negligent driving habits of the vehicles' operators and unrealistic schedules that they must follow. (Prince)
- Response 5-17:** Reducing truck traffic is one of the goals of CHFP. Reduced truck VMT reduces the risk of accidents.
- Comment 5-18:** The estimated two percent reduction in Queens of VMT by trucks is notable, but the increase in total truck traffic around the Maspeth yard is of concern, in addition to the increased frequency of freight trains. (Meng)
- Response 5-18:** See Responses to Comments 5-9 and 5-13.
- Comment 5-19:** According to PANYNJ, roughly 12,000 trucks cross the George Washington Bridge into New York every day. Since these trucks cannot veer onto the Henry Hudson Parkway towards Lower Manhattan, all 12,000 unavoidably end up on the Cross-Bronx Expressway. As a plurality of these trucks—approximately 2,500—are destined for Bronx locations, most avenues and intersections in the borough inevitably succumb to a high volume of truck traffic. (Engel)
- Response 5-19:** Comment noted.
- Comment 5-20:** Protecting our environment, ensuring better air quality for all, and taking trucks off the street and making Queens safer is a priority for me, as it should be for all of us. (Van Bramer)
- Response 5-20:** Comment noted.
- Comment 5-21:** There are no recognized truck stops along this route, nor are there any truck inspection stations. This results in trucks parking on city streets illegally overnight, removing valuable parking from the community. We also question the safety standards of the trucks. There is not enough land along the roadways to establish a truck inspection station, to gauge the road-worthiness of the trucks and the health of the drivers. (Prince)
- Response 5-21:** Comment noted.

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- Comment 5-22:** Oak Point Yard in the Bronx is uniquely situated to handle the region and the nation’s freight transfer needs. The Borough’s health will increase markedly, as will its employment situation. (Prince)
- Response 5-22:** Comment noted.
- Comment 5-23:** With few exceptions the final leg of the shipment will move by truck. You are not reducing truck shipments but merely moving the location for pick-up and/or delivery. (Toth)
- Response 5-23:** The objectives of the CHFP do not include reducing the number of shipments, but instead, aim to “reduce the vehicle miles traveled by freight trucks that utilize Hudson River, East River, and Staten Island bridge crossings;” and “reduce the truck contribution to the travel-time and delay on regional highway network” (see page 1-17). The aim is to shift the freight movement to alternative modes and use trucks for the final leg of the trip, reducing truck VMT. See Response to Comment 5-9.
- Comment 5-24:** Our dependence on trucking not only has city wide effects, but also has direct impacts on neighborhoods in my district, due, in particular, to the lack of eastbound tolls on the Verrazano Bridge, which causes heavy truck traffic along essential local thoroughfares like Canal Street in Manhattan. (Squadron)
- Response 5-24:** Comment noted.
- Comment 5-25:** In my district, a Cross Harbor tunnel means direct positive impacts on our local community—from reduced pollution, to a less crowded Canal Street or Kent Avenue in Brooklyn. (Squadron)
- Response 5-25:** Comment noted.
- Comment 5-26:** Reasons given for not using other routes: too low an overhead clearance, too heavy a load for the trackage and regulations and rights-of-way, are the exact same problems on the Bay Ridge line. All three are planned for remediation or addressing. Other routes are being remediated—why not this one? (T. Giordano)
- Response 5-26:** The reason why the use of the Bay Ridge Branch is proposed is that it is a unique freight dedicated and grade separated asset that serves the Brooklyn and Queens markets, which account for approximately 40 percent of the projected demand for the Build Alternatives. While the Build Alternatives do not preclude improvements on other rail lines, such improvements would not directly meet the purpose of and need for the project to improve the movement of freight across the harbor.

- Comment 5-27:** Truck traffic movement could be a lot more efficient than it is. Maybe incentives can be given to have trucks move at off hours.
- Things need to be done in the short term to improve the movement of freight and we shouldn't have to wait 10 years for that to happen. (G. Giordano)
- Response 5-27:** There are regional efforts to improve efficiency of truck movement. The Travel Demand Management Alternative was considered, but was screened out from further study due to its inability to achieve stated goals and objectives (See Chapter 4, "Alternatives," page 4-18). A short-term alternative, the Enhanced Railcar Float Alternative has been selected as a Preferred Alternative for further evaluation in Tier II.
- Comment 5-28:** I am concerned about more truck traffic. (Jean Ryan)
- Response 5-28:** The Preferred Alternatives would reduce truck volumes and truck VMT. See Response to Comment 5-9.
- Comment 5-29:** A quicker and more economical solution than a Cross Harbor freight tunnel seems to be a big return of car floats between New Jersey and Brooklyn. (Kumelowski)
- Response 5-29:** Comment noted.
- Comment 5-30:** Moving freight off our roads and onto the rails will decrease wear and tear on our infrastructure and increase pedestrian and roadway safety. (Pellecchia)
- Response 5-30:** Comment noted.
- Comment 5-31:** We need to modernize our infrastructure, particularly when it comes to ensuring reliable and efficient movement of people and products. (Wylde)
- Response 5-31:** Comment noted.
- Comment 5-32:** We have found that lack of logistics facilities as well as traffic congestion, high tolls, and inadequate air freight facilities, are all major obstacles to expanded manufacturing of goods for export from the region. (Wylde)
- Response 5-32:** While the Preferred Alternatives would benefit future manufacturing, that is not the objective of the project. As discussed in Tier I DEIS (see generally Chapter 4, Sections F to I), each of the alternatives reviewed would require the construction or expansion of facilities necessary for the support or operation of such alternatives, including facilities for freight car storage and sorting, and merchandise transloading.

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- Comment 5-33:** Brooklyn is the only place north of Norfolk that can handle the post-Panama ships. So it is the most valuable piece of maritime territory in the country and it needs to be developed. (McHugh)
- Response 5-33:** The Port of Baltimore in Maryland and Global Marine Terminal in New Jersey can currently accommodate Post-Panamax vessels. Pending completion of the Bayonne Bridge Navigational Clearance Project, Port Newark, the Elizabeth Port Authority Marine Terminal, and the Howland Hook Marine Terminal, Staten Island will be able to accommodate Post-Panamax vessels.
- Comment 5-34:** The Cross Harbor Tunnel will allow trains to transport goods into Brooklyn, Queens, Nassau and Suffolk Counties, where trucks can transport those goods to their final destinations, bypassing Manhattan and the three roadways that cross the Hudson. This reduces congestion and maintenance of the highways, roads and bridges. (Demopoulos)
- Response 5-34:** Comment noted.
- Comment 5-35:** Enhanced rail freight and passenger service is essential to reduce car and truck congestion in the New York, New Jersey, Connecticut metropolitan region. (Haikalis)
- Response 5-35:** Comment noted.
- Comment 5-36:** The tunnel will create traffic at grade crossings and there is no yard that can handle double-stack containers. (JonathanC)
- Response 5-36:** For the Preferred Alternatives, Tier II will evaluate and analyze potential adverse impacts of traffic at grade crossings and will explore potential mitigation strategies, where appropriate. It is true that no intermodal yard currently exists in the East of Hudson area (New York City, Long Island, and southern Connecticut). Intermodal yards will continue to be evaluated in Tier II, in terms of the need for such facilities, and whether the need (if any) for such facilities can best be satisfied by the expansion or modification of existing facilities or the construction of new facilities. As described in Chapter 4 of the DEIS, an intermodal yard is proposed in Maspeth and based on the projected demand, the DEIS assumed that an intermodal yard would be developed in the Nassau/Suffolk area independent of the CHFP.
- Comment 5-37:** All references to the “Upper Bay Lift Bridge” should be revised to read “Newark Bay Lift Bridge, known locally as the Lehigh Valley Lift Bridge.” (USCG)
- Response 5-37:** The revised references are noted in the errata.

- Comment 5-38:** Page 5-37, first and third paragraphs: references to Table 5-4 regarding freight diversion should refer to Table 5-5 on page 5-38. (USCG)
- Response 5-38:** The revised references are noted in the errata.
- Comment 5-39:** Figures 5-8 through 5-12 should include the existing and projected number of vessel crossings. (USCG)
- Response 5-39:** The errata include updated figures that show the existing and projected number of vessel crossings.
- Comment 5-40:** Page 5-47, “Potential Mitigation Measures”: Should include a Maritime Navigation Mitigation paragraph. This should include reference to the existing Port of New York Anchorage regulations codified at 33 CFR Part 110.155(1)(11) regarding moored or anchored vessels that impede or obstruct vessel movements in any channel; or obstruct or interfere with range lights; or obstructs or endangers the passage of vessels in transit by, or to or from, adjacent wharf property or impedes the movements of vessels entering or leaving adjacent slips. This information could be included within a maintenance of waterway traffic plan for any work within any Federal Navigation Channels or waters historically used by commercial vessels.
- In addition, any tunnel should be designed and buried to a sufficient depth as not to be impacted by the deployment of any existing vessel’s anchor nor by the deployment of any larger vessel’s anchor projected to transit the area after the tunnel has been constructed. (USCG)
- Response 5-40:** Anchorages and marine navigation would be considered in an operations plan as part of a Tier II analysis. Engineering plans will account for the safety and operations of ships for the Rail Tunnel Alternative. The tunnel would be deep enough to avoid impacts on navigational channels and vessel anchors. Please see Figure 4-15. The reference to the applicable regulations is included in the errata. Coordination with the appropriate regulatory agencies will continue during Tier II and as tunnel design progresses.
- Comment 5-41:** The applicant must not assume right-of-way over other pre-approved projects. The USCG will not facilitate scheduling conflicts between projects. The Coast Guard assumes no responsibility for any damages sustained or caused by the contractor’s equipment or vessels along the project route. (USCG)
- Response 5-41:** Comment noted.
- Comment 5-42:** We depend more and more on a few bridges to bring us everything—bridges that we do not control, bridges that are already operating over

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capacity, bridges that will, in twenty years or so, begin to fail. We must begin to work toward breaking our dependency on New York City bridges. (Bodkin)

**Response 5-42:** Comment noted.

**Comment 5-43:** Past studies have shown at least on New Jersey highways trucks make up only 3 percent of the traffic and in the case of rush hour in North Jersey approximately 7 percent. It's not the trucks that are causing the congestion. (Toth)

Half-truth: trucks are the cause of New York City and Long Island traffic problems. As the DEIS points out, trucks are not the major source of peak demand on the region's highways. Unlike commuters, trucks operate throughout the day and many try to avoid peak congestion. Differential tolling can induce more of them to do so. (Reinhold)

**Response 5-43:** All vehicles using the region's road transportation infrastructure contribute to congestion. The truck contribution to adverse effects on air quality, noise, congestion, and wear and tear on the infrastructure is disproportionate to the truck volume share. To address the purpose and need of the proposed project, the Build Alternatives are focused on the improvement of movement of freight rather than on personal vehicle commutes.

**Comment 5-44:** There is no indication that the tunnel would divert trucks from the regional bridges and tunnels. (T. Giordano)

**Response 5-44:** Compared with the No Action Alternative, the Waterborne Alternatives would result in a reduction of nearly 300 eastbound trucks from the harbor and Hudson River crossings. The Rail Tunnel Alternatives would result in a reduction of 700 to 900 eastbound trucks per day (page 5-43). See Response to Comment 5-9.

**Comment 5-45:** While I understand the Cross Harbor Freight study, and the long-desired Tunnel are focused on service in New York City and Long Island, they would also, if leveraged properly, have a big impact on Connecticut and New England, since we get so many consumer good delivered via north Jersey.

Avoiding the Selkirk Hurdle would increase rail's market share against trucks for shipments to New England. This traffic would likely flow via an extended version of Providence & Worcester Fresh Pond-Cedar Hill (P&W FPCH) and CHFP, which would be extended/connected to north Jersey via Conrail Shares Assets for regular carload freight on a daily (or nightly as Metro-North might dictate) basis. (A. Wood)

- Response 5-45:** Comment noted.
- Comment 5-46:** Based on the limited clearances on Metro-North's New Haven Line, traditional TOFC will not fit. I'm not sure if special low-deck open intermodal cars could be created to get 13'6" trucks plus rail cars to clear the 15'6" rail clearances, but even in the event that they cannot, well cars or spine cars with single-level containers or, if they would clear the wire, well cars with truck trailers would provide a vital link between New England and north Jersey, while reducing the truck traffic here in Connecticut. (A. Wood)
- Response 5-46:** The freight projections for the Build Alternatives reflect the clearance limitations on the New Haven Line.
- Comment 5-47:** I sought out the Transportation Chapter (5) specifically to section D, "Potential Effects of the Project Alternatives" to see the results of the demand and mode choice modeling that was to be shown in Table 5-4, but when I went to Table 5-4 the title and content were about the New York and Atlantic Railroad Car Volumes, which, while interesting, were not a critical underpinning of the work. (Weisbrod)
- Response 5-47:** References to the results of the demand and mode choice modeling table have been revised in the errata to refer to Table 5-5.
- Comment 5-48:** Is there a commitment to use better, faster, and cheaper technology? I understand that the rail floats being procured are electronic updates of early 20th century technology, as opposed to using far cheaper European technology. (Rail freight barge use is increasing in the EU and China.) (Weisbrod)
- Response 5-48:** The railcar float technology considered for the No Action and Enhanced Railcar Float Alternatives is well developed and deemed to be economically superior for short-range marine freight operations. Other technologies that are used in Europe and China may be appropriate for longer distances. Technology options will be further explored in Tier II, and the most up-to-date proven technology would be considered.
- Comment 5-49:** Where can I get more information on the anticipated scheduling of freight trains for each alternative. I'm interesting in finding out how many trains are expected to run during the daytime versus overnight for each of the Waterborne and Rail Tunnel Alternatives. (Moore)
- Response 5-49:** A more detailed operational analysis will be performed for the Preferred Alternatives in Tier II. For the Tier I assessment of noise, it was assumed that two-thirds of the daily train volumes would be generated during daytime hours with the Enhanced Railcar Float Alternative,

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while one-half of the daily train volumes would be generated during daytime hours with the Rail Tunnel Alternative. As shown in Figure 5-9, a maximum of seven additional trains per day (over a 24-hour period) was projected with the Enhanced Railcar Float Alternative. As shown in Figure 5-13, a maximum of 25 additional trains per day (over a 24-hour period) was projected with the Rail Tunnel Alternative. As shown in the figures, the number of additional train trips would be substantially lower at most locations. Tier II will evaluate and analyze potential adverse impacts of the rail traffic increase and will explore potential mitigation strategies, where appropriate.

**Comment 5-50:** We're looking to reduce traffic bottlenecks by getting trucks off the road. One of the ways to do that would be by increasing freight moved by rail. (Hoffman)

**Response 5-50:** Comment noted.

**Comment 5-51:** The problem we have here is that this process started in 2008, and we're not at the base of the conversation point of stage one. We don't have time to wait ten years. By the time ten years have passed, you won't be able to drive in New Jersey anywhere because the trucks are so jammed up. (McHugh)

**Response 5-51:** Comment noted.

**Comment 5-52:** What is the population of the area roughly between 31st Street and Bayonne to Van Nostrand Avenue in Jersey City from bay to bay? (Olsen)

What escape/evacuation plans do you have for the area in the event of disaster? We will not be able to access the Turnpike at 14A, 14B, Route 185, or Route 440.

PS 40 in Jersey City is one block away from train tracks. Across from the tracks is a child care center. What are the evacuation plans in the event of a disaster on the tracks?

Depending on the wind direction and contents in the tank cars, in the event of an explosion, the area anywhere from Approximately Van Nostrand Avenue Jersey City to 31st Street in Bayonne will be affected. How do you deal with a response and evacuation plan especially once you clog all of our roads with trucks? Please provide details. (Larkins)

What is PANYNJ going to do to guarantee the safety of me and my neighbors in the event of an emergency and what is their plan? (Quirk)

- Response 5-52:** The potentially affected study area and population within it would be determined in Tier II. Safety analysis and planning for the Preferred Alternatives will be developed as part of the detailed studies in Tier II.
- Comment 5-53:** They're proposing utilizing Greenville Yards to transport freight. They say that they can increase train traffic by as many as 25 trains per day and many of these trains will be over a mile long. But we are facing the reality of trains running past our residence 24 hours a day, seven days a week with increased frequency. (Fulop)
- Response 5-53:** Two Preferred Alternatives are recommended for advancement to Tier II—the Enhanced Railcar Float Alternative and the Rail Tunnel Alternative. The Enhanced Railcar Float Alternative would add two to seven train trips through Greenville Yards. The Rail Tunnel Alternative would add 20 to 25 trips through Greenville Yards. Tier II will evaluate and analyze potential adverse impacts of increases in train traffic and will explore potential mitigation strategies, where appropriate
- Comment 5-54:** There's so much traffic on the North Extension Bay already that they can't even handle it. The turnpike can't handle it coming off of 14A. They're in the middle of trying to make it better. (Quirk)
- Response 5-54:** The Preferred Alternatives would not increase traffic on the Newark Bay Extension nor the New Jersey Turnpike.
- Comment 5-55:** Members of our association have been periodically counting the number of tank cars currently on freight trains coming through Greenville. Typically, there are at least 80 such tank cars on a single train. These tank cars are the same kind of tank cars that have derailed and exploded in a town in Quebec, killing 47 people.
- Have you calculated the tens of thousands of deaths and home displacements in Jersey City if/when such a disaster happens in Greenville? Your current plans may well mean continuous freight train traffic in our neighborhood. We are so close to the rails and Jersey City is so densely populated, it would be an unimaginable tragedy here.
- We do not know if your plans call for more tank cars but we do know to expect increased congestion on the rail lines and increased wear and tear on the infrastructure, conditions that can lead to more accidents. (Larkins)
- Response 5-55:** The event that occurred in Lac-Mégantic, Quebec on July 6, 2013 involved a train that was carrying Bakken crude. This variety of crude is very volatile. Railroads carrying this commodity are subject to current and pending federal safety requirements. Today, some Bakken crude moves through Northern New Jersey by rail on its way to refineries in

Union and Middlesex Counties and the Philadelphia and Southern New Jersey regions.<sup>1</sup> However, it is highly unlikely that Bakken crude would be carried via the Preferred Alternatives, as there are no refineries in the east-of-Hudson region. This projection is also consistent with the demand forecasting. The Tier I DEIS included a detailed freight demand study within a 54-county study area, including portions of New York, New Jersey, Pennsylvania, and southern New England, to determine whether and to what extent freight coming into that area could be diverted from truck transport to the alternatives under review in the Tier I DEIS. See Appendix A to the Tier I DEIS. Although it is not possible to predict with certainty what commodities would be carried by train under the Preferred Alternatives, it is reasonable to assume that typical commodities would include those carried by truck today and described in Appendix A, including fabricated metal products; pulp and paper; lumber or wood products; petroleum or coal products; chemicals; clay, concrete, glass, and stone products; and food or kindred products. See Appendix A, Figure A-2. In addition, other commodities could be carried as a result of independent transportation projects undertaken by other parties (such as the expansion of the Global Marine Terminal) or by the operation of market forces affecting the rail industry. It should also be noted that trains traversing Jersey City today carry many of the specific commodities which commenters have asked about, including oil, chemicals, and MSW. The Preferred Alternatives are projected to result in increased rail traffic volumes along portions of the rail network, as DEIS Figures 5-18 and 5-19 show. The cost of maintaining a state of good repair, in order to provide for the continued safe and efficient use of the rail assets constructed as part of any Build Alternative, will be estimated in Tier II.

**Comment 5-56:** The rail tunnel will increase pedestrian roadway safety, since truck crashes are nearly three times more likely to result in a pedestrian fatality than crashes involving passenger vehicles and major truck corridors are typically high-risk locations. (Pellecchia)

**Response 5-56:** Comment noted.

**Comment 5-57:** Each train will take 280 trucks off the road, reducing the burden of diesel exhaust (a cause of asthma in children) in the communities around the ports of Newark and Elizabeth. (de la Puente)

**Response 5-57:** Comment noted.

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<sup>1</sup> CSX, "CSX Crude by Rail: Crude Oil Network Map," available from: <http://www.csxcrudebyrail.com/index.cfm/resources/crude-oil-network-map/> (accessed, 5/27/2015).

- Comment 5-58:** The Sunset Park District Management Association came to the conclusion that this would be devastating to our community of Sunset Park by adding, according to your statistics, at least 750 more trucks on our streets each day, especially since these extra trucks would mostly be just using our community to reach other areas. (Sunset Park)
- Response 5-58:** One of the goals of the CHFP is to reduce truck traffic and use other modes to bring freight as close as possible to its ultimate destination, relegating truck transport to the proverbial “last mile traveled.” As such, the Build Alternatives would bring some of the freight destined to the Brooklyn industrial waterfront by water or by rail. From there the shipments would be transported by truck to a destination in Brooklyn. The volume of trucks making these “last mile” connections would range from 216 trips (113 trucks making both an inbound and outbound move) for the Enhanced Railcar Float Alternative to as many as 752 trips (376 trucks making both an inbound and outbound move) for the Rail Tunnel Alternatives over a 24-hour period. There is demand for freight transport destined for Brooklyn. Without CHFP, the freight would be transported primarily by trucks, over a much larger distance.
- Comment 5-59:** Our community has a high rate of asthma and other respiratory ailments. This could be due to the high truck traffic already traveling on every street in our neighborhood, even on residential blocks, to avoid the heavy traffic on regular truck routes and on the Gowanus Highway. (Sunset Park)
- Response 5-59:** The Build Alternatives would reduce truck traffic on the Gowanus Expressway by up to 120 trucks per day according to the regional travel demand model analysis.
- Comment 5-60:** Right now we have traffic being redirected off the turnpike that is impacting Garfield Avenue and it is creating a severe problem with traffic. It also impacts Ocean Avenue. Traffic would increase to some degree. Even if you put it on a rail, there’s going to be some that’s going to end up on a truck. (L. Richardson)
- Response 5-60:** The Preferred Alternatives would not increase truck traffic on these roadways.
- Comment 5-61:** I live in Greenville and drive underneath that railroad trestle twice a day on my way to work. I’m concerned about the structural integrity of that. (Gorman)
- Response 5-61:** The structural integrity of bridges along the rail lines used for the Preferred Alternatives will be investigated in Tier II.

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- Comment 5-62:** A future with more and more trucks congesting our roads is a problem that can be fixed with the appropriate planning and vision. (Van Bramer)
- Response 5-62:** Comment noted.
- Comment 5-63:** The benefits of both the tunnel and waterborne alternatives would be reduced truck traffic, less congestion on the roads and less toxic emissions going in to the air. Bronx has the highest incidence of asthma in the whole country. (C. Fitzsimmons, R. Fitzsimmons)
- Response 5-63:** Comment noted.
- Comment 5-64:** While the area *in toto* may experience a drop of 1 to 2 percent in truck traffic as a result of the CHFP, there is a distinct possibility that the number of truck miles between the 65th Street Yard and points north and east may increase. In particular, Route 27 has already suffered from a dramatic increase in truck traffic in recent years. The projections show that even without the CHFP Route 27 will need to handle far more than it can accommodate. (Prisant)
- Response 5-64:** Local roadway capacity and detail traffic conditions will be analyzed in Tier II. With the Preferred Alternatives, no substantial change in truck traffic on Route 27 is expected.
- Comment 5-65:** The system of tolled and untolled highways intertwined with Parkways that are off limits to trucks and expressways make for circuitous routes that don't necessarily provide direct access to thousands of businesses. (D. Richardson)
- Response 5-65:** Comment noted.
- Comment 5-66:** River crossings are projected to see reductions in truck traffic between 700 and 3,000 trucks per day, presumably spread over all four current crossings, while two specific roadways—Linden Boulevard and the Newark Bay Extension of the NJ Turnpike—are projected to see truck traffic increase by up to 5,200 and 3,000 trips per day respectively (page ES-11). It appears that these alternatives will take trucks from four current river crossings (and their multiple associated feeder roadways) and put them onto two roads, one of which isn't a major interstate highway. The potential for congestion and local air quality issues for the communities along these roadways needs further analysis. (NJDEP)
- Response 5-66:** The truck traffic increases noted in the comment were projected only for the Rail Tunnel with Truck Access Alternative. Partly in consideration of comments and concerns raised regarding potential localized impacts,

the Rail Tunnel with Truck Access Alternative is not recommended as one of the Preferred Alternatives for further consideration in Tier II.

**Comment 5-67:** Figure ES-11 shows the impacts of the rail tunnel with the truck access alternative. On this figure, Greenville Yard and East New York, the two termini of the proposed new rail tunnel, each show 5,341 daily truck trips. Two intermediate stops along the rail route, 51st Street Yard and 65th Street Yard, show a combined impact of 746 to 752 daily truck trips. How is there the same flow rate at each end yet a significant outflow in the middle? (NJDEP)

**Response 5-67:** The 5,341 truck trips at Greenville Yard and East New York are the trucks using the truck portion of the combined rail/truck tunnel. The 746 to 752 daily truck trips are those trucks that would carry freight for the “last mile to destination” after being unloaded from a train that used the tunnel. Partly in consideration of comments and concerns raised regarding potential localized impacts, the Rail Tunnel with Truck Access Alternative is not recommended for further consideration in Tier II.

**Comment 5-68:** We are in favor of the Cross-Harbor Freight Tunnel program as it pertains to reduced truck traffic and also job creation. But it does call for an increase in traffic in the Bronx, which has been overburdened with the truck traffic that has been designated for industrial use in this community without benefitting the neighborhood. (M. Johnson)

**Response 5-68:** The Build Alternatives would reduce VMT in the Bronx by 1,870 and 10,051 daily. The Cross Bronx Expressway would see between 132 and 1,188 fewer trucks per day, and the Major Deegan Expressway would see between 58 and 122 fewer trucks per day depending on the alternative.

**Comment 5-69:** This report focuses only on the diversion of existing truck flows to rail. It fails to consider the full impact of this project on the logistical infrastructure of the region, i.e., the location of distribution and related facilities east of the Hudson due to access to rail service and due to increasing congestion on the highway system. (Galligan/McHugh/Pinto)

**Response 5-69:** See the Warehouse/Distribution Employment and Business and Employment Redistribution subsections of Chapter 6.2 for details (6.2-6 and 6.2-19). The demand analysis in the DEIS represents the goods movements on the basis of the logistics systems in the region. A detailed assessment of the needs for additional warehouse/distribution center space to accommodate the demand from the Preferred Alternatives will be performed in Tier II.

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- Comment 5-70:** The significant growth of rail freight on CSX-New York & Atlantic via the Hudson line—Selkirk/Northern Gateway—demonstrates that access to adequate rail service significantly increases rail use. (Galligan/McHugh/Pinto)
- Response 5-70:** Comment noted. The Preferred Alternatives are aimed at increasing rail use via the Southern Gateway by providing adequate infrastructure.
- Comment 5-71:** As shown in Table 5-5, in 2035, 9.1 million tons of rail freight tonnage will move into and from the East of Hudson region via the Northern Gateway. Interestingly, table 5-5 reveals that the Northern Gateway tonnage in 2035 will be slightly larger than the base case rail freight tunnel tonnage of 8.1 million tons. (Galligan/McHugh/Pinto)
- Response 5-71:** The demand analysis shows a demand for up to 9.6 million tons per year with the Rail Tunnel Alternative. Approximately 800 thousand of these tons are diverted from the Northern Gateway, and the rest of the freight represents different markets, and is diverted to rail from trucks due to the improvement of the Southern Gateway with the Rail Tunnel Alternative. The demand for movement by rail across the harbor is evidenced by the growing demand for the existing railcar float operation.
- Comment 5-72:** The narratives suggest that the Northern Gateway has serious capacity constraints because of Metro-North and Amtrak passenger train operations. Those comments seem to contradict the conclusions reached in an extensive train operations based CSX/Metro-North/Amtrak/NYS DOT study performed a few years ago. (Galligan/McHugh/Pinto)
- Response 5-72:** NYSDOT's, "Hudson Line Railroad Corridor Transportation Plan" was produced in 2005. It projected insufficient capacity in the Hudson Line Railroad Corridor in 2022 to accommodate the levels of service projected by the four rail operators in the Corridor (CSX, Canadian Pacific, Metro-North Railroad, Amtrak). See page 8 of that document.
- Comment 5-73:** The diversions of freight from truck to rail using a new tunnel or an improved rail-marine system seem too low. For example, in 2035, according to the estimates developed for the Tier I DEIS, 145.7 million tons will be moved by long distance truck to, from, and through the East of Hudson region, but only 6.1 million tons are expected to be diverted from trucks to rail, which represents only 4 percent. Why is this rail tonnage so low? (Galligan/McHugh/Pinto)
- Response 5-73:** The diversion analysis was based on market research conducted with shippers and logistics providers. The diversion model was developed to

simulate choices based on projected LOS. For further details, see Appendix A.

**Comment 5-74:** We believe that diversions from the “other short haul truck” were not fully developed. Please explain. (Galligan/McHugh/Pinto)

**Response 5-74:** The “other short haul truck” category includes truck trips shorter than 400 miles that are not associated with rail or container drayage. The Truck Float and Truck Ferry Alternatives, Rail Tunnel with Shuttle Service Alternative, Rail Tunnel with Chunnel Service Alternative, Rail Tunnel with AGV Technology Alternative, and Rail Tunnel with Truck Access Alternative were developed specifically to capture portions of this market.

**Comment 5-75:** The impact of the tunnel on the location of the logistics industry is completely missing from this report. Therefore, projected diversions are low as the report assumes that the tunnel will have no impact at all on the region’s supply and goods handling infrastructure. (Galligan/McHugh/Pinto)

**Response 5-75:** See Response to Comment 5-69.

**Comment 5-76:** With the tunnel, a properly designed port in Brooklyn could be the only port north of Charleston capable of efficiently handling the cargo expected to reach the east coast in ships now confined by their size to the Pacific. That and all other obvious tunnel-related regional commerce opportunities are absent from this report. (Galligan/McHugh/Pinto)

**Response 5-76:** There are no current plans for a new or expanded port facility in Brooklyn. There are a handful of ports north of Charleston (including Norfolk and Baltimore) that are currently capable of handling post-Panamax vessels. Upon the completion of the Bayonne Bridge Navigational Clearance Program, most marine terminals in the Port of New York and New Jersey will be capable of accommodating post-Panamax vessels.

**Comment 5-77:** Until a comprehensive study of the impact of rail access via the tunnels, the extended Gateway and the Freight Tunnel, is done, the diversion projections made in this DEIS cannot affect the policy decisions this report is supposed to support. (Galligan/McHugh/Pinto)

**Response 5-77:** The EIS considered the use of the Gateway alignment and eliminated it from further consideration as discussed in Chapter 4, “Alternatives.”

**Comment 5-78:** As suggested on page 7-15, construction of the Rail Freight Tunnel Alternative-Base won’t begin for at least 10 years, so obviously, specific supporting infrastructure investments for a rail freight tunnel

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will not be required until sometime many years in the future, long after the non-tunnel Greenville and Northern Gateway volume increases have occurred.

A part of the estimated 5-to-8-billion-dollar cost of constructing the new and improved supporting infrastructure is more appropriately allocated to the Greenville expansion and Northern Gateway increases. Most of the new and improved infrastructure allocated to the Rail Freight Tunnel will have to be constructed whether or not the tunnel is built. (Galligan/McHugh/Pinto)

**Response 5-78:** The Preferred Alternatives include the Enhanced Railcar Float in the near term and the Rail Tunnel Alternative in the long term. As implied in the comment, these two Alternatives would rely on some of the same infrastructure, including rail yards and line improvements. It is not true that most of the infrastructure allocated to the Rail Tunnel Alternative would have to be constructed if the tunnel is not built.

**Comment 5-79:** The No Build picture must take into consideration the effect of ever-increasing freight traffic on infrastructure, particularly the significance of truck traffic on highways which cannot realistically be expanded. To be useful, this report must describe and cost of the infrastructure changes required by all new freight activities and isolate unavoidable No Build expenses from those directly related only to the tunnel. (Galligan/McHugh/Pinto)

**Response 5-79:** The No Action Alternative does take future growth into account. The Metropolitan Planning Organizations (MPO)—NYMTC and NJTPA—have developed regional models and forecasts that estimate the effects of future growth on the transportation network. Their work also includes Long Range Plans that look at growth in the regional transportation network through 2040 as well as a five-year Transportation Improvement Program (TIP) that outlines the near-term costs on the region's highway and transit systems.

**Comment 5-80:** Due to the inefficiency inherent in the Greenville Yard design, and the small size of the facility due to the loss of yard space to other uses, the effect of these factors on the cost of operations of this float system, on the velocity of cars using the system and on reliability and the effect of all these factors on the ability of this system to divert tonnage from trucks should be evaluated and reported. The issue is not whether such a facility can be built, but rather whether such a facility can attract traffic. It is a matter of cost and service. (Galligan/McHugh/Pinto)

**Response 5-80:** The DEIS clearly indicates with the improvements contemplated under the No Action Alternative and the additional infrastructure identified in

the DEIS, the Enhanced Railcar Float Alternative will meet the projected demand.

**Comment 5-81:** The study neglects modal alternatives, including transportation demand management measures. Since all four of the study’s goals articulated in Section 1 on pages 17-18 of the DEIS are truly regional in nature—reduce truck trips, modal alternatives for freight, resiliency (safety and security) and integrated freight and land use planning—the evaluation of the corridor should have taken into greater consideration the regional scale of the freight transportation challenge. (Roach)

**Response 5-81:** See Response to Comment 5-27. The regional scale of freight movement was accounted for by considering 54 counties in the freight modeling study area (see DEIS Figure 1-8). A Waterborne Alternative and a Rail Tunnel Alternative were selected as Preferred Alternatives and are recommended for advancement to Tier II. These alternatives would provide improved access to waterborne and rail modes of freight movements, as alternatives to trucks.

**Comment 5-82:** About a quarter of the freight that moves through the region touches the east-of-Hudson market, with more than a third of that traffic just passing through, and almost half of remaining tonnage being delivered by small trucks for short-haul trips. An improved rail freight crossing would only address a small portion of freight movements in the region. (Roach)

**Response 5-82:** CHFP is not aimed at completely eliminating truck traffic, but at restoring modal balance and improving the movement of freight in the region. The Preferred Alternatives would reduce regional VMT and in the long term take thousands of trucks per day off the crossings. While the portion of all regional freight movement that would be affected is relatively small, in the context of what could feasibly be accomplished by a single project, the effect on the region would be substantial.

**Comment 5-83:** The assumption of zero percent growth rate used for passenger trains for the network modeling (page A-19) doesn’t appear to take into account new passenger service that will be added as part of the LIRR East Side Access and MNR Penn Access projects. (Roach)

**Response 5-83:** To isolate the impacts of increased freight traffic on rail network capacity a zero percent growth was assumed for passenger trains. A more detailed rail operations analysis will be performed in Tier II.

**Comment 5-84:** The practical capacity table (A-12) indicates that running 150 trains is possible with conventional track circuits on three tracks, which is adjusted for mixed traffic to 74 trains. It doesn’t appear that the more

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advanced cab-signalizing system used by LIRR was evaluated, which would likely result in a finding of even greater capacities. (Roach)

**Response 5-84:** The DEIS included conservative assumptions regarding capacity. A more detailed rail operations analysis that would account for advanced signalization systems is more appropriate for Tier II.

**Comment 5-85:** The analysis assumes that roughly a third of the freight would be destined for New England, and almost a third of that portion destined for Massachusetts, Rhode Island, and Maine. While it makes sense that some freight destined for southwestern Connecticut might be diverted from existing Hudson River crossings to the Bay Ridge line, freight bound for destinations in northern New England is better served by the existing crossings. (Roach)

**Response 5-85:** Approximately a one-fifth to one-third of the freight that would be moved by the Rail Tunnel Alternative would be destined to New England. This Rail Tunnel Alternative offers a level of service that is able to attract this demand. There is very little overlap between the markets that would be served by this alternative and the markets served by the existing rail crossings.

**Comment 5-86:** There is clearly a mismatch between the demand of freight east-of-Hudson and the capacity that the two tunnels would create. (Roach)

**Response 5-86:** We do not see a mismatch. The Rail Tunnel Alternative would accommodate the projected demand of 7.2 to 9.6 million tons per year. In addition, although not selected as the Preferred Alternatives, the Rail Tunnel Alternatives with service and technology options further boost demand.

**Comment 5-87:** A freight solution that is focused on a single corridor isn't the answer to the goods movement dilemma facing the New York metropolitan region. Instead, we should comprehensively rethink our rail operating environment and our investment strategy, including focusing on improvements to signaling, rail equipment, freight clearance and weight issues, and train operating rules. This will allow us to create conditions that will foster regional interoperability of freight and passenger rail and make the improvements in both services that the region urgently needs. (Roach)

**Response 5-87:** This DEIS represents the Tier I of a comprehensive study which covers mode, corridor/alignment, equipment, clearance, and weight issues. Other issues such as operating rules and signaling will be studied for the Preferred Alternatives that advance to Tier II.

**Comment 5-88:** The vast majority of traffic moving to and from New York City travels primarily over the former New York Central “Water Level Route.” This route has minimal grades and nearly all of it has two main tracks, which permit the corridor to support consistent, prompt intermodal, automotive, and merchandise service. This lane is a primary route for import traffic coming from the Far East through western ports moving eastward across the country, through Chicago to CSX’s Selkirk classification yard, and then moving beyond into the population centers in the Northeast.

The DEIS, however, appears to assume that the majority of CSX freight to and from New York City passes through a Trenton, New Jersey gateway, and thus takes a “circuitous” path north via Selkirk. While this routing is taken by some MSW movements to Virginia, the vast majority of CSX freight to/from New York City is west-west in orientation, crosses New York State between Buffalo and Selkirk, and would travel the same distance south to New York City whether on the west side or east side of the Hudson River.

Consequently, the Cross Harbor alternatives would likely serve only as a supplement to CSX’s primary route into New York City, including the east-of-Hudson region. (Armbrust)

**Response 5-88:** The Preferred Alternatives would provide for an alternative “southern” route to the current CSX routing through Selkirk. They are not intended to replace the current alignment.

**Comment 5-89:** According to the DEIS Appendix A, “based on costs and distances as established for the 2004 *Cross Harbor Freight Movement Project DEIS*, a formula was developed for carload rail costs as a function of distance.” Note that in the formulas developed in the DEIS, the only variable affecting rail freight cost is rail distance (DEIS p. A-36). This approach ignores the geographic realities of rail freight in the New York City area and over a century of railroad history. (Reinhold)

**Response 5-89:** The rail LOS estimation for the No Action Alternative, routes, distances, and travel times were estimated using the Oak Ridge National Laboratory’s Center for Transportation Analysis national rail network. A time penalty was added to rail trips to reflect transfers to/from trucks associated with local delivery. The analysis represented average conditions by setting the costs of end-to-end rail service (including truck pickup and delivery) at 90 percent of the equivalent all-truck cost (see page A-33). Additional time penalties were assessed for terminal times at both ends; interchanges between railroads, if any; and time at intermediate yards of the same railroad, if any (see page A-36). This

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approach is fully consistent with previous USDOT TIGER grant applications prepared for Class I railroads (see page A-33).

**Comment 5-90:** As DEIS points out, the route Selkirk to the freight and intermodal terminals in New Jersey and Staten Island, the CSX River Line, is very heavily used. This is ample evidence that the old Water Level Route is still competitive with the NS line over the mountains.

The fixed cost plus mileage cost model selected for the DEIS analysis would give a totally different answer, rewarding NS for its directness and penalizing CSX for a longer, though energy-efficient, track. In the context of an EIS required under the NEPA, such a bias in favor of a less energy-efficient solution is unacceptable. This error undermines all the traffic analysis and estimates of economic benefits in the DEIS, rendering them invalid. (Reinhold)

**Response 5-90:** See Response to Comment 5-89. The rail LOS estimation for the No Action Alternative, routes, distances, and travel times were estimated using the Oak Ridge National Laboratory's Center for Transportation Analysis national rail network.

**Comment 5-91:** The DEIS modal cost model is based on cost data from the 2004 Cross Harbor DEIS. The 2004 cost figures were updated to 2007 using general inflation factors. There is no reason to believe inflation factors for the U.S. economy as a whole adequately capture the increased cost of doing business in the New York City area. (Reinhold)

**Response 5-91:** These factors were applied to trips that span the entire country. A national multiplier was appropriate.

**Comment 5-92:** The model cost figures do not include amortizing the cost of the tunnel, not even debt service or tunnel maintenance. There is little reason to expect the vast sums for a tunnel will be forthcoming without some contribution from shippers. (Reinhold)

**Response 5-92:** Funding and financial analyses will be conducted for the Preferred Alternatives advanced to Tier II.

**Comment 5-93:** While it is true that 40 percent of the nation's freight moves by rail, as measured by ton-miles, half of that is coal and much of the rest is raw materials, such as ores, none of which are used significantly in New York City or Long Island. (Reinhold)

**Response 5-93:** The market demand analysis discussed in Appendix A shows that there is demand for rail freight service in New York City and Long Island.

- Comment 5-94:** Half-truth: any rail solution must focus on double-stack container trains. Double-stack trains are a major trend in U.S. rail freight transportation, but they only account for ten percent of rail traffic in ton-miles, according to the Association of American Railroads.<sup>1</sup> Spending \$7 to \$11 billion on a tunnel to facilitate the trickle of container traffic headed east of the Hudson seems ridiculous. There are other issues with double-stack. The largest containers used in international shipping are 40 feet long, but domestic containers are allowed to be 53 feet long and almost all are. But New York City does not allow 53-foot trailers on its roads. Another problem with double-stack east of the Hudson is that the specialized well cars used to carry containers stacked two high are incompatible with the third rail used on the LIRR (DEIS p. 5-23). The only rail segment that the DEIS has identified to carry double-stack traffic is the Bay Ridge Branch, which is currently used only for freight trains and has no third rail. With major capital investment it could carry double-stack containers to West Maspeth in Queens. At best, this would save 24 truck-miles of travel. Double-stack freight on the Bay Ridge Branch precludes its eventual use for passenger service using third rail power compatible with the LIRR or New York City subways, something that may well be needed in the future as demand for public transit grows. (Reinhold)
- Response 5-94:** The DEIS does not indicate that a rail solution must focus on double-stack clearance and the feasibility of the Preferred Alternatives does not depend on double-stack clearance.
- Comment 5-95:** Half-truth: a single rail car carries the equivalent of four trucks. This is true for heavy bulk cargo, where the weight limit on rail cars is three and a half times that for trucks and dimensional limits are also greater. But it is not true for container trains. (Reinhold)
- Response 5-95:** The DEIS does not state that a single rail car carries the equivalent of four trucks. The assumptions made in the EIS is that on average a merchandise railcar carries 3.5 truckloads and that one truck carries one intermodal container.
- Comment 5-96:** There are hard limits to the number of daily rail freight car movements possible on Long Island. Containers are therefore a poor use of that limited LIRR freight capacity, especially if they must be single-stacked going east due to the third-rail issue. (Reinhold)
- Response 5-96:** The demand forecast suggests that a mix of bulk and container traffic is destined for Long Island. LIRR is supportive of increasing freight

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<sup>1</sup> <https://www.aar.org/StatisticsAndPublications/Documents/AAR-Stats-2013-02-07.pdf>

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transportation over its system and has advised that there is sufficient capacity to handle the additional train traffic generated by the Preferred Alternatives.

**Comment 5-97:** For freight from the Midwest and beyond, the route via Selkirk is actually quite efficient. Most CSX freight from Selkirk runs along the west side of the Hudson to New Jersey, where one of the largest collections of freight depots in the world is located. The trip on the east side of the Hudson from Selkirk isn't materially longer. As the DEIS points out, most of the long-distance freight reaching the New York City area comes from the west. (Reinhold)

Half-truth: a rail tunnel would benefit southern New England. For western traffic, the CSX route to New England is efficient. In fact, Norfolk Southern has built a parallel line in conjunction with Canadian Pacific to service New England via Mechanicville, New York, where it has built a major new intermodal facility. Local railroads provide connections to destinations in Connecticut and Rhode Island. Connecticut quarries now ship stone to New York and Long Island by rail. They could lose this business to competitors in the southeast if a rail corridor through Brooklyn opens. (Reinhold)

**Response 5-97:** The Preferred Alternatives would provide for an alternative "southern" route to the current CSX routing through Selkirk. They are not intended to replace the current alignment.

**Comment 5-98:** One major source of rail traffic from New York City and Long Island to the south is trash, much of which is shipped to landfills in the southeast. But there are other options, including shipping trash by barge and dealing with it locally by more intensive recycling and trash to energy plants. The city has recently announced plans to divert more of its municipal waste to a trash-to-energy plant in Buffalo. (Reinhold)

**Response 5-98:** The proposed freight demand is not dependent on consideration of solid waste. While MSW may possibly be one of the commodities transported in future, the Build Alternatives do not require it and the NEPA decision process does not hinge on the consideration of any one commodity.

**Comment 5-99:** Half-truth: the problem is getting trucks across the Hudson. There are a total of 30 lanes crossing the harbor of the Hudson River. By contrast there are only 6 lanes for trucks on the Long Island Expressway. (Reinhold)

**Response 5-99:** Congestion on crossings and highways is projected to get worse. Addressing regional VMT is part of the project purpose and need. With

the Preferred Alternatives, truck volumes on the Long Island Expressway would be reduced, based on the regional demand model.

**Comment 5-100:** Half-truth: rail is the solution to Long Island’s freight needs. The DEIS, even with its biased economic analysis, only projects a small improvement: “the Rail Tunnel Alternatives would reduce truck VMT [vehicle miles traveled] by 1.1 percent to 1.6 percent” (DEIS p. ES-10). (Reinhold)

**Response 5-100:** A Rail Tunnel Alternative would be part of a solution to the regional congestion and freight movement problem.

**Comment 5-101:** PANYNJ’s bridges all have one-way toll collection, on eastbound traffic. Meanwhile the city’s MTA changed the toll direction on the Verrazano Narrows Bridge to westbound, creating perverse incentives for truck traffic. (Reinhold)

**Response 5-101:** Comment noted.

**Comment 5-102:** Of the 10 alternatives selected for detailed evaluation in the DEIS, four involve moving trucks or container by water across the harbor. Two drivers are required, or one will sit idle on the ferry crossing the harbor. All drivers must be able to pass a security threat assessment to obtain a Homeland Security Worker Identification Credential (TWIC). Compare that to having a single driver (who will not need a TWIC) simply drive a truck across one of the several bridges and tunnels that cross the Hudson. Which option will most shippers take? (Reinhold)

**Response 5-102:** The demand projections for the Alternatives shown in Chapter 4 reflects these time and cost penalties.

**Comment 5-103:** I believe the railroad industry is capable of handling much more freight on the Hudson Line, and a possible backup is available with the Housatonic Railroad. The line parallels the Hudson Line about 22 miles further east. The route would include a short run on the Northeast Corridor from South Norwalk to New Rochelle. Unlike the route via the Hudson Line and Oak Point Link, there would be no need for an engine reversal to Oak Point. Trains could proceed directly to Fresh Pond Yard on Long Island. There are plans in process to upgrade this line for passenger service to the Berkshire region in Massachusetts. The upgrade would facilitate freight operations as well. (Reinhold)

**Response 5-103:** See Tier I DEIS, Chapter 1 (Purpose and Need), Sections E (The Need for the Proposed Project) and F (Goals and Objectives). The route via the Housatonic Railroad would not advance the goals and objectives established for the CHFP. Therefore, it was not studied as an alternative, as it would not meet the purpose and need. This route is

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unlikely to offer cost or time savings compared with the existing rail route via Selkirk or rail alternatives via a Southern Gateway. It would place additional rail traffic on a portion of the New Haven Line above and beyond what is projected for the DEIS Build Alternatives.

**Comment 5-104:** Our business development efforts have identified pent-up demand with strategic major shippers of selected products and commodities to the East of Hudson market. Therefore, we believe that the initial waterborne float alternative projected demand is significantly underestimated. This aspect of rail freight demand can be evaluated in Tier II work. (Newell)

**Response 5-104:** Comment noted.

**Comment 5-105:** Chapter 5, “Transportation,” provides a listing of the operating railroads which might impact the rail network model. Brookhaven Rail, LLC, is not listed, but we have a construction and operating exemption granted by the Surface Transportation Board as a Class III short-line railroad. (Newell)

**Response 5-105:** Comment noted.

**Comment 5-106:** Brookhaven Rail, LLC operations, even if technically considered to be outside of PANYNJ’s district, are having a major impact on the rail freight network within that district and should be included in Chapter 5, “Transportation.” Please reference Brookhaven Rail, LLC, as appropriate, using the NYMTC *Feasibility of Freight Village Study* in which Brookhaven Rail is discussed; but included as a separate *Appendix 1, Analysis Site Location—Brookhaven Rail Terminal*. (Newell)

**Response 5-106:** Brookhaven Rail, LLC is discussed in Chapter 5 of the DEIS and used as an illustrative example for the type of detailed analysis that will be required for a chosen alternative in Tier II (5-47). Operations of a specific terminal are not analyzed as part of the regional network—emphasis was placed on mainline operations.

**Comment 5-107:** Potential Brookhaven Rail freight tonnage and resulting truck vehicle mile reduction is at a potential order of magnitude that can and should influence rail freight decision-making. (Newell)

**Response 5-107:** The demand forecast and analysis focuses on demand in Suffolk County. Operations plans for the Preferred Alternatives will consider specific sites. See Appendix A for further details.

**Comment 5-108:** Any substantial increase over today’s less than 30,000 carloads will result in the railroad version of gridlock [at Fresh Pond Yard]. (Parisen)

- Response 5-108:** This claim is not correct based on the results of rail network analysis in the DEIS. There is sufficient capacity and throughput at Fresh Pond Yard to accommodate the projected demand for the Enhanced Railcar Float Alternative, as well as the Rail Tunnel Alternative, with the implementation of improvements identified in the DEIS.
- Comment 5-109:** The way LIRR operates, rail freight will hit a wall when it encounters passenger rail. Passenger rail service is growing to meet growing demand. Freight shares tracks with passenger rail east of Hudson. Passenger rail takes precedence. This is a main reason for all-night operations. LIRR is currently engaged in two projects to increase passenger capacity: double-tracking from Farmingdale to Ronkonkoma and East Side Access. Both of these projects will require more trains to transit the existing double-track main line from Hicksville to Floral Park, reducing windows for freight trains. (Parisen)
- Response 5-109:** Comment noted. MTA and LIRR are participating agencies and they have been consulted on the available capacity/operating times for freight traffic on the LIRR main line. See Response to Comment 5-96.
- Comment 5-110:** By building truck terminals, the DEIS adopts this same distribution model. The tunnel doesn't bring less trucking. It doesn't reduce traffic congestion on Long Island. The railroad carries freight just a few miles into Brooklyn and Queens, and then a host of new truck trips are spawned at the new truck terminals. (Parisen)
- Response 5-110:** See Response to Comment 5-13. The Preferred Alternatives would reduce truck VMT. Although the rail trip through Brooklyn and Queens is only a few miles, by better connecting the Bay Ridge branch to the national rail network, CHFP would result in diversion of truck trips that originate or terminate well outside Brooklyn and Queens to be diverted to rail, thereby greatly reducing VMT. See Response to Comment 5-9.
- Comment 5-111:** Regarding page 5-16: ExpressRail Elizabeth was opened in 1991 by Maher Terminal and Conrail. (USEPA)
- Response 5-111:** This revision is noted in the errata.
- Comment 5-112:** How often has the Lehigh Valley Railroad Bridge over Newark Bay not operated properly over the past 10 years? The Lehigh Valley Railroad Bridge on Newark Bay frequently jams requiring repair, stalling trains, subjecting Greenville residents to extended periods of air pollution from diesel locomotives. When will the Newark Bay rail bridge be replaced? How long would a new rail bridge be expected to perform properly until it becomes damaged with the proposed heavy CHFP rail traffic, and becomes unreliable like the current bridge? (Larkins)

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- Response 5-112:** Please see Chapter 4. The train traffic between Oak Island Yard and Greenville will be improved when No Action projects to improve rail infrastructure in this area are implemented. A detailed assessment of the Newark Bay Lift Bridge, known locally as the Lehigh Valley Lift Bridge, will be performed in Tier II.
- Comment 5-113:** Who owns the trucks that are discussed in the reports? Who governs the safety standards for the trucks? What goods will be carried in the trucks and trains discussed in the report? What government agency or agencies are responsible for ensuring the safety of the trucks? (Larkins)
- Response 5-113:** Trucks are owned by one of the hundreds of thousands of trucking companies in the nation. The USDOT establishes and enforces and regulates truck safety standards. In addition, individual state departments of transportation may also have regulatory jurisdiction. For a description of commodities carried by truck today and which may be carried by train and truck under the Preferred Alternatives, see the analysis in the Tier I DEIS, Appendix A. See also the Response to Comment 5-118.
- Comment 5-114:** Where is the traffic origination? How did you estimate the growth of truck and train traffic for the future? What is the level of confidence in the estimates of the growth of traffic anticipated for the future? (Larkins)
- Response 5-114:** The origin and destination of freight and growth projections are discussed in Appendix A. The forecasts developed are based on TRANSEARCH and FHWA's FAF data, validated and enhanced with input from Class I operating railroads, and represent the best data available.
- Comment 5-115:** Do the estimates of freight traffic in the future take into consideration the move of many industries away from the northeastern United States or do you assume industries will stay in the northeast? (Larkins)
- Response 5-115:** Model forecasts for 2035 incorporate a macroeconomic forecast developed by IHS Global Insight, Inc. (see Appendix A, A-16). Continued population and economic growth is expected in the northeastern United States.
- Comment 5-116:** In the past five years, how many freight rail accidents have occurred resulting in death, injury, or property damage? What were the contributing factors causing such accidents? (Larkins)
- Response 5-116:** Data from the Federal Railroad Administration is current through year-end 2014. Preliminary data shows 11,793 accidents/incidents on both passenger and freight railroads in 2014. 1,736 (15 percent) were

classified as “train accidents,” 2,282 (19 percent) were highway-rail incursions, and 7,775 (66 percent) were classified as “other.” There were 818 fatalities, 2 attributed to accidents, 271 to highway-rail incursions, and 545 due to “other” causes including trespasser and employee fatalities. For further information, see the FHWA’s Office of Safety Analysis website, “Accident Trends—Summary Statistics.”

**Comment 5-117:** Have you studied the freight train accident that occurred in Lac-Mégantic, Québec on July 6, 2013?

What were the contributing factors that caused the freight train accident in Lac-Mégantic, Québec on July 6, 2013? Has PANYNJ evaluated the likelihood of a similar accident in Jersey City if they plan to dramatically increase freight train traffic in Jersey City? If so, what were the results of this study and please provide a copy of the study. (Larkins)

**Response 5-117:** The Transportation Safety Board of Canada identified multiple contributing factors in the Lac-Mégantic incident. Details are available in their report, “Lac-Mégantic runaway train and derailment investigation summary.” (<http://www.tsb.gc.ca/eng/rapports-reports/rail/2013/r13d0054/r13d0054-r-es.pdf>) Safety analysis and planning for the Preferred Alternatives will be developed as part of detailed studies in Tier II.

**Comment 5-118:** How much train traffic will be coming into Jersey City, Hudson County (i.e., trains per day, tonnage, pollution generation)? What communities will these trains be trespassing through? What is the destination of these trains? (Larkins)

**Response 5-118:** Please see Chapter 5, Figures 5-8 through 5-17. The Enhanced Railcar Float alternative would add up to seven trains per day, the Rail Tunnel Alternative up to 25 trains per day as a result of the project. These trains will be traveling on the existing rail right-of-way and will not be trespassing. The Tier I DEIS included a detailed freight demand study within a 54-county study area, including portions of New York, New Jersey, Pennsylvania, and southern New England, to determine whether and to what extent freight coming into that area could be diverted from truck transport to the alternatives under review in the Tier I DEIS. See Appendix A to the Tier I DEIS. Although it is not possible to predict with certainty what commodities would be carried by train under the Preferred Alternatives, it is reasonable to assume that typical commodities would include those carried by truck today and described in Appendix A, including (among others) fabricated metal products; pulp and paper; lumber or wood products; petroleum or coal products; chemicals; clay, concrete, glass, and stone products; and food or kindred

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products. See Appendix A, Figure A-2. In addition, other commodities could be carried as a result of independent transportation projects undertaken by other parties (such as the expansion of the Global Marine Terminal) or by the operation of market forces affecting the rail industry. It should also be noted that trains traversing Jersey City today carry many of the specific commodities which commenters have asked about, including oil, chemicals, and MSW. Pollutant levels associated with projected train movements will be determined for communities along the study corridor in Tier II.

**Comment 5-119:** Will there be a regular train schedule for the increased freight traffic or will it vary day to day or week to week? (Larkins)

**Response 5-119:** An operational analysis of the Preferred Alternatives will be performed as part of Tier II.

**Comment 5-120:** How is the freight currently transported? (Larkins)

**Response 5-120:** In 2007, of the one billion tons of freight traveling to, from, within, or through the 54-county study region, approximately 81 percent moved by truck, 9 percent by rail, 9.4 percent by water, 0.1 percent by air, and 0.5 percent by other modes(see page 5-12).

**Comment 5-121:** The freight rails and bridge near Merritt Street in Jersey City are all rusty. Are you expecting to completely redo all the old tracks?

The train trestle at Ave C and Merritt Street is in very poor condition. Have you assessed the condition of all the train trestles and tracks that will be used? What are the costs and timetable for needed repairs?

What are the train trestles impacted by this plan? When they all were last inspected? When were they built? How are they maintained? (Larkins)

**Response 5-121:** These structures are owned and maintained by Conrail. Potential improvements, if any, will be investigated for alternatives advanced to Tier II.

**Comment 5-122:** Is garbage or refuse of any kind transported by freight into Jersey City? Will garbage or refuse of any kind be transported by freight into Jersey City in the future? Will raw garbage be transported by rail through South Greenville? Will medical waste be transported by rail through South Greenville? (Larkins)

**Response 5-122:** MSW is currently transported through Jersey City by train and truck. While MSW may continue to be transported through Jersey City using any of the alternatives analyzed in the Tier I DEIS, the Build

Alternatives do not require it and the NEPA decision process does not hinge on the consideration of any one commodity.

**Comment 5-123:** Will there be a peak time of day or week when freight will be transported through Jersey City's Greenville section? Or can residents of Greenville expect the movement of freight by rail and/or trucks 24 hours per day, seven days per week? (Larkins)

**Response 5-123:** Operations plans will be part of the Tier II analysis for the Preferred Alternatives. Consistent with operations throughout the country rail operations would likely take place throughout the day.

**Comment 5-124:** Why should the residents of the Greenville section of Jersey City and surrounding communities accept a plan that would dramatically increase truck and/or train traffic through their neighborhoods? What possible benefits would offset the risks to their health, safety, and overall well-being? (Larkins)

**Response 5-124:** Tier II will evaluate and analyze potential adverse impacts of transportation at the local level and will explore potential mitigation strategies, where appropriate. See Response to Comment 5-9.

**Comment 5-125:** How many and what kind of freight trains run through Greenville in Jersey City now? We have been logging the times of trains. On March 7, 2015, at least 10 long trains passed through. What are these trains carrying now? Where do they originate? Where are they going? How many transport toxic cargo? Is there a regular schedule? (Larkins)

**Response 5-125:** Conrail's National Docks Secondary Line runs through the Greenville area. As of 2013, up to 18 daily trains operate on the route Monday to Friday, including two automobile trains, six intermodal trains, four merchandise trains, two ethanol trains, two MSW trains, and two orange juice trains. Origins and destinations vary according to commodities. For more information, see North Jersey Transportation Planning Authority's "Rail Freight Capacity and Needs Assessment to Year 2040" completed in March 2013. These train movements would occur with or without the proposed project.

**Comment 5-126:** Exit 14A on the Turnpike is a traffic nightmare now. You may expand a road, but you cannot expand all the city streets. Will you perform studies of the street traffic? How much more can you expand 14A? Where are these trucks originating? (Larkins)

**Response 5-126:** A preliminary list of intersections that would potentially require detailed analysis was identified in the Tier I DEIS. The list is based on an initial assessment and may change once more detailed information on trip generation, assignment, and scheduling is developed as part of Tier II

documentation. Operations plans will be part of the Tier II analysis for the Preferred Alternatives. The only alternative that would have generated truck traffic at Exit 14 A on the NJ Turnpike is the Rail Tunnel with Truck Access Alternative, which is not proposed for advancement to Tier II. The Preferred Alternatives would not be expected to result in an increase in truck traffic at Exit 14A.

**Comment 5-127:** How did you generate the assumptions of rising freight traffic that are used as the reason for this report? What is the confidence that your projections are correct? Has this taken into account the fact that the South and other areas of the U.S. are attracting more and more industry and in fact freight traffic may decrease? (Larkins)

**Response 5-127:** See Response to Comments 5-114 and 5-115. Industry growth in the South would likely result in a greater demand for the Preferred Alternatives.

**Comment 5-128:** Who owns the trains that are transporting the goods? Who owns the rail lines that are involved?

What kind of freight is being currently transported by train into Jersey City? Who owns the freight? (Larkins)

**Response 5-128:** See Response to Comment 5-125. The National Docks Secondary and the Greenville Branch are owned by Conrail. Trackage rights are held by several railroads including CSX and Norfolk Southern, among others.

**Comment 5-129:** What streets in the Jersey City Greenville area would be most affected by these alternatives? (Larkins)

**Response 5-129:** The Preferred Alternatives would not generate truck trips in Jersey City.

**Comment 5-130:** What kind of training/information will workers (e.g., rail conductors, truck drivers, freight handlers, etc.) receive regarding the safe handling and movement of freight? (Larkins)

**Response 5-130:** Licensing and training of personnel is regulated by USDOT.

**Comment 5-131:** The first initial numbers show a lot of truck traffic and so we want to understand as we move forward through all of the options, the eleven options, including the No Go, how all of this is going to impact the community. (Menchaca)

**Response 5-131:** Potential environmental impacts are described for all alternatives in Chapter 6. Regional truck VMT reductions are discussed in Chapter 5. Localized truck trips projected for each alternative, including the No Action, are shown in Figure 5-8 through Figure 5-17.

- Comment 5-132:** There has been very little increase in Cross Harbor using a float system and, basically, all you've got is a pontoon. (Pinto)
- Response 5-132:** Since PANYNJ acquired NYNJR in 2008, rail traffic has increased by over 300 percent.
- Comment 5-133:** How far will this amendment take us, will we have another problem by 2020? (Henry)
- Response 5-133:** While the Tier I EIS examines conditions in 2035, the useful life of the infrastructure for the Preferred Alternatives would be much longer.
- Comment 5-134:** How may driverless technology, as it comes into common use for trucks, impact regional traffic patterns? When you don't have a human driving, with needs for rest meals, a regular schedule, time for family life, etc., a long list of options opens for how truck traffic might move in the future. (Troxler)
- Response 5-134:** One of the proposed alternatives, the Rail Tunnel with AGV, did examine a type of driverless technology. However, an analysis of the impact of driverless technology on public roadways was not considered in this study as the technology is not reasonably foreseeable.
- Comment 5-135:** Reductions in truck traffic on the current traditional river crossings are given as part of the general discussion of the alternatives, but this information is not provided in Figures ES-2 through ES-11. Adding the current river crossings—George Washington and Verrazano Bridges and the Lincoln and Holland Tunnels—to these figures, along with the changes in truck traffic induced by each alternative, would put all of this information in one easy-to-understand location for each alternative. (NJDEP)
- Response 5-135:** The reduction of truck traffic was projected in the form of an estimate for a range of alternatives and for crossings spanning a greater geographic area than what is shown in Figure ES-2 through ES-11. While it conceptually makes sense to show both the potential impact and potential benefit information in the same figure, in practice this proved to be difficult. By including a larger geographic area, resolution and the ability to present operational details at the local level would be sacrificed.
- Comment 5-136:** The statement in the DEIS that “the volume of containers transported via container barge can be influenced by public policy as well as private-second market demand” is correct and exploring the impact of possible policy changes should be a crucial area of Tier II focus. (Newell)

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- Response 5-136:** Comment noted.
- Comment 5-137:** Public policies that should be factored into Tier II analyses (which might be able to shift demand for rail freight tonnage captured) could include “unification” measures by PANYNJ and other public agencies, such as placing west and east side terminals, harbor crossing, and rail freight operations under a single franchised operator, public-private funding of infrastructure upgrades, as well as operating practices, including the atypical prohibition on the shipping of propane tank rail cars. (Newell)
- Response 5-137:** These policy issues will be considered as part of Tier II, but due to constraints associated with the multijurisdictional nature of the problem, the solutions may be beyond the scope of the project. The range of rail traffic and project benefits shown in the DEIS for the Rail Tunnel Alternative reflects the institutional constraints. As discussed in the DEIS, the Seamless Operating Scenario reflects an improvement in to the existing institutional constraints, including some of the changes described in the comment.
- Comment 5-138:** We recommend including existing rail float pricing policies, projected container pricing and float operating structure and practices be considered as an alternative modeling scenario in Tier II. (Newell)
- Response 5-138:** Comment noted.
- Comment 5-139:** Instead of eliminating truck trips, tunnel alternatives transfer them from eastbound Hudson River and harbor crossings (as far away as Newburgh Beacon Bridge) to already overburdened roadways in Queens, Brooklyn, and New Jersey. And the cost of creating new air quality, environmental, health, and traffic burdens in New York City starts at \$7 to \$11 billion. (Parisen)
- Response 5-139:** One of the goals of the CHFP is to reduce truck traffic and use other modes to bring freight as close as possible to its ultimate destination, relegating truck transport to the proverbial “last mile traveled.” The Preferred Alternatives would not increase total truck trips in any county. See Response to Comment 5-9.
- Comment 5-140:** MTA requests that PANYNJ and FHWA examine and consider future passenger train service level growth as they plan for increased freight service. LIRR presently allows freight service to operate on its infrastructure, with available windows for this service scheduled around passenger train service. As noted in the *LIRR-East Side Access FEIS*, long-term passenger rail traffic on the LIRR network may grow by more than 60 percent over current levels once East Side Access is completed.

Due to this, any increases in freight service will need to be carefully planned and coordinated with LIRR. (MTA)

**Response 5-140:** The analysis conducted as part of Tier I aimed to illustrate how the operation of freight service under each of the Build Alternatives might change the level of service, assuming current available windows remain available. LIRR confirmed that capacity is available, and it is anticipated that the available windows for freight outside of the commuter peak travel hours would be sufficient. Coordination with MTA will be necessary and welcomed as an Operations Plan is developed for the Preferred Alternatives in Tier II.

**Comment 5-141:** As stated on page 5-23 of the document, Plate H (double-stack) and autorack train cars are currently not cleared for use on LIRR's infrastructure. Double-stack cars would present a difficult challenge to overcome in the joint use territory due to the presence of the electrified third-rail and high-level platform clearance problems. Accommodating Plate H trains would require substantial investments to alter both platforms and the electrified third rail. Plate J autorack trains would be able to clear both the platforms and the third rail if vertical clearance issues were eliminated. These constraints need to be considered during any freight service planning. (MTA)

**Response 5-141:** At this time, use of double-stack (Plate H) equipment in the joint use territory is not anticipated. If double-stack railcars are contemplated in the joint use territory in the future, an analysis of the vertical clearance constraints and needs to overcome those constraints would be studied.

**Comment 5-142:** 286K gross weight carloads have only been approved for the LIRR's freight territory, which includes the Bay Ridge, Bushwick, and Lower Montauk Branches, as well as select areas of joint use territory: Port Jefferson Branch to Huntington, Central Branch, and Main Line to Riverhead. This is the primary territory where freight traffic operates on the LIRR network. In order to allow the 286K weight cars on the network in places such as the Bay Ridge Branch, as well as other areas within the network, investments in bridge infrastructure were required. Operating 286K gross weight carloads in any areas other than specified will require the LIRR Engineering Department's evaluation and approval (pp. 1-9, 1-10). (MTA)

**Response 5-142:** At this time, use of 286K gross weight carloads is not expected outside the LIRR's freight territory. All necessary consultations with LIRR's Engineering Department will be conducted if a need to move 286K gross weight carloads on branches that have not been approved is identified in Tier II.

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- Comment 5-143:** Continued approval of 286K gross weight carloads depends on further, significant investments in the LIRR's infrastructure, which should be recognized in this study (p. 1-10). Moreover, as stated in Chapter 5, many Main lines in the United States are currently being upgraded to 315K gross weight carloads. Future Tier II planning, analysis, and infrastructure cost estimates should consider this trend. (MTA)
- Response 5-143:** Consultation with LIRR's Engineering Department on this issue will be conducted in Tier II.
- Comment 5-144:** The suggested rehabilitation of the Bay Ridge Branch to meet double-stack clearance requirements will need to consider the air rights that have already been sold along the branch, in addition to the bridges and overbuilds that exist, when assessing construction feasibility and determining the scope of work (p. 4-34). The MTA has concerns about any trenching or clearance work that may occur in or around the East New York Tunnels, as the A-train runs under this area and may present a conflict. This site will require detailed examination in the Tier II analysis, as well as close consultation with New York City Transit. We are also very hesitant to pave over sections of the Bay Ridge Branch in order to create a trucking route, as suggested in the Rail Tunnel with Truck Access Alternative, and request this be removed as a viable option. (MTA)
- Response 5-144:** Preliminary design of any clearance improvements along the Bay Ridge Branch will be undertaken in Tier II, and the considerations requested by MTA will certainly be taken into account. The preliminary design of reconstructing the East New York Tunnels in the 2004 DEIS took the subway lines into consideration. This issue will be examined further in Tier II. The Rail Tunnel with Truck Access Alternative is not recommended as a Preferred Alternative for advancement to Tier II.
- Comment 5-145:** It is important that the Bay Ridge branch remain functional during any construction period so as to not disrupt the existing freight volumes in the region (p. 4-32). The LIRR's Freight Transfer Agreement gives the New York and Atlantic Railway (NYAR) exclusive rights to use the Bay Ridge Branch right-of-way until the end of the contract in 2017. A ten-year extension with NYAR is currently under review, which would extend the exclusive rights agreement to 2027. This needs to be taken into consideration during any future planning and decision-making (p. 1-8). (MTA)
- Response 5-145:** Operation of the Bay Ridge Branch and other freight and joint use lines in the region during the construction phase will be evaluated in Tier II.

- Comment 5-146:** The excavation of a 4,800-foot-long trench from Fresh Pond Yard to west of Andrews Avenue will require detailed examination in Tier II analysis. This proposed trenching, intended to address clearance restrictions by lowering the tracks, may prove technically challenging or prohibitively costly due to a sewer that runs under the Lower Montauk’s right-of-way (p. 4-34). (MTA)
- Response 5-146:** Comment noted.
- Comment 5-147:** In Chapter 5, “Transportation,” please make the following text edits:
- Please change “Brooklyn-Battery Tunnel (BBT)” to “Hugh L Carey Tunnel (HCT)”
  - For HCT, please change [12’] to [10’-8”] for the travel lanes
  - For HCT, please change “vertical clearance of 12 feet 3 inches” to “legal vertical clearance of 12 feet 1 inch”
  - For Queens-Midtown Tunnel (QMT), please change “height restriction” to “legal vertical clearance”
  - Please check the table references on pages 5-35 through 5-37, as it appears they should refer to table 5-5 rather than 5-4.
  - Please clarify if the reference to the 1st Avenue Line in Table 5-2 is a reference to the Bushwick Branch. (MTA)
- Response 5-147:** These text edits and clarification are included in the errata.
- Comment 5-148:** An important component of the rail freight system in our region is the Brookhaven Rail Terminal, which plays an important role in bringing rail freight to Long Island, creating jobs, supporting the local economy, and relieving congestion on our roads. (Zeldin)
- Response 5-148:** Comment noted.
- Comment 5-149:** The City supports diverting cargo carried by truck to rail and its inherent environmental benefits. Similarly, the City supports the potential increase in rail competition between Class 1 railroads should the freight tunnel be built. (City of New York)
- Response 5-149:** Comment noted.
- Comment 5-150:** Please have the consultant apply the appropriate background growth factors to develop the 2035 traffic condition. (City of New York)
- Response 5-150:** The NYMTC and NJTPA regional travel demand model networks with loaded 2035 traffic volumes were used for this analysis, as explained in Section E of Appendix A, which begins on Page A-22. The NYMTC and NJTPA growth rates for each vehicle classification were not changed for this study. Only loaded commodity truck growth rates were

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changed, to correspond to the projected commodity truck growth rates in the TRANSEARCH commodity flow database (see Table A-10).

**Comment 5-151:** Please clarify whether the report will use NYMTC suggested growth rates or follow the City Environmental Quality Review (CEQR) guidelines. (City of New York)

**Response 5-151:** Traffic growth rates were developed using the NYMTC and NJTPA regional travel demand models and TRANSEARCH commodity truck growth rates (see Response to Comment 5-150). These analytic tools are appropriate for a regional study.

**Comment 5-152:** Please contact the New York City Department of City Planning (NYCDPC), the New York City Economic Development Corporation (NYCEDC), and the Metropolitan Transit Authority regarding no-action soft sites in the vicinity of the study area/project locations. Please have the consultant explain and provide background material for the 2035 Build truck trip generation for the various Alternatives which will be analyzed in the Tier II document as follows: Figure 5-9 (Enhanced Railcar Float to Brooklyn Alternative Projected 2035 Daily Operations); Figure 5-11 Truck Float/Truck Ferry Alternative Projected 2035 Daily Operations); Figure 5-13 (Rail Tunnel Alternative Daily Operations); Figure 5-14 (Rail Tunnel with Shuttle Service Alternative Daily Operations); Figure 5-15 (Rail Tunnel with Chunnel Service Alternative Daily Operations); Figure 5-16 (Rail Tunnel with AGV Service Alternative Daily Operations) and Figure 5-17 (Rail Tunnel with Truck Access Alternative Daily Operations), and a table showing application of the appropriate passenger car equivalent (PCE) factor. Additionally, please provide hourly truck trips for weekdays and weekends. (City of New York)

**Response 5-152:** The 2035 truck trip generation estimates presented in the figures cited above were developed by estimating the freight travel demand (in tons) originating in or destined to the counties in which each freight facility is or would be located. A load factor of 20 tons per truck was applied to estimate the number of loaded trucks that would arrive to or depart from each of the facilities. The number of loaded truck trips was then doubled to account for empty moves. Hourly and weekend/weekday splits cannot be estimated until an operations plan is developed in Tier II. No PCE factor has been applied.

**Comment 5-153:** Several areas, (i.e., East New York, South Brooklyn Marine Transfer Station, 51st Street Yard, etc.) would experience significant truck volumes as a result of the proposed program. Please note that guidelines for mitigation measures to address significant adverse impacts presented

in the 2014 *CEQR Technical Manual* would not suffice to address traffic impacts resulting from the introduction of over 700 trucks daily into these areas. The program would require mitigation measures to address significant adverse impacts by increasing roadway capacity, improving existing infrastructure, modifying truck route, widening ramp, etc. (City of New York)

**Response 5-153:** Tier II will further evaluate and analyze potential adverse traffic impacts and will explore potential mitigation strategies, where appropriate. Mitigation measures could include increasing roadway capacity, improving existing infrastructure, modifying truck routes, widening ramps, and building new infrastructure, and others, as appropriate.

**Comment 5-154:** There doesn't appear to be a direct connection between rail and truck; also information related to truck origin/destination needs to be discussed in the Tier II document. (City of New York)

**Response 5-154:** It is assumed in the Tier I DEIS that, on average, three-and-a-half loaded trucks would carry the payload of one merchandise railcar; two loaded trucks would carry the payload of one single-stack intermodal railcar; and four loaded trucks would carry the payload of one double-stack intermodal railcar. Detailed truck origins and destinations will be evaluated and analyzed in Tier II.

**Comment 5-155:** The CHFP will result in increased train activity near Bush Terminal Park. The DEIS should discuss provisions for pedestrian safety. (City of New York)

**Response 5-155:** Detailed pedestrian safety analysis will be performed in Tier II for the Preferred Alternatives. As discussed in the Sunset Park 197A Plan, safe and easy pedestrian and bicycle crossings over the First Avenue railroad tracks and for the establishment of alternate routes, if necessary, through special paving, lighting and signage, where direct access is not possible were contemplated independently of the CHFP. The plan calls for NYCDOT analysis of tracks crossings for potential safety enhancements. Provisions for pedestrian safety identified and/or implemented by New York City agencies will be discussed in Tier II.

#### ENVIRONMENTAL COMMENTS

**Comment 6.0-1:** If you were a small-business owner perhaps looking to venture out into an area that's had hard times but is struggling every day to improve itself, would you be turned off by the thought that there may soon exist a problem in our area that cannot be improved upon which negatively impacts both the environment and the quality of life in Greenville?

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This will very negatively impact any strides our area is making towards redevelopment and revitalization. (Deegan)

**Response 6.0-1:** The Preferred Alternatives will not negatively impact the economic development efforts or gains that the Greenville area makes toward economic development and revitalization. The commenter assumes that the Alternatives would result in a problem. Tier II will further evaluate and analyze potential adverse impacts and will explore potential mitigation strategies, where appropriate. With the Preferred Alternatives, truck traffic would not be generated in Greenville. Instead, the project is expected to increase rail-, transportation-, and freight-related activities. These activities would be expected to attract firms that would provide, for example, technical support to owners and operators. In particular, warehousing and logistics businesses that are involved in distribution activities are expected to grow in the area.

**Comment 6.0-2:** The railroad is passing through public schools. We're not just industrial. Your project is going to add to the congestion and add to—not reduce—our carbon footprint in the Greenville area. We would like more transparency, to know what exactly you're proposing to go through our backyard. (Khan)

**Response 6.0-2:** Trains will pass along the existing rail right-of-way. The project will alleviate congestion, as discussed in Chapter 5, "Transportation," and will reduce our carbon footprint, as discussed in Chapter 6.5, "Energy and Climate Change". The DEIS and this FEIS discuss Cross Harbor proposals at length. Further refinements will be made in Tier II, and more exact information will be shared with the public, as it becomes available.

**Comment 6.0-3:** The Tier I DEIS assumes that locomotives will meet USEPA 2035 standards. But who will pay for this, or for mitigations for "severe" noise and vibration? This needs to be a fully capitalized endeavor, which is not addressed in the Tier I. (Parisen)

**Response 6.0-3:** Potential mitigation strategies will be further explored in Tier II, where appropriate and costs will be considered. The source of funding for mitigation has not been identified at this Tier I stage. As part of the No Action Alternative, PANYNJ has upgraded NYNJR by purchasing three (3) new ultra-low-emissions locomotives, which dramatically reduce air pollution from NYNJR operations. The first of these new locomotives has already been delivered.

**Comment 6.0-4:** Has the quality of air and water been monitored? What are the results? If not, what are the plans for air, water and noise monitoring? (Larkins)

## Chapter 12: Response to Comments Received on the DEIS

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- Response 6.0-4:** For monitored air quality levels, please see Table 6.6-4. Tier II will include updated air quality monitoring reports for regulatory agencies, site-specific noise monitoring, and water quality monitoring, as needed.
- Comment 6.0-5:** Will the containers of MSW be hermetically sealed so that odors cannot escape, before or after they arrive at Greenville Yards? (Larkins)
- Response 6.0-5:** Should MSW be transported, the containers carrying this commodity would comply with all applicable laws and regulations. Build Alternatives do not require the transport of MSW, and the NEPA decision process does not hinge on the consideration of any one commodity.
- Comment 6.0-6:** We will demand grants to soundproof our homes and air purification systems. Please confirm that there will be provisions for this. (Larkins)
- Response 6.0-6:** Tier II will evaluate and analyze potential adverse impacts and will explore potential mitigation strategies, where appropriate. The cost of mitigation will be included as part of the project.
- Comment 6.0-7:** The location of the CHFP is the Greenville Section of Jersey City. The residents of Greenville will have their health and safety impacted by the CHFP action. The DEIS reports that there will be adverse local traffic, air quality, and noise impacts in the Greenville Community. Actions taken by PANYNJ have already significantly increased diesel truck, train, and vessel emissions in the area with a 400 percent increase in port activity in 2014. The CHFP will increase this traffic and increase air pollution emissions. (Larkins)
- Response 6.0-7:** CHFP is a regional project, with Greenville Yard as one of its termini. The DEIS disclosed the potential for local increases in traffic, air pollutant emissions, and noise in a number of areas, see DEIS Chapter 5 “Transportation,” Chapter 6.6 “Air Quality,” and Chapter 6.7 “Noise and Vibration.” No adverse impacts to health and safety were identified in Tier I. Tier II will evaluate and analyze potential adverse impacts from increases in traffic, emissions, and noise, and will explore potential mitigation strategies, where appropriate.
- Comment 6.0-8:** Mitigation of current noise and pollution issues has been largely unsuccessful and planned, scheduled increases in rail freight movements of municipal waste on the narrow rail corridor through our communities is certain to make existing matters even worse. As you move to the Tier II phase of your study and project future impacts, it is imperative that there be a thorough scientific benchmark examination of existing environmental conditions that also takes into account the already-scheduled increase in rail traffic.

Another concern that needs to be addressed in Tier II is a more focused study of specific community impacts of locations for truck distribution centers that your draft study says will be required for most of the alternatives. We need your study to look at potential locations where they might be, how the neighboring communities will be impacted, and what mitigation you propose. (Markey)

**Response 6.0-8:** Tier II will evaluate and analyze potential adverse impacts and will explore potential mitigation strategies, where appropriate. As stated in the comment, Tier II will include thorough scientific analyses, following USEPA and other applicable guidance and criteria and benchmarks.

**Comment 6.0-9:** We are concerned about the very many side effects of a construction project, the length of which is undetermined because we have not even seen which would potentially go forth. What would be the result of that for the values of our homes, our air quality, for the traffic that is potentially going to go through the roof? (Pawlowski)

**Response 6.0-9:** Preferred Alternatives that are proposed to be advanced to Tier II are identified in this FEIS. Tier II will evaluate and analyze potential adverse impacts from construction and will explore potential mitigation strategies, where appropriate. Community outreach to potentially affected communities would continue in Tier II, to discuss local concerns.

**Comment 6.0-10:** While I wholeheartedly support the primary purpose of this project, to improve the movement of freight in the 54 affected counties of this proposal, I am concerned that certain environmental, health, and social effects have been neglected in your analysis.

The document makes no mention of how modifications to the Fresh Pond Yard will affect its ability to handle an increase in traffic up to 16 to 21 trains per day (Figure ES-11), or lessen operational impact on the surrounding community. Though the report includes six sections (6.1-4, 6.7, and 7) that estimate impact on communities affected by the various proposals, conclusions are either unaccompanied by their methodology or evaluate their effects by rail segment, rather than cumulative impact upon neighborhoods.

I ask that your impending Tier I FEIS consider the collective effect that operational variables (noise, vibration, diesel emissions, increased traffic, type of freight carried, construction, etc.), will have on the health, economic, social, and environmental conditions of residents in communities adjacent to these proposed upgrades, including potential mitigation solutions. (Hevesi)

- Response 6.0-10:** In its existing condition, Fresh Pond Yard can accommodate much more rail traffic than it currently handles. The yard is not at or over capacity. With respect to the Enhanced Float alternative, the existing Fresh Pond yard can accommodate the anticipated levels of rail traffic. However, some minor improvements (new switches, crossovers) are proposed to provide a bit of “cushion.” The existing Fresh Pond Yard cannot accommodate the anticipated levels of rail traffic for the tunnel alternative. Improvements including a new wye and additional tracks along the Bay Ridge Branch and Lower Montauk Branch are proposed to accommodate the increased rail traffic. It is important to note that Fresh Pond Yard will not function as a transloading facility under any of the Build Alternatives. In other words, no truck traffic will be generated by the project at Fresh Pond Yard.
- Comment 6.0-11:** The idea in this proposal that this is going to be a diesel-powered tunnel is nuts. It’s got to be electrified. It’s a long tunnel. Its steep grades and diesel engines are going to be a problem that can be solved very simply with electrification.
- In terms of noise mitigation, electric trains do not make a lot of noise. In some cases, they’re so quiet we have to put buzzers on them so people don’t get hit by them. That will calm the noise problem. (McHugh)
- Response 6.0-11:** See Response to Comment 4-14 regarding the use of electric locomotives for freight. The current state of the industry standard for freight movement in the United States includes the use of diesel locomotives, not electric ones. Preliminary engineering for the Rail Tunnel Alternative would be developed as part of Tier II.
- Comment 6.0-12:** Trains cannot stop in Greenville. They have to keep going. The problem with the smell from the garbage trains is because they stop. (McHugh)
- Response 6.0-12:** An operations plan would be developed as part of Tier II.
- Comment 6.0-13:** Pollution and other adverse impacts may be no worse with expansion of rail freight than they were 20–30 years ago, but why shouldn’t they be better? This is public funding for the public benefit. There should be public good associated with projects when they are planned and built. We ask FHWA and PANYNJ to ensure that this happens all along the rail line, as well as at yards and terminals. (Parisen)
- Response 6.0-13:** The project will result in numerous public benefits, as discussed in the DEIS. Improvements to rail freight are planned, including newer, ultra-low emissions locomotives, which dramatically reduce pollution. Other mitigation strategies will be further explored, where appropriate, in Tier II.

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- Comment 6.0-14:** Freight must move. But it should not move at the expense of anyone's life, quality of life for economic development or for any type of economic growth. Really look at the negative impact the project would have on the community. (Mays)
- Response 6.0-14:** Tier II will evaluate and analyze potential adverse impacts and will explore potential mitigation strategies, where appropriate.
- Comment 6.0-15:** Except for the Enhanced Railcar Float to The Bronx Alternative, all rail-based CHFP scenarios would increase Brooklyn's eastbound freight-carrying capacity by using the Bay Ridge Line right-of-way, which, like Route 27, traverses Brooklyn CD14. This would have implications for land use, air quality, noise, natural resources, and hazardous materials in the vicinity of the Bay Ridge Line right-of-way. (Berk)
- Response 6.0-15:** Tier II will evaluate and analyze potential adverse impacts of rail traffic on local communities and will explore potential mitigation strategies, where appropriate.
- Comment 6.0-16:** Any project that moves forward *must* include long overdue investments in the infrastructure around the rail yards to mitigate operational noises. This includes noise reductions from coupling, vibration reductions from old rails, and ensuring that all locomotives in operation meet the highest level of USEPA standards. (Meng)
- Response 6.0-16:** Potential mitigation strategies will be further explored in Tier II, where appropriate.
- Comment 6.0-17:** If there's an increase in rail traffic in the neighborhood, it would affect mostly pollution and sound and most likely we would have to evacuate in the event of an accident. (Olsen)
- Response 6.0-17:** Tier II will evaluate and analyze potential adverse impacts on air quality and noise, and will include safety considerations. Tier II will explore potential mitigation strategies, where appropriate.
- Comment 6.0-18:** We're looking forward to a further analysis in Tier II to look at how any proposed or potential impacts can be mitigated. (Vanterpool)
- Response 6.0-18:** Comment noted.
- Comment 6.0-19:** We believe that the adverse effects of whatever additional truck traffic may end up being routed through our neighborhood, attributable to the CHFP would need to be significantly mitigated. Pedestrians along Church Avenue and Caton Avenue would be at greater risk. Noise pollution would increase throughout the area, particularly at rush hour. Atmospheric pollutant levels would also rise. Though these would be

- deleterious to any neighborhood, we believe that ours, as a Landmark District, would be particularly susceptible. (Prisant)
- Response 6.0-19:** None of the Alternatives are projected to send additional (non-local) truck traffic to the above-mentioned roads.
- Comment 6.0-20:** As a resident living near the proposed 65th Street access point in Bay Ridge, Brooklyn, I would be negatively impacted by the increased truck traffic and its accompanying congestion, air pollution, and increased vibrations—which will ultimately damage my home. (Pihra-Majurinen)
- Response 6.0-20:** Tier II will evaluate and analyze potential adverse impacts and will explore potential mitigation strategies, where appropriate.
- Comment 6.0-21:** My apartment is less than 200 feet from the freight tracks. While I do like the idea of the Cross Harbor freight as it reduces truck traffic, I am concerned about the additional noise, diesel pollution, and rumbling of our buildings from increased train traffic. However, these impacts would be more tolerable if a rail trail bike/jog path was installed along the freight tracks corridor allowing the public to cycle across Brooklyn and connect to the waterfront.
- This project should also work to enhance biodiversity and native flora and fauna through creation of habitat along the rail/bike path margins in all of the alternatives including the No Action Alternative for the Cross Harbor freight to transform this into a project that could greatly benefit our neighborhood in Midwood/Ditmas Park, Brooklyn. (Lantner)
- Response 6.0-21:** Tier II will evaluate and analyze potential adverse impacts that would potentially result from noise, vibration, and diesel emissions. Tier II will explore potential mitigation strategies, where appropriate. Mitigation strategies may include community enhancements or other improvements to the local environment.
- Comment 6.0-22:** Is the Greenville section of Jersey City the area most negatively impacted by your alternatives? If not, what neighborhoods will suffer more severe ill effects? (Larkins)
- Response 6.0-22:** The DEIS does not include a ranking of potential adverse impacts by neighborhood.
- Comment 6.0-23:** The Fresh Pond Rail Yard, and much of the nearby tracks, support rail car-sorting operations done all night long in very close proximity to the residential communities that comprise large portions of our Board area. Not only are these sorting operations very loud, and their seismic impacts felt by the surrounding communities, but they are achieved at

the expense of our residents' health by the use of outmoded and highly polluting locomotives.

Considering the negative impacts that one single train causes each day, this magnitude of growth is unsustainable and would post a literal nightmare of hardships for the residents of our Community Board area. (G. Giordano)

**Response 6.0-23:** Local effects of the Preferred Build Alternatives will be further evaluated and analyzed in Tier II. Mitigation strategies will be explored, where appropriate. As part of the No Action Alternative, PANYNJ has upgraded NYNJR by purchasing three (3) new ultra-low-emissions locomotives, which dramatically reduce air pollution from NYNJR operations. The first new locomotive has already been delivered and may encourage others to adopt clean rail technology.

**Comment 6.0-24:** PANYNJ published an Environmental Impact Study where they outline that there will be an increase in air, noise, vibration and visual pollution. In every pollution category they state the impact to Greenville would be severe, which is the highest level in their rating system.

They claim that goods will move more efficiently but they will do so by jeopardizing the health of residents of Jersey City and that's not only inexcusable but it's also dangerous. (Fulop)

**Response 6.0-24:** As discussed in Chapter 1, "Purpose and Need," CHFP is aimed at improving the movement of freight across the harbor. The Preferred Alternatives will reduce regional VMT by trucks, reduce trucks on crossings, improve regional air quality, and reduce the wear and tear on roadway infrastructure, while relying on the existing underutilized rail infrastructure. The extent and magnitude of potential local increases in air emissions, noise, and vibration have not been specifically determined in Tier I and it is untrue that the EIS states that "the impact to Greenville would be severe" in "every pollution category." No impacts to health were identified in Tier I.

**Comment 6.0-25:** As the review and permitting processes unfold, any localized problems can and must be addressed via a set of comprehensive mitigation measures and permit requirements. (Wilt)

**Response 6.0-25:** Mitigation strategies will be explored in Tier II, where appropriate. Necessary permits will be obtained prior to implementation of the Preferred Alternatives.

**Comment 6.0-26:** CB14 insists that noise, traffic, and dust from construction along the Bay Ridge Line right-of-way must be fully mitigated. (Berk)

- Response 6.0-26:** Tier II will evaluate and analyze the potential for adverse impacts during construction and will explore mitigation strategies, where appropriate.
- Comment 6.0-27:** All adverse environmental impacts caused by construction or operation of the Bay Ridge Line would have to be fully mitigated. So would the fear caused by those impacts. Failure to do this could subject Brooklyn Community District 14 to years of economic and social instability. (Berk)
- Response 6.0-27:** Tier II will evaluate and analyze potential adverse impacts and will explore potential mitigation strategies, where appropriate.
- Comment 6.0-28:** The noise and the quality of the air from the diesel engine fuel are already negatively affecting our quality of life and health in Upper Glendale in Queens. Please don't make it worse by choosing the railroad freight option. The freight railroad borders our backyard and as it is, there are about 5 trains during the day and 5 trains passing throughout the night. The noise is incredibly loud and it wakes us and our 8 month old baby all the time. (Pal)
- Response 6.0-28:** Tier II will evaluate and analyze potential adverse impacts and will explore potential mitigation strategies, where appropriate.
- Comment 6.0-29:** The DEIS has not consider the air quality and noise impact of trains being backed up and idling their engines if the Newark Bay rail bridge is not operating properly. How can the results of the DEIS be considered valid? (Larkins)
- Response 6.0-29:** The Tier I DEIS did not include a detailed evaluation of local impacts on air quality and noise from specific operations such as idling. In Tier II, idling emissions will be considered. Tier II will evaluate and analyze potential adverse impacts that could potentially result from the operation of the bridge with the Preferred Alternatives and will explore potential mitigation strategies, where appropriate.
- Comment 6.0-30:** The entire area here in Greenville is polluted. It's the most polluted part of Jersey City. (Burg)
- Response 6.0-30:** Comment noted.
- Comment 6.0-31:** The Environmental Impact Study admits that my neighborhood is going to be seriously negatively affected. (Gorman)
- Response 6.0-31:** The DEIS discloses the need for further Tier II study in certain areas near the rail corridor or near the proposed freight facilities. Tier II will

evaluate and analyze potential adverse impacts and will explore potential mitigation strategies, where appropriate.

**Comment 6.0-32:** We can't increase the traffic in this community for the benefit of the region. We've held that burden for way too long. (M. Johnson)

**Response 6.0-32:** Comment noted.

**Comment 6.0-33:** Things will get worse with a larger rail yard and more people in more areas will be impacted by the sights, sounds, and smells of the rail yard, and by diesel pollution. Saying things won't change seems to us a ways of saying that no mitigation is required. We see repetitive boilerplate in the DEIS and our communities are being set up for no mitigation. (Parisen)

**Response 6.0-33:** The DEIS correctly discloses the potential for changes and indicates that mitigation strategies would be explored, where appropriate.

**CHAPTER 6.1: LAND USE, NEIGHBORHOOD CHARACTER, AND SOCIAL CONDITIONS**

**Comment 6.1-1:** Sunset Park is currently facing tremendous real estate pressures that threaten the industrial character of the waterfront and industrial and manufacturing jobs that are critical to the economy. The CHFP provides a tremendous opportunity to preserve one of the City's last remaining working waterfronts. (UPROSE)

**Response 6.1-1:** One of the four CHFP goals, described in DEIS Chapter 1, "Purpose and Need," is to support the development of integrated freight transportation and land use strategies. The opportunity for preservation of working waterfronts, as identified in the comment, is consistent with the CHFP objectives to (1) maximize the use of currently underutilized transportation infrastructure and related land uses, and (2) integrate freight transportation services with local land use and transportation planning objectives.

**Comment 6.1-2:** Truck traffic generated in Sunset Park generated by the tunnel (as revealed in the study) would preclude any further development or use of the Sunset Park waterfront. (T. Giordano)

**Response 6.1-2:** Truck traffic generated by the Preferred Alternatives is already destined to the neighborhood and would be compatible with the existing uses and anticipated development of the industrial waterfront.

**Comment 6.1-3:** Both proposals have freight trains traveling from New Jersey through Brooklyn and Queens on the Bay Ridge Line, which spans through residential neighborhoods, and this project is a threat to the quality of life for thousands of New Yorkers. (Felder)

- Response 6.1-3:** The DEIS disclosed the need for further study in Tier II as engineering and survey work are developed for those alternatives that advance for further study. Tier II will evaluate and analyze potential adverse impacts and will explore potential mitigation strategies, where appropriate.
- Comment 6.1-4:** We are concerned about the failure of the Tier I DEIS to discuss whether the direct land use effects can be mitigated, and its failure to acknowledge the potential for indirect land use effect along the Bay Ridge Line. (Berk)
- Response 6.1-4:** As explained on page 6.1-18, “a key function of this Tier I EIS is to identify geographic areas that based on available information, may be sensitive to project-related changes to land use, neighborhood character and social conditions.” As further explained on page 6.1-18, “existing freight transfer facilities may have to be expanded to accommodate the project alternatives; some new facilities would have to be constructed. Therefore, direct effects to land use would result from the acquisition of those properties which are not currently used to support rail or transport functions...details regarding property acquisitions are not available in the Tier I EIS. Therefore, direct effects to land use are presented...in a generalized manner.” Because direct land use effects cannot be identified in this Tier I EIS based on available information, the specific type of mitigation that may be warranted cannot be determined. As discussed under Operational Effects, beginning on page 6.1-19, the Build Alternatives are anticipated to be consistent with local land use and community planning policy, and it is anticipated that subsequent Tier II “...environmental review(s) would consider both the land use effects and also the potential zoning and public policy effects associated with properties to be acquired” (pages 6.1-20–6.1-24 and 6.1-26–6.1-30).
- Comment 6.1-5:** You’re going to dig this tunnel under the global facility in Brooklyn. And there’s some disagreement in your study as to whether you’re going to have to use a trench tunnel or a tube tunnel—a drilled tunnel.
- The problem with the trench tunnel is you’re going to rebuild Global and it will be the only facility in the Port of New York and any place north of Norfolk that can handle the post-Panama ships we can expect when the Canal reopens. (McHugh)
- Response 6.1-5:** Global Terminal is in Greenville, New Jersey, not Brooklyn. The conceptual tunnel alignment uses the NYNJ’s Port Jersey Division right-of-way and runs underneath the future PANYNJ Intermodal Container Transfer Facility (ICTF). It continues under water on the north side of the Global Terminal and is not anticipated to have any impact on the navigational channel and berths of the terminal. Please

refer to Figure 4-15. The western tunnel portal would be in the vicinity of Colony Road in Greenville and would not require the rebuilding of the ICTF. Tunnel construction methods will be investigated as appropriate in Tier II. Furthermore, the Global Terminal in Jersey City/Bayonne is not the only port that will be able to handle post-Panamax vessels. Other ports include the Elizabeth Port Authority Marine Terminal and Port Newark.

**Comment 6.1-6:** The Bay Ridge line and Buckeye Pipe line both have a direct impact on our community for reasons of safety and security as well as environmental issues, such as noise and air pollution, etc., which are major quality-of-life concerns. (Perlstein)

**Response 6.1-6:** The Buckeye Pipeline's location in the Bay Ridge Branch right-of-way is known. Tier II will include an analysis of whether relocation or hardening of the pipeline is necessary and appropriate in order to accommodate the advancement of the Preferred Alternatives.

**Comment 6.1-7:** Right now we have been trying to preserve assets east of the Hudson for the terminals and they're disappearing. Land that we need for the terminals, for the facilities to handle this traffic, are simply vanishing. (McHugh)

**Response 6.1-7:** Comment noted.

**Comment 6.1-8:** This project would effectively stifle any further growth in our community and adversely impact the 140,000 residents and would be just as destructive to the other communities and the thousands of residents within the corridor. (Sunset Park)

**Response 6.1-8:** As described in Section 4.0, "Alternatives," freight facilities would be developed in the vicinity of Sunset Park, Brooklyn. As stated on page 6.1-33, "...it is anticipated that the sensitivities to environmental effects identified in this Tier I EIS would guide subsequent, detailed environmental review(s) as appropriate, at which time engineering and survey information would be available at a level of detail appropriate to determine effects and their significance."

**Comment 6.1-9:** This quote from the study is very misleading if not outright false:  
"A small portion of the study area, west of Greenville Yard, includes residential land uses. Residential land uses, most of which are multi-family, account for less than a quarter of the study area. There are no residential areas adjacent to the rail lines or other facilities in the study area." The area shown in the Area of Detail in Figure 6.1-1, is primarily the Greenville section of Jersey City. Although Greenville may represent a "small portion" in terms of the land area studied, it is

densely populated. In fact, single-family dwellings (not multi-family) are the norm. So it is untrue that there are no residential areas adjacent to the rail lines. How can the DEIS be considered a valid analysis when such blatant errors are made? How many more errors are hidden in this document?

The fact is that a greatly increased number of trains will be passing adjacent to a large residential area, diminishing quality of life, and, much worse, increasing the danger to residents. We're not just talking increased noise and pollution, but the threat of potentially explosive material just yards from people's homes. (Gordon, Larkins)

**Response 6.1-9:** Revisions to the quoted text are included in the errata.

**Comment 6.1-10:** Currently the railroad track runs through Linden Avenue. It's all residential. I don't know if you know exactly where that is, if you guys have visited the area where you're proposing your project. (Khan)

**Response 6.1-10:** The study corridor does not cross Linden Avenue. Figure 6.1-1 illustrates the New Jersey Study Area; the residential uses in the vicinity of Linden Avenue are outside the study area for this EIS; however, land uses outside the study area (including residential uses in the vicinity of Linden Avenue, north of the study area) are also shown on the figure to provide visual context.

**Comment 6.1-11:** If you really want to do something in Jersey City, help us build parks. One of the initiatives we're involved in is something called Berry Lane. (Tayari)

**Response 6.1-11:** Building parks is not part of the project purpose and need. The purpose and need of the project is to improve the movement of freight across the harbor.

**Comment 6.1-12:** New York and New Jersey have the right to build a tunnel to substitute service through the tunnel for its car float service. Transferring lands in Greenville Yard needed to accomplish that to another entity would interfere with that existing right. No part of that right should be bargained away. (Galligan/McHugh/Pinto)

**Response 6.1-12:** Determination of property interests and other rights necessary for the construction of a rail tunnel will be made during Tier II, based on the selected alignment and the more detailed design that would be available at that time.

**Comment 6.1-13:** PANYNJ and Conrail are now negotiating a long-term lease of the Greenville property to replace that now in place. The EIS must include an analysis of the effects of any provisions of that proposed lease

limiting the right of PANYNJ or the states of New York and New Jersey to build the tunnel in the future and indeed that lease must provide now for that right. Any sublease for other uses of the Yard property must provide for all easements required for the tunnel, its construction, and its approaches.

The terms of any anticipated lease agreement for any part of the lands needed to allow freight to cross the Hudson and/or Bay must be included in this report to the extent that they have any effect on needed work and that effect includes both added cost, delay, or the need to relocate the alignment of the tunnel to accommodate other activities. (Galligan/McHugh/Pinto)

**Response 6.1-13:** Review of lease provisions is beyond the scope of this EIS and the current alignment would not be affected by the lease.

**Comment 6.1-14:** A lease to a common carrier railroad does not terminate until the Surface Transportation Board approves that termination. Thus, there is no compelling need to enter into a new lease [for the Greenville property] at all and surely one should not be negotiated until the needs of the region are fully understood. (Galligan/McHugh/Pinto)

**Response 6.1-14:** The renegotiation of the lease terms is beyond the scope of this EIS.

**Comment 6.1-15:** A cloud of uncertainty about where and how a Rail Freight Tunnel will surface at Greenville has haunted the Greenville-Brooklyn route option for several years. It appears not to have been resolved, except by those who think a back of the envelope drawing does the job. (Galligan/McHugh/Pinto)

**Response 6.1-15:** A conceptual alignment is shown in Figure 4-15. The western tunnel portal lies in NYNJ's Port Jersey Division right-of-way in the vicinity of Colony Road.

**Comment 6.1-16:** The tunnel path at Greenville Yard shown in Figure 4-15 is at odds with the written description of the construction process on page 4-32, where a long paragraph is devoted to describing a construction scenario and not shown in Figure 4-15. The paragraph summarizes concerns expressed by engineering consultants about whether a Tunnel Boring Machine could be used for the problems of sediments near the Greenville Yard. If the concerns are true, then the tunnel path would be slightly different and constructing a stretch of the tunnel would require cutting a deep trench through the portion of the busy Greenville Yard devoted to Global Marine container transfers and perhaps even rail operations at the large Tropicana processing facility. Has that concern been addressed and answered, not on the back of an envelope as it has

been for the past ten years, but by qualified tunnel engineers who will certify on record that the problem does or does not exist?

Will PANYNJ require in its still-under-negotiation long-term lease of the Greenville Yard from Conrail the right to interrupt operations, make physical changes, and perform the work for whatever time period is required to construct the Rail Freight Tunnel across the Global Marine Intermodal Transfer Facility? (Galligan/McHugh/Pinto)

**Response 6.1-16:** A revised written description of the proposed tunnel alignment is included in the errata. The current concept includes a bored tunnel running underneath the PANYNJ ICTF facility. The bored tunnel will be deep enough to avoid impacts on the facility. Detailed investigation of tunneling technology and engineering design will be conducted in Tier II.

**Comment 6.1-17:** In Chapter 6.1, “Land Use, Neighborhood Character, and Social Conditions,” it is stated that Brookhaven Rail, LLC, “has not yet begun operations.” In Table 5-4, Brookhaven Rail’s existing operations are cited as part of the reason for the recent increase in railcar totals, as well as various other references to Brookhaven Rail. We request that the Tier I FEIS describe Brookhaven Rail Phase 1 as being fully operational. (Newell)

**Response 6.1-17:** A description of current Brookhaven Rail operations is included in the errata.

**Comment 6.1-18:** In the Record of Decision, Tier II, and in future planning, we ask FHWA and PANYNJ to address and plan for the effects of permanent altered land use in Brooklyn and Queens. (Parisen)

**Response 6.1-18:** As stated on page 6.1-33, “...it is anticipated that the sensitivities to environmental effects identified in this Tier I EIS would guide subsequent, detailed environmental review(s) as appropriate, at which time engineering and survey information would be available at a level of detail appropriate to determine effects and their significance.”

**Comment 6.1-19:** The tunnel plan would industrialize New York City neighborhoods in Brooklyn and Queens in the largely unrealistic hope that shippers will come because the rail route is shorter and cheaper.

The Tier I DEIS fails to acknowledge, and even justifies, adverse impacts of industrialization on communities. It does this by mischaracterization (e.g., Queens 1 and 2), limiting the scope of impacts (e.g., by saying that there is no change in land use because a rail line has been present), and by its selection of the distances where impacts are measured and the data that are used. (Parisen)

## Cross Harbor Freight Program

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- Response 6.1-19:** The alternatives under consideration would move freight closer to its ultimate destination, thereby reducing truck VMT. The demand for service is identified in Appendix A. The sites proposed as support facilities for the Preferred Alternatives are all located in areas currently zoned for manufacturing uses, and no zoning amendments are proposed at this time.
- Comment 6.1-20:** Our community is already overwhelmed with the current freight being transported by rail, since all freight transported by rail to and from Long Island (Queens, Nassau, and Suffolk) has to come through the Fresh Pond Rail Yard, which divides our community from the communities of Glendale and Middle Village. (Maier)
- Response 6.1-20:** The Fresh Pond Yard is part of the Queens study area, as shown on Figure 6.1-3 and described on page 6.1-12. The Fresh Pond Yard is an established land use.
- Comment 6.1-21:** There is not enough land on the Bay Ridge, Brooklyn side to maintain a container port of the size and proportion comparable to that on the New Jersey side. (Pihra-Majurinen)
- Response 6.1-21:** An international container port similar to those in New Jersey is not proposed in the DEIS.
- Comment 6.1-22:** Have members of the study team visited the Greenville section of Jersey City to do a site visit and see for themselves how close the railroad tracks are to homes and schools? If so, please provide a copy of the documentation, (including dates) resulting from such visits. (Larkins)
- Response 6.1-22:** Please refer to pages 6.1-1 and 6.1-2 for a description of the methodology applied to the review of Land Use, Neighborhood Character, and Social Conditions in this Tier I EIS. Sources for land use, zoning, and public policy, community facility and open space data are provided on page 6.1-1 and in Section 8.0, "References." The study team visited Greenville Yard on multiple occasions. A preliminary site survey of the study area was conducted on April 27, 2010. Documentation from that visit includes photographs. Tier II environmental review would include more detailed site surveys for land use, community facilities, and open space in appropriate locations.
- Comment 6.1-23:** Do you anticipate using eminent domain to expropriate properties in Jersey City to implement any of the plans? If so, which plans and how will you determine the value of the compensation to the home or property owner? (Larkins)

- Response 6.1-23:** At this point no residential property acquisition is required. Possible acquisition and easement at industrial facilities will depend on final engineering.
- Comment 6.1-24:** How many people live within a half mile of the freight train tracks in the Greenville section of Jersey City? (Larkins)
- Response 6.1-24:** Population characteristics were summarized according to study areas, for which aggregate information was reported. Please refer to page 6.1-6, wherein the total population for the “New Jersey Study Area” (illustrated on Figure 6.1-1) is indicated as being 42,268, based on data obtained from the 2010 U.S. Census.
- Comment 6.1-25:** Will residents of the Greenville section of Jersey City and neighboring communities be restricted in their ability to enjoy their front and back yards as a result of nearby freight movement by rail or truck? If so, to what extent will they be restricted? (Larkins)
- Response 6.1-25:** This Tier I EIS has not identified specific instances in which Greenville residential uses would experience significant direct or indirect impacts. As stated on page 6.1-33, “Given the limited design information available to support land use analyses, the results of this Tier I EIS do not reveal the significance of potential effects; rather, it is anticipated that the sensitivities to environmental effects identified in this Tier I EIS would guide subsequent, detailed environmental review(s) as appropriate, at which time engineering and survey information would be available at a level of detail appropriate to determine effects and their significance.”
- Comment 6.1-26:** Existing rail lines through the South Greenville section of Jersey City pass in close proximity to five schools. Has PANYNJ identified these schools? If so, has PANYNJ contacted administration, staff, and parents of students for their input? What efforts is PANYNJ taking to ensure that the staff and students of these schools continue to enjoy a safe and healthy learning environment? (Larkins)
- Response 6.1-26:** Schools within the study area are noted in the errata. In Tier II, appropriate consultation with stakeholders would be undertaken.
- Comment 6.1-27:** If it were true, as the EIS seems to indicate, that most of the residential land uses west of Greenville Yard were multi-family, would it then be ok to increase the nearby rail traffic? Would not the residents of multi-family dwellings be entitled to the same consideration as residents of single-family dwellings? (Larkins)
- Response 6.1-27:** The same consideration is provided to multi-family and single-family dwellings. This Tier I EIS does not indicate that the type of residential

land uses in the study area (i.e., single-family, multi-family, etc.) is a factor in evaluating potential effects. It should be noted that Tier II analyses may attribute anticipated magnitude of potential impact in accordance with the number of residents who may be affected by a particular aspect (e.g., changes to air quality, noise) of the project.

**Comment 6.1-28:** Please identify the actual boundaries represented in the Area of Detail in Figure 6.1-1. Does this include a part of Bayonne as well as the southern Greenville section of Jersey City? Once these boundaries are identified, either support or revise your claim that “a small portion of the study area...includes residential land uses.” Support or retract the claim that there are “no residential areas adjacent to rail lines.” (Larkins)

**Response 6.1-28:** As shown on Figure 6.1-1 “New Jersey Study Area,” and as described in the text on page 6.1-1, the study area extends to 1,000 feet on each side of the rail centerline and 1,000 feet from the boundary of the facilities (and including the facilities themselves). As stated on page 6.1-3, “a small portion of the study area in Hudson County, west of Greenville Yard, includes residential land uses.” This statement about the relative size of the residential area compared with the overall study area is correct; moreover, it is also worth noting that the residential land uses in the study area are fairly concentrated. The last sentence of the second paragraph of page 6.1-3 is revised to “while some of these residential uses are adjacent to the rail line, none are adjacent to either rail yard in the study area.” This change is reflected in the errata.

**Comment 6.1-29:** Under the Greenville Industrial Development Plan, permitted uses of Greenville Yard include public uses. To what extent have public uses of Greenville Yard been considered by PANYNJ? (Larkins)

**Response 6.1-29:** Greenville Yard has been a working rail yard since the early part of the twentieth century.

**Comment 6.1-30:** Who owns Greenville Yards? Where exactly is Greenville Yards? Is the expansion of Greenville Yards already underway? (Larkins)

**Response 6.1-30:** The area historically known as “Greenville Yard” is owned in part by Conrail, in part by PANYNJ, and in part by other parties. As illustrated on Figure 6.1-1 “New Jersey Study Area,” Greenville Yard is located on the Greenville peninsula, at the eastern end of the New Jersey Study Area, at the Hudson River waterfront.” Expansion of Greenville Yard boundaries with the Preferred Alternatives is not proposed at this time. The design for the tunnel will be developed in Tier II, and the location of the tunnel portal will be determined at that time.

- Comment 6.1-31:** How long has PANYNJ used Greenville Yards? Does PANYNJ have exclusive rights to develop Greenville Yards? (Larkins)
- Response 6.1-31:** In 2008, PANYNJ acquired ownership of NYNJR. NYNJR leases a portion of Greenville Yard for purposes of railroad operations. PANYNJ does not have exclusive rights to develop at Greenville Yard, as Conrail reserves certain rights to approve any proposed improvements on the leasehold. In addition, there are lands at Greenville Yard that are not owned by or under lease to either PANYNJ or NYNJR. See Response to Comment 6.1-30.
- Comment 6.1-32:** The Greenville section of Jersey City is very blighted. The current city administration is trying to bring in developers to the area. I don't see how this type of activity will make the area attractive for redevelopment. Those are things you have to consider. (Alston)
- Response 6.1-32:** Comment noted.
- Comment 6.1-33:** The alternatives section of the document calls for the realignment of the east and west legs of the wye in Fresh Pond in order to reduce the radius curve and allow for the use of six axle power and higher speeds. This is of concern as there does not appear to be adequate existing rail right-of-way land to allow for this realignment, so the acquisition of adjacent parcels may be required. The suggested realignment should be closely reexamined in the Tier II analysis (p. 4-33). (MTA)
- Response 6.1-33:** The need for additional area southeast of the Fresh Pond Yard, to improve the curve on the east leg of the Fresh Pond wye to facilitate current yard operations and to accommodate the trains anticipated is discussed in Chapter 6.1, on page 6.1-20. While survey and acquisitions information is not available at this time, preliminary estimates indicate that approximately 3.5 acres outside the existing right-of-way may be required at this location. The realignment of the wye will be further examined as part of Tier II, as suggested in the comment. Close coordination with MTA will continue in Tier II.
- Comment 6.1-34:** On page ES-12 the document states: "Therefore no direct changes to land uses would be expected in these areas and no residential areas, community facilities or open space would be affected." However, Table ES-2 shows that 3.5 acres of land in the Fresh Pond Yard vicinity would be impacted by both the Enhanced Float and the Rail Tunnel Alternatives. We suggest changing the language in the document to reflect the need for further assessment in this area. (MTA)
- Response 6.1-34:** The statement on ES-12 refers to the anticipation that no change to land use type or zoning is anticipated. It is also anticipated that the 3.5 acres

that would potentially be required would not require the acquisition of residential, community facility or open space uses. The need for further assessment is noted in the errata. Coordination with MTA will continue in Tier II and any changes to the existing track alignment will be made in consultation with MTA.

**CHAPTER 6.2: ECONOMIC CONDITIONS AND EFFECTS**

**Comment 6.2-1:** I think this project would bring good, needed jobs to the area and help alleviate some of the current environmental impact from the freight trucks that we have on the road. (Albanese)

**Response 6.2-1:** The comment is correct. One of the project goals is to reduce the contribution of Cross Harbor truck trips to congestion along the region's major freight corridors relative to No Action conditions, as discussed in Chapter 1, "Purpose and Need." By reducing truck traffic, the Preferred Alternatives will result in regional benefits to the environment. The Preferred Alternatives will also provide jobs and have positive effects on the economy, as discussed in Chapter 6.2, "Economic Conditions and Effects."

**Comment 6.2-2:** The taxpayer will be burdened with a half a billion dollars in debt payment for many years; this is not cost-effective and would divert funds from all other future transit innovations in our corridor, providing rail companies and truckers with a subsidy of over 90 percent per dollar of cost. (T. Giordano)

**Response 6.2-2:** Funding sources will be identified in the Tier II environmental review of the Preferred Alternatives.

**Comment 6.2-3:** A Brooklyn port can bring jobs, tax revenues, and activity. (Velázquez)

**Response 6.2-3:** Comment noted.

**Comment 6.2-4:** Job opportunities would be created in the construction of this project. (McCabe)

**Response 6.2-4:** That is correct. See Response to Comment 6.2-1.

**Comment 6.2-5:** The Cross Harbor Tunnel would open up markets that would continue to grow going forward. (McCabe)

**Response 6.2-5:** Comment noted.

**Comment 6.2-6:** The jobs that the tunnel will bring to New York are good, high paying jobs. This project would help us lower unemployment. It would also create jobs through commerce and all the businesses surrounding those

areas that would benefit from the increased productivity and the high pay scale jobs that are created. (C. Fitzsimmons, R. Fitzsimmons)

**Response 6.2-6:** In recognition of the job and other benefits that would result from the tunnel, the Rail Tunnel Alternative has been selected as one of the Preferred Alternatives recommended for advancement to Tier II.

**Comment 6.2-7:** Increasing the level of existing float car operations within the harbor is a lower cost, intermediate solution. This may also lead to the identification of new sources of backhaul traffic, which can reduce round trip rail transportation costs through better equipment utilization and reduced demurrage. (Bulow)

**Response 6.2-7:** Comment noted.

**Comment 6.2-8:** Industrial employment is much more valuable than New York City gives it credit to be. (Brown)

**Response 6.2-8:** Comment noted.

**Comment 6.2-9:** A truly developed economy depends on a balanced production capability. Without industry, you do not have a truly developed economy. Without this project, you will not have a truly developed economy. (Brown)

**Response 6.2-9:** Comment noted.

**Comment 6.2-10:** The economic growth the tunnel could spur can prove to be a boom. (Quarless)

**Response 6.2-10:** The economic growth that the tunnel could spur is among the reasons why the Rail Tunnel Alternative was selected as one of the Preferred Alternatives recommended for advancement to Tier II.

**Comment 6.2-11:** The construction of the Cross Harbor Rail Tunnel, construction and rehabilitation of freight rail lines, and freight rail system facilities would create jobs every year. The Rail Tunnel Alternative is expected to create between 12,500 and 18,000 direct jobs and 28,000 to 40,000 jobs indirectly through increased economic activity. Additionally, by some estimates, the project will create approximately 30,000 regional new, long-term jobs, all of which will be good jobs with wages and benefits that can support a family. (Markham, R. Smith, Stanton, Wund)

**Response 6.2-11:** The positive effects of the Rail Tunnel Alternative mentioned in the comment are among the reasons why the Rail Tunnel Alternative was selected as one of the Preferred Alternatives recommended for advancement to Tier II.

## Cross Harbor Freight Program

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- Comment 6.2-12:** This could be a game changer in terms of economic development so we really do have to look for ways to have rail as part of our freight on Long Island. (Hoffman)
- Response 6.2-12:** Comment noted. The transport of freight by rail would be facilitated by both Preferred Alternatives recommended for advancement to Tier II—the Enhanced Railcar Float Alternative and the Rail Tunnel Alternative.
- Comment 6.2-13:** If we want to compete on a global scale, not only do we need to make sure that our ports can bring in the much bigger ships, as you’re doing, but that we can move those goods once they get here. And to be able to go from ship to rail is critical to this region. But more importantly, it’s really that traffic impact and the economic impact. (Tittel)
- Response 6.2-13:** Comment noted.
- Comment 6.2-14:** The project will allow for growth in many of our brownfield areas in places like Brooklyn or even New Jersey because of the addition of being able to move goods. (Tittel)
- Response 6.2-14:** Comment noted.
- Comment 6.2-15:** The project will increase economic opportunity by maintaining free-flowing freight channels and creating tens of thousands of jobs. (Pellecchia)
- Response 6.2-15:** Comment noted. The positive effect on jobs and the economy are discussed in Chapter 6.2, “Economic Conditions and Effects.”
- Comment 6.2-16:** The DEIS raises a number of questions regarding the opportunity cost of an exclusive cross-harbor freight rail tunnel as opposed to expanding waterborne alternatives. Further evaluation may be warranted to determine the best method of moving freight throughout the wider region, including the benefits to east-of-Hudson markets relative to the proposed project costs, and an analysis of the recent northward shift in demand for goods. (Lewis)
- Response 6.2-16:** Comment noted.
- Comment 6.2-17:** How will you finance this, who will pay, and what are the cost savings to the city? (Henry)
- Response 6.2-17:** Funding sources will be identified in the Tier II environmental review of the Preferred Alternatives.
- Comment 6.2-18:** Any project of this scale would lead to a significant number of jobs being created, which I strongly support. These would be good, middle class union jobs that our City very much needs. (Van Bramer)

- Response 6.2-18:** Comment noted.
- Comment 6.2-19:** The lack of any consideration of the impact of the tunnel and increasing highway congestion on regional distribution practices casts doubt on any analyses of costs and benefits. (Galligan/McHugh/Pinto)
- Response 6.2-19:** The various Tunnel Alternatives discussed in the DEIS are estimated to reduce commercial VMT in the region by 50,000 to 424,000 miles per day.
- Comment 6.2-20:** We concur that Tier II documentation should include work to analyze potential capital uses and capital funding structures such as public/private partnerships, franchises, etc. to undertake incremental measures which can create additional rail freight tonnage demand and capacity and provide returns or user fees for debt retirement, operations and return on capital. (Newell)
- Response 6.2-20:** Comment noted.
- Comment 6.2-21:** What jobs will be created for the residents of Jersey City? (Larkins)
- Response 6.2-21:** While estimates are not available at the city level, Chapter 6.2, "Economic Conditions and Effects," provides further details.
- Comment 6.2-22:** Who will profit from the expansion of rail and truck traffic through Greenville Yards? Who will profit most from each of the 10 alternatives discussed?
- Who profits from this commerce? How much profit will the people of New Jersey receive for this train traffic? (Larkins)
- Response 6.2-22:** Businesses and individuals who send or receive freight would be expected to benefit from transportation cost savings due to reduced travel time, as shown in Table 6.2-2. These cost savings would increase the economic competitiveness of the region. The general public would benefit from improved mobility and congestion relief. Consumers may also benefit from potential reductions of cost of goods and services. There are also regional job creation benefits associated with the construction and operation of the Preferred Alternatives. For further details, see Chapter 6.2.
- Comment 6.2-23:** We understand that PANYNJ has already made a substantial investment in Greenville Yards and expansion projects and plans. There are also thousands of families who also have made substantial investments in their homes in Greenville that PANYNJ will negatively impact. Why is it that the investment of these families in their homes, schools, and

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communities is given lesser consideration than investments made PANYNJ?

If the CHFP is implemented, it will most likely cause property values to fall drastically in areas like the Greenville section of Jersey City. What compensation, if any, is PANYNJ willing to offer to homeowners in affected areas? (Larkins)

**Response 6.2-23:** No residential property acquisition is contemplated at this time. Furthermore, it is not anticipated that thousands of families will be substantially affected.

**Comment 6.2-24:** How do you expect the proposed CHFP to affect potential businesses and development considering moving into the Greenville section of Jersey City? (Larkins)

**Response 6.2-24:** The CHFP would be expected to increase activities related to freight transportation and distribution. It would be expected that CHFP would strengthen existing business that are already supporting similar uses and would even attract the new businesses that would be needed to support the increase in activities. In particular, businesses that help to maintain the freight facilities and support transportation and logistics functions would be expected to benefit from CHFP. In terms of new development, new businesses to be attracted are expected to be located in close proximity to the freight facilities and are likely to require additional office and warehousing space. A detailed needs assessment for (development) space has not yet been conducted and will be further evaluated in Tier II.

**Comment 6.2-25:** We request that the Tier II EIS include truck traffic projections for MTA Bridges and Tunnels/Triborough Bridge and Tunnel Authority (TBTA), including total diversions. We also request that the Tier II EIS address the economic impacts that the alternatives will have on TBTA facilities. The toll revenue generated by trucks on TBTA's facilities supports the MTA's mass transit services, and any decrease in revenue will have budget implications for the MTA. We also recognize that a reduction in truck traffic, particularly of over-weight trucks, on TBTA facilities will result in less "wear and tear" to the infrastructure and request that this aspect also be included in the economic impacts. (MTA)

**Response 6.2-25:** Truck traffic projections and economic impacts on TBTA facilities, considering both revenue from trucks and reduced costs of wear and tear will be included in Tier II for the Preferred Alternatives, as requested.

**Comment 6.2-26:** The DEIS says that “no direct changes to social conditions are expected from any alternative.” How can this statement be made, when increasing truck and train traffic by as many as 5,300 diesel trucks and 25 diesel trains (with 2 or 3 locomotives) a day will definitely change the neighborhood character and social conditions, and make it less likely that anyone would want to live there, and less likely that any new business would want to move there? This is a significant adverse social effect, which is contrary to the intent of the NEPA regulations. (Larkins)

**Response 6.2-26:** The quoted truck increase would occur at the local level, only with the Rail Tunnel with Truck Access Alternative, which is not proposed for advancement to Tier II. As discussed in Chapter 6.2, “Economic Conditions and Effects,” direct changes to social conditions are considered to be direct displacement of residents and/or businesses and the effect of induced growth. The DEIS correctly states that no direct changes are expected.

**Comment 6.2-27:** Regarding Table ES-2, “Potential Land Acquisition,” the potential land acreage values have a plus sign before the acreage number. Does that denote they are different than the acreage numbers under the waterborne alternatives? (USEPA)

**Response 6.2-27:** The plus sign before the acreage number shown for the Rail Tunnel with Shuttle Service, Rail Tunnel with Chunnel Service, Rail Tunnel with AGV Technology, and Rail Tunnel with Truck Access alternatives indicates the acquisition that would be needed in addition to the Rail Tunnel Alternative, as mentioned in note 1 of Table ES-2.

### **CHAPTER 6.3: CULTURAL RESOURCES**

**Comment 6.3-1:** Please note the addition of the following historic resources:

- Ocean Parkway, LPC designated scenic landmark
- Central Ridgewood Historic District, heard by LPC and to be designated on 12/9/14 (LPC)

**Response 6.3-1:** Comment noted. These resources are described in the errata for Chapter 6.3, “Cultural Resources.”

**Comment 6.3-2:** This project is the subject of an ongoing Section 106 review. We will be resolving the effects of the project on historic properties through that process. An architectural area of potential effect has been established and surveyed. Archeology has not been undertaken yet, as the precise project location is still undetermined. (NJDEP)

**Response 6.3-2:** The No Action Alternative includes certain undertakings that are part of the overall CHFP, such as work to improve Greenville Yard and 65th

Street Yard. A separate set of environmental review processes have previously been completed for the Greenville Yard project, with separate documentation approved by FHWA. See Responses to Comments 2-11 and 3-46. During the course of the environmental review, New Jersey Historic Preservation Office (NJHPO) determined that the demolition of the Greenville Yard Lift Bridge would have an adverse effect on the State and National Register of Historic Places-eligible bridge itself, and two of the surrounding historic districts. As a result, PANYNJ and FHWA agreed to develop and implement measures to minimize and mitigate the adverse effect, including recordation of the lift bridge and its component parts to augment previous historic records, and a salvage and relocation plan for components of the lift bridge. These commitments were set out in a Memorandum of Agreement (MOA) between PANYNJ, FHWA, and NJHPO, signed on March 17, 2011 and the implementation of these commitments is ongoing. Since the completion of that document, the Greenville Yard Lift Bridge has been demolished in an emergency action, due to severe damage from Superstorm Sandy. Since, at the time, PANYNJ was still in the process of implementing the provisions of the aforementioned MOA, PANYNJ requested that it be released from provisions of the MOA requiring salvage and relocation of the lift bridge and its components; PANYNJ committed to completing remaining feasible MOA provisions, such as Historic American Engineering Record (HAER) package, and continued. Additional Section 106 review will be undertaken during Tier II, as appropriate.

**Comment 6.3-3:** The Greenville Yards is deemed eligible to be included on the National Register of Historic Places (Table 6.3-1). To what extent has PANYNJ taken this into consideration and what steps have been taken to preserve the Yards due to their historic significance? (Larkins)

**Response 6.3-3:** The DEIS identified the Greenville Yard Historic District and the Greenville Yard Piers as historic resources in the Area of Potential Effect (APE) and evaluated the potential of the proposed project to affect the Greenville Yard Historic District and Greenville Yard Piers. As stated in the DEIS, the Tier II evaluation will continue to assess the potential effects of the proposed project on these resources and, if necessary, will identify measures to avoid, minimize, or mitigate any potential adverse effects. Appendix F provides further detail regarding preservation of historic resources in Greenville, undertaken as part of the No Action Alternative.

**Comment 6.3-4:** The southern portion of the historic Morris Canal bisects the border of Bayonne and Jersey City, in close proximity to the rail lines that could

be used to transport freight. How will the CHFP impact the future preservation of the Morris Canal route? (Larkins)

**Response 6.3-4:** The DEIS identified the Morris Canal as a historic resource that is partially located within the APE. The DEIS evaluated the potential of the proposed project to affect the Morris Canal. As stated in the DEIS, the Tier II evaluation will continue to assess the potential effects of the proposed project on the Morris Canal and, if necessary, will identify measures to avoid, minimize, or mitigate any potential adverse effects.

**CHAPTER 6.4: VISUAL AND AESTHETIC CONSIDERATIONS**

**Comment 6.4-1:** The DEIS incorrectly asserts that rail expansion in our communities results in “no changes” to “visual or aesthetic conditions.” Failure to acknowledge impacts from increases in baseline rail freight activity (which was very low for decades) and new uses of rail (solid waste) has been typical of planning and permitting new and expanded rail facilities. As a result, adverse impacts from the increased use of rail freight have fallen on communities like ours without mitigation. (Parisen)

**Response 6.4-1:** The Tier I EIS compares anticipated changes to the aesthetic conditions and to visual resources that may result with the proposed action, compared to future No Action conditions, which generally are anticipated to resemble existing conditions in most study areas. Please refer to page 6.4-1 for the description of the methodology employed in preparing this Tier I EIS assessment of aesthetic conditions and visual resources. The errata include revisions for clarification to text regarding Oak Point Yard, Fresh Pond Yard and Maspeth Yard as well as work anticipated in Tier II.

**Comment 6.4-2:** Anyone who says that the presence of rail in the project area is not a defining feature, “nor is it part of a larger ... transportation element that dominates the surrounding neighborhoods” has never been lying in bed trying to sleep at 3 AM when the bed was shaking and there were shrieking and crashing noises from trains. The idea that the railroad is “merely an acknowledgeable landscape feature” is an affront to the communities that live with rail. (Parisen)

**Response 6.4-2:** The aesthetic character of these predominantly single-family residential urban neighborhoods is generally reflected through the local streetscapes, such as street trees in some areas, front yards and stoops, and building design elements and street wall definition that contribute to the neighborhood streetscapes. A revision to the statement in question is included in the errata along with revisions to similar statements on pages 6.4-4 and 6.4-7. These revisions are in keeping with the intended point of the narrative—that most streetscapes in surrounding

neighborhood are not defined by the presence of the rail infrastructure, but by other attributes of the built environment; the revision does not alter the conclusions presented in this Tier I EIS.

**CHAPTER 6.5: ENERGY AND CLIMATE CHANGE**

**Comment 6.5-1:** Regarding page 6.5-2: the South Hudson Intermodal Facility should be identified as the Greenville Yard-Port Authority Marine Terminal—Intermodal Container Transfer Facility and/or ExpressRail Port Jersey. This will preclude any misunderstandings about the location of the terminal. The descriptor with the point is also incorrect. (USEPA)

**Response 6.5-1:** The clarification/change is included in the errata.

**Comment 6.5-2:** A double-stack rail freight tunnel would reduce GHG emissions over time. The City Council recently adopted Local Law 66 for the year 2014, which committed the City to an 80 percent reduction in GHG emissions by the year 2050. It is vitally important that GHG emissions be dramatically reduced if there is to be any hope of keeping global temperatures below a two degree Celsius increase. (Mark-Viverito)

**Response 6.5-2:** Comment noted. Chapter 6.5, “Energy and Climate Change,” discusses the project’s consistency with New York City’s goals.

**Comment 6.5-3:** Chapter 6 proposes an unsubstantiated and overly optimistic value for the energy efficiency of the rail transport alternatives. The 298 BTU/ton-mile energy efficiency value is an average over all Class 1 freight railroads in the United States during 2011. There is no reason to believe this average, which includes heavy commodity unit trains on long runs in the western states, applies to the Class III short-haul operations envisioned for the rail tunnel alternatives in the DEIS. A more realistic fuel consumption could be a factor of two or three larger and this would greatly alter the conclusions of the DEIS. (Reinhold)

**Response 6.5-3:** Class 1 railroads would carry the freight for the majority of the rail trip. As discussed in Appendix A, a variety of commodities, both heavy and light, would be transported. The average value used, from the Oak Ridge National Laboratory and the U.S. Department of Energy, Transportation Energy Data Book, is the best available estimate and is appropriate for this Tier I study. No information has been provided to support the claim that “a more realistic fuel consumption could be a factor of two or three larger.”

**Comment 6.5-4:** It would be misleading to posit higher efficiency locomotives without considering similar improvements in truck efficiency. Note that PANYNJ is in an excellent position to incentivize more efficient trucks using differential toll rates. (Reinhold)

- Response 6.5-4:** As discussed in Chapter 6.5, USEPA and USDOT issued GHG emission and fuel efficiency standards for medium- and heavy-duty vehicles, such as large pickup trucks and vans, semi trucks, and vocational vehicles. These regulations all serve to reduce vehicular GHG emissions over time. These and other reasonably foreseeable improvements in truck efficiency were included through the use of the 2035 CO<sub>2</sub>e emission factors from the MOVES model. The projected truck efficiency for 2018, described in Chapter 6.5, “Energy and Climate Change,” was used only for estimating the energy use and emissions associated with material transport by truck during construction. The suggested use of differential toll rates is noted.
- Comment 6.5-5:** The Sunset Park Significant Maritime and Industrial Area, like the other five SMIAAs in New York City, lies within a storm surge zone. Infrastructure investments of this nature are crucial to ensuring the resilience and sustainability of the working waterfront. (UPROSE)
- Response 6.5-5:** Comment noted.
- Comment 6.5-6:** Superstorm Sandy provided a wake-up call for our island metropolis regarding the need to think comprehensively about regional resiliency, and we hope the CHFP will move forward and incorporate innovative thinking about integrating expanding capacity for freight movement with building more resilient communities. (Lewis)
- Response 6.5-6:** Comment noted.
- Comment 6.5-7:** We see the Cross Harbor Tunnel Project as an important step towards meeting New York City’s new 80 by 50 goal, to reduce carbon emissions by 80 percent by 2050. (Markham)
- Response 6.5-7:** Comment noted. The consistency of the project with the City’s goals to reduce GHG emissions was noted in Chapter 6.5, “Energy and Climate Change.”
- Comment 6.5-8:** In addition to serving as a supplement to CSX’s primary Water Level Route, the Cross Harbor alternatives could serve as a temporary alternative route in the event of a sustained emergency condition to CSX’s primary route. (Armbrust)
- Response 6.5-8:** Comment noted.
- Comment 6.5-9:** Half-truth: rail is more energy-efficient and environmentally friendly than trucks. Rail is most competitive for long distance transport, generally considered to be over 500 miles. Rail is not economical for shorter hauls, except for exceptional situations, such as very heavy loads or items that are just too big to move on highways. The DEIS

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estimates of fuel efficiency wrongly uses a national average for long-distance Class I railroads. (Reinhold)

**Response 6.5-9:** It is true that rail is most competitive for long distance transport and much of the freight movement considered in the DEIS is long haul. There are sufficient economic incentives for short hauls, which is reflected in the projected demand for short-haul diversions, as discussed in Appendix A and Chapter 5, “Transportation.” No information has been provided to support the claim that the DEIS estimates fuel efficiency wrongly, or that trucks are more energy efficient than rail.

**Comment 6.5-10:** Discussion in the Tier I DEIS related to flooding is limited to a discussion of the Action’s compliance with Coastal Zone Management Policies and not what function the rail system and terminal could serve in an emergency. (Newell)

**Response 6.5-10:** The resiliency benefits of the Alternatives are discussed in the Tier I DEIS (see, for example, page 6.5-18). In fact, enhancing system resiliency, safety, and security is one of the four project goals.

**Comment 6.5-11:** The project’s projected reduction of GHG emissions would be important to reduce the rate of climate change and its expected impacts. This is consistent with other ongoing efforts and the priority given by the federal government, states, industry, and other stakeholders to reduce GHG emissions from a variety of other mobile and stationary sources. (USEPA)

**Response 6.5-11:** Comment noted. Consistency of the project with other ongoing efforts to address climate change is noted in Chapter 6.5, “Energy and Climate Change.”

**Comment 6.5-12:** The growing need for adaptation, resiliency, and redundancy in the transportation network was evidenced in the disruption caused by Superstorm Sandy and other flooding events. Accordingly, USEPA agrees with the conclusion presented in the DEIS that the Build Alternatives would “provide additional infrastructure that would be important in responding to emergencies resulting from severe weather events related to climate change.” (USEPA)

**Response 6.5-12:** Comment noted.

**Comment 6.5-13:** Page 6.5-5 should include a reference and discussion of the Council on Environmental Quality’s revised draft guidance for Greenhouse Gas Emissions and Climate Change Impacts, dated December 18, 2014. (USEPA)

**Response 6.5-13:** The public release of the DEIS preceded the guidance update. The update is noted in the errata.

**Comment 6.5-14:** The New York City Panel on Climate Change projects a potential sea level rise of 11 to 21 inches by the 2050s. What provisions are being made for sea level rise at Greenville Yards, and will these actions to mitigate sea level rise cause flooding or other impacts in the residential areas of Greenville? (Larkins)

**Response 6.5-14:** Greenville Yard will be raised to an elevation of 9 feet North American Vertical Datum of 1988 (NAVD88) from its current elevation of 5 feet NAVD88 to increase flood resiliency. This would not be expected to cause flooding in the residential areas of Greenville, as the floodplain within Greenville Yard is affected by tidal flooding, and therefore, the site does not act as a recharge area.

**CHAPTER 6.6: AIR QUALITY**

**Comment 6.6-1:** The air pollution created by existing truck traffic is one of the major factors that contribute the extremely high asthma rates that exist in my district. Childhood asthma hospitalization rates in the City are highest in East Harlem, Central Harlem, and in the Morrisania and the Hunts Point areas of the Bronx. It is clear that the “No Action” is no alternative at all, as doing nothing would only maintain the current inequities. (Mark-Viverito)

**Response 6.6-1:** Comment noted.

**Comment 6.6-2:** The communities I represent in the South Bronx and East Harlem have unfortunately been facing a full-blown asthma epidemic for far too long. It is critical that we find new ways to attack this growing problem, removing some of the heavy truck traffic will hopefully be one of those ways. (Serrano)

**Response 6.6-2:** Comment noted.

**Comment 6.6-3:** Public acceptance of a “train” alternative will be facilitated by a firm commitment to use locomotives that do not depend on conventional diesel or other internal combustion engines. The CHFP’s contemplated growth in train traffic could substantially elevate local emissions levels unless ultra-low emissions engines or electric motors are used for locomotion. (Berk)

**Response 6.6-3:** The use of ultra-low emissions engines will be considered as part of Tier II environmental review. See Response to Comment 4-14 regarding the use of electric locomotives for freight.

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- Comment 6.6-4:** The plan does not address the possible rise in air pollution within the Fresh Pond Junction area if a rail-tunnel alternative is chosen. The plan describes that those living within 200 feet of the tracks would experience concerning levels of air pollution. (M. Miller)
- Has anyone studied the air quality concerns and projected air quality impact to Bay Ridge and the surrounding areas from the Cross Harbor tunnel? (Jean Ryan)
- Response 6.6-4:** Potential areas of concern with respect to air quality have broadly been identified in Tier I and are discussed in Chapter 6.6, "Air Quality." A localized impact evaluation and analysis will be performed in Tier II to determine the magnitude, extent, and duration of any potential adverse impacts on air quality and to further explore mitigation strategies, where appropriate.
- Comment 6.6-5:** Existing congestion, causing stop and go truck and passenger motor vehicle traffic, is a significant source of waste vehicular emissions and thus air pollution and carbon emissions. (Tripp)
- Response 6.6-5:** The Preferred Alternatives would reduce truck traffic and idling emissions from trucks.
- Comment 6.6-6:** While the initial DEIS study asserts that the CHFP would ultimately reduce the volume of trucks on the regional highway network, specifically in our area on the Cross Bronx Expressway, it also admits to some increases in emissions along areas of the rail line specifically where trucks pick up the cargo for the very end of its journey. Hunts Point would ultimately be one of these pick-up points. We are concerned about how this would impact the congestion, safety, and pollution levels in our community, which is already inundated with environmental injustices. (Tovar)
- Response 6.6-6:** Traffic from the Cross-Bronx Expressway would be reduced with the Preferred Alternatives, resulting in improvements to air quality. Site-specific impact analysis from the proposed freight facilities would be conducted in Tier II.
- Comment 6.6-7:** PM<sub>2.5</sub> particulates from truck traffic have significant health effects. That is a significant direct effect of truck traffic, and our kids are within feet of these trucks.
- When I-287 was opened through Bergen County, the head of special education in Ringwood told me that in the year after I-287 opened, asthma rates in their school system doubled. (McHugh)
- Response 6.6-7:** PM<sub>2.5</sub> levels with the Preferred Alternatives will be modeled in Tier II. The predicted levels will be compared to the health-based National

Ambient Air Quality Standards (NAAQS). Mitigation strategies will be explored in Tier II to address potential adverse effects on air quality, where appropriate.

**Comment 6.6-8:** PANYNJ proposes to reduce pollution across the Hudson River crossings; all of that air pollution is going to be dumped onto South Greenville, across the Newark Bay Extension and the rail line that goes across Newark Bay. (Vasil)

**Response 6.6-8:** Local increases in air pollutant emissions are discussed in Chapter 6.6. Further evaluation and analysis of those emissions increases will be performed in Tier II and mitigation strategies will be explored, where appropriate.

**Comment 6.6-9:** Diesel exhaust causes asthma, heart disease, high blood pressure, impaired lung growth in children and low birth weight in newborn babies. Diesel emissions cause cancer and there are five schools and several day care centers within blocks of the rail line and turnpike extension. (Vasil)

**Response 6.6-9:** The Preferred Alternatives would not increase truck traffic on the Newark Bay Extension of the New Jersey Turnpike (I-78). Local increases in air pollutant emissions due to rail activity will be further evaluated and analyzed in Tier II, and mitigation strategies will be explored, where appropriate.

**Comment 6.6-10:** When I come out in the mornings, there is a terrible odor in the air. I don't know if it's due to what's currently being transferred, but we have a major issue with bad things moving around and sitting in our area. (L. Richardson)

**Response 6.6-10:** Comment noted.

**Comment 6.6-11:** Where I live at right now, it smells; at a certain time of day it smells. We want to breathe clean air. Please consider another route because the project would add to this. (Watterman)

**Response 6.6-11:** A number of routes were considered and the one that best meets the purpose and need while decreasing potential adverse impacts was selected for further evaluation and analysis in Tier II. In Tier II, mitigation strategies will be explored, where appropriate.

**Comment 6.6-12:** Air Quality in the region does not meet ozone National Ambient Air Quality Standards; additional local emission reductions may be necessary. The General Conformity requirements are an important mechanism for New Jersey to address its ozone conditions. The following comments are related to General Conformity. Portions of the

project that require Federal permits/approvals or receive funding from Federal agencies other than the FHWA may not fall under the Transportation Conformity regulation and may require a General Conformity Applicability Analysis/ Conformity Determination (if needed) prior to the start of the action. For any air emissions associated with actions not included in the transportation plan and TIP, a General Conformity Applicability Analysis/Conformity determination (if needed) is required for ozone (Nitrogen Oxides [NO<sub>x</sub>] and Volatile Organic Compounds [VOCs]), particulate matter of 2.5 microns or less (PM<sub>2.5</sub>) (and precursors), and carbon monoxide (CO). All direct and indirect emissions associated with the EIS/project components that are subject to General Conformity must be included in the General Conformity Applicability Analysis/Conformity determination. (NJDEP)

**Response 6.6-12:** Regional non-attainment status for ozone is noted in Chapter 6.6, as are the Transportation Conformity regulations. A discussion of General Conformity is included in the errata, however General Conformity requirements will be determined at the appropriate time, during the Tier II process.

**Comment 6.6-13:** We could not locate portions of the proposed project in the NJTPA TIP. Please provide specific details, such as project numbers (dbnums), for the portions of the proposed project including elements of the No Action Alternative that were included in the 2012 – 2015 TIP. (NJDEP)

**Response 6.6-13:** The specific details about project elements that were included in the TIP are discussed in the errata.

**Comment 6.6-14:** The air emissions from most of the construction activities, such as the expansion at the freight facilities, have not been “specifically identified” as being included in the State Implementation Plan (SIP), therefore, the air emissions would have to be included in a General Conformity Applicability Analysis/Conformity Determination (if needed). (NJDEP)

**Response 6.6-14:** A discussion of General Conformity is included in the errata. It should be noted that SIP budgets account for emissions associated with certain construction activities (from non-road engines).

**Comment 6.6-15:** New Jersey is in nonattainment of the 8-hour ozone National Ambient Air Quality Standards and Hudson County is in maintenance for PM<sub>2.5</sub> and CO National Ambient Air Quality Standards. The USEPA proposed to revise the ozone National Ambient Air Quality Standards in the near future to be more protective of human health and the environment. In light of our current nonattainment status for ozone and potential revision to the ozone National Ambient Air Quality Standards, inclusion of the tunnel emissions in the New Jersey SIP is not feasible. An air

mitigation plan that provides real reductions will be required for the air emissions associated with the construction of the tunnel and for any emissions not included in the transportation plan/TIP. (NJDEP)

**Response 6.6-15:** The ozone non-attainment status is discussed in Chapter 6.6. The Rail Tunnel Alternative would reduce emissions of most pollutants and negligibly increase emissions of others, as discussed in Chapter 6.6. Emissions associated with the construction of the tunnel would be evaluated and analyzed in Tier II and mitigation strategies will be explored, where appropriate.

**Comment 6.6-16:** The potential local air quality impact of the proposed alternatives is acknowledged in Table 6.6-5 and elsewhere as likely being negative for several areas immediately surrounding the terminals and other facilities that would need to be built or expanded. Details of possible mitigation programs should be presented in a future Tier II analysis. The following options could be considered: Spreading the western terminal operations over multiple locations so as to avoid concentrating all of the needed truck activity in such a small area. This would decrease local traffic congestion and the local concentrations of air pollutants. Consider the use of clean locomotive fuels, such as electricity or natural gas, so as to avoid the local air pollution emissions from rail activity. (NJDEP)

**Response 6.6-16:** The Tier II analysis will include a detailed description of mitigation strategies explored. The Preferred Alternatives would not result in an increase in truck traffic at the western terminus. See Response to Comment 4-14 regarding the use of electric locomotives.

**Comment 6.6-17:** We are not, and we will not, be in favor of any program that will cause an increased burden on our children, or the lungs of our children, because we have asthma rates eight times the national average. One in four of our children has asthma. (M. Johnson)

**Response 6.6-17:** A detailed analysis in Tier II will be needed to quantify air pollutant levels with the Preferred Alternatives. Predicted concentrations will be compared to the NAAQS, which are health-based standards. Primary standards provide public health protection, including protecting the health of “sensitive” populations such as asthmatics, children, and the elderly.

**Comment 6.6-18:** The DEIS identifies increased rail freight as a source of increased local pollution, and states that those living within 200 feet of the tracks would experience concerning levels of air pollution from diesel trains with the Build Alternatives, even using USEPA projections about 2035 fleets. Tier II must show how many people are impacted, and what the public health impacts will be on this population. (Parisen)

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- Response 6.6-18:** The DEIS states that there *may* be a potential for impacts within close proximity to the tracks, and indicates that further evaluation in Tier II is necessary to address the effect increased rail activity on air quality. Tier II will explore mitigation strategies, where appropriate and will include, where needed, an evaluation of the effects of the project on public health.
- Comment 6.6-19:** For a 3,000-truck reduction on eastbound harbor and river crossings, 5,200 trucks are added in East New York, and 3,000 more on Routes 1 and 9 and the New Jersey Turnpike. Overall truck traffic is increased in higher-density population areas, producing net air quality loss where it does the most harm to the most people. What is the point of calling this “air quality improvement”? (Parisen)
- Response 6.6-19:** This is true only for the Rail Tunnel with Truck Access Alternative which is not a Preferred Alternative proposed for advancement to Tier II. Regional air quality benefits are discussed in Chapter 6.6. In addition to reducing truck volumes on crossings (both eastbound and westbound), the Preferred Alternatives would also, on a broader basis, reduce truck VMT in the region and would therefore reduce the associated air pollutant emissions. Tier II will evaluate and analyze potential adverse impacts and will explore potential mitigation strategies, where appropriate.
- Comment 6.6-20:** The Build Alternatives presented in the DEIS offer opportunities to reduce traffic congestion at other major crossings, reduce VMT regionwide, and reduce petroleum consumption. A major environmental benefit that would result from any of the Build Alternatives is reduction in emissions of criteria air pollutants and GHG. From an air quality and human health perspective, this is particularly important, given that the New York City/Northern New Jersey metropolitan area continues to be in nonattainment of the NAAQS for ozone and only recently attained the NAAQS for fine particulate matter emissions. Reductions in pollutant emissions would help improve air quality and protect public health. Exposure to air pollutants is associated with numerous effects on human health. (USEPA)
- Response 6.6-20:** Comment noted.
- Comment 6.6-21:** Has an air quality impact analysis, using the USEPA AERMOD model, been performed to quantify the statement that there will be adverse air quality impacts, and to determine the air quality impacts of diesel trucks, diesel locomotives (moving and idling), the Greenville Yards Facility, including the vents for the tunnel alternative, construction equipment and fugitive dust from disturbing soil; and if these impacts

would cause increased cases of asthma, other respiratory illnesses and cancer in children in the environmental justice community? (Larkins)

**Response 6.6-21:** A detailed analysis was not performed in Tier I. This analysis will be performed as part of Tier II. Detailed information regarding operations and engineering design that would be needed for such an analysis are not available at this time.

**Comment 6.6-22:** The DEIS specifies that there will be reductions of 3,000 trucks per day in the eastbound direction on all Hudson River crossings and reductions in New York Highway traffic, but will Greenville pay for this reduction with an increase in truck and rail traffic? As many as 3,000 additional trucks per day are using the Newark Bay Extension with the Rail Tunnel with Truck Access Alternative, with a worst case scenario of an additional 5,300 trucks and 25 trains per day. What is the air quality impact and health risk at the environmental justice community of all trucks and trains, including existing trains that would occur by using only the Turnpike Extension rather than all the Hudson River Crossings? (Larkins)

**Response 6.6-22:** The number of trucks referred to in the comment are specific to the Rail Tunnel with Truck Access Alternative, which is not a Preferred Alternative proposed for advancement to Tier II. Tier II will more specifically evaluate and analyze the potential localized effects of increased rail activity on air quality and assess whether any potential adverse impacts in environmental justice communities are disproportionate. Mitigation options will be explored in Tier II, where appropriate.

**Comment 6.6-23:** The DEIS draws the incorrect conclusion that pollutant emissions will be reduced because there will be less idling at the Hudson River crossings. Instead of being spread over a wider area, the Lincoln Tunnel, the Holland Tunnel, and the George Washington Bridge, air pollutant emissions will be concentrated on the Newark Bay Extension and on the rail line near the environmental justice community of Greenville. How is this acceptable, to increase the impact of air pollution and cause increased rates of asthma and other respiratory illnesses, heart disease, low birth-weight babies, and lung cancer in the environmental justice community? (Larkins)

**Response 6.6-23:** The greatest benefit to air quality discussed in the DEIS comes from a reduction in regional VMT and the regional benefit is not affected by localized increases. The potential impacts from localized increases in pollutant emissions will be further evaluated and analyzed in Tier II. Mitigation strategies will be explored, where appropriate, to address

potential adverse impacts and disproportionate impacts to environmental justice communities.

**Comment 6.6-24:** The DEIS states that despite a local increase in air pollution, “which would be mitigated to the extent practicable, the Build Alternatives would result in regional benefits to air quality.” The local increase in air pollution is at the Greenville environmental justice community. What does “extent practicable” mean? If PANYNJ decides that they do not want to pay for greater pollution controls, then will added mitigation measures not be used, and an increase in asthma, heart disease low birth-weight babies, and lung cancer in Greenville will be considered acceptable? (Larkins)

**Response 6.6-24:** The intensity and extent of potential adverse impacts of the air pollutant emissions will be further evaluated analyzed in Tier II. As discussed in Chapter 6.6 and Chapter 6.11, the Tier II analysis will allow for a more definitive determination of potential impacts (including air quality impacts) and whether potential adverse impacts would be borne disproportionately by environmental justice communities. Consistent with federal policy on environmental justice, if FHWA determines that a project would result in adverse effects and if it further determines, after mitigation is considered, that a project would still have disproportionately high and adverse effects on minority and/or low-income populations, FHWA will evaluate whether there is a further practicable mitigation measure or practicable alternative that would avoid or reduce the disproportionately high adverse effects. FHWA may proceed with an action, even if it results in disproportionately high adverse effects, if it determines that no such practicable measures or alternatives exist. In considering what is practicable, the agency may take into account the relative costs and benefits of a mitigation measure or alternative. See FHWA Guidance on Environmental Justice and NEPA (December 16, 2011); and FHWA Order 6640.23A, FHWA Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (June 14, 2012) at Par. 8(f) (“In determining whether a mitigation measure or alternative is ‘practicable’, the social, economic (including costs) and environmental effects of avoiding or mitigating the adverse effects will be taken into account.”).

**Comment 6.6-25:** The No Action Alternative specifies the purchase of three ultra-low emission locomotives. Will these locomotives be used to move all railcars across the Newark Bay rail bridge, or will fuel-inefficient polluting locomotives continue to move railcars past the environmental justice community? (Larkins)

**Response 6.6-25:** Up to four ultra-low emission locomotives in question (two in Greenville and two in Brooklyn) will be used to operate NYNJ's railcar float operation. Neither PANYNJ nor NYNJ has any control over railroad operations over the Newark Bay Lift Bridge, known locally as the Lehigh Valley Lift Bridge. A more detailed evaluation and analysis of potential adverse impacts on air quality with the Preferred Alternatives will be included in Tier II and mitigation strategies will be explored, where appropriate.

**Comment 6.6-26:** Why hasn't PANYNJ proposed a more sustainable plan in the DEIS, such as using electric locomotive engines for the CHFP and requiring all rail traffic moving through the region to use electric locomotives? Wouldn't this significantly reduce regional air pollution? (Larkins)

**Response 6.6-26:** See Response to Comment 4-14.

**Comment 6.6-27:** Has the MOVES model been used to determine the effect on regional emissions reductions and a reduction in air pollution from using electric locomotives rather than diesel locomotives? Has the USEPA's AERMOD dispersion model been used to determine the reduction in air quality impacts from using electric locomotives rather than ultra-low diesel or diesel locomotives? (Larkins)

**Response 6.6-27:** The MOVES model does not currently include the component of estimating emissions from locomotives. Emissions from diesel locomotives were calculated based on USEPA's estimates of typical in-use emission rates of criteria pollutants. USEPA's estimates include the fleet penetration of the various tiers of locomotives. See Response to Comment 4-14 regarding the use of electric locomotives.

**Comment 6.6-28:** This project is supposed to be fully implemented years from now. The United States is now the number one producer of natural gas in the world. Why hasn't PANYNJ used more foresight in proposing more sustainable approaches to reduce regional air pollution by offering economic incentives such as a reduction in tolls if a truck uses compressed natural gas, rather than diesel fuel at the Hudson River Crossings? The USEPA's Acid Rain Program is a good example of how economic incentives can reduce air pollution. Many companies, such as Coca Cola and Frito-Lay, now use electric vehicles for deliveries. Why doesn't PANYNJ mandate that all trucks be electric or hybrid when using the Hudson River Crossings during peak hours, when congestion and the greatest air pollution occurs? (Larkins)

**Response 6.6-28:** While air pollution could be reduced by providing incentives for trucks that use alternative fuels or for off-peak deliveries, this would not substantially reduce truck VMT or reduce our overwhelming

dependence on trucks. These measures would also insufficiently address the purpose and need of the project, which is to improve the transportation of freight across the New York Harbor.

**Comment 6.6-29:** Has the MOVES model been used to determine the effect on regional emissions and air pollution, if only hybrid trucks were allowed to use the Hudson River Crossings during the times that the greatest air pollution occurs, rather than concentrating all the air pollution near the Greenville environmental justice community? Has the MOVES model been used to determine the effect on regional emissions and air pollution, if only electric powered trucks were allowed to use the Hudson River Crossings during the times that the greatest air pollution occurs? Has the MOVES model been used to determine the effect on regional emissions and air pollution, if different combinations of electric powered trucks, hybrids, low-emission diesel truck, conventional diesel trucks, ultra-low emission diesel trains and conventional diesel trains are used?

Why has the USEPA's AERMOD model not been used to determine the impact of the CHFP on the National Ambient Air Quality standards, if different combinations of electric powered trucks, hybrids, low-emission diesel truck, conventional diesel trucks, ultra-low emission diesel trains and conventional diesel trains are used? (Larkins)

**Response 6.6-29:** The effects from hybrid trucks, electric trucks, different combinations of electric and hybrid trucks, or other types of low-emission diesel trucks have not been modeled, since the impact assessments focused on the types of trucks that would be reduced or diverted as expected as a result of the Build Alternatives. See Response to Comment 4-14 regarding electric locomotives. The models and types of analysis mentioned in the comment require the use of more site-specific and operational information that was not available for the Tier I environmental review. Furthermore, the technologies mentioned would have no effect on congestion and would not sufficiently meet the goals and objectives of CHFP. Since trucks travel across the country, emission standards for trucks are regulated at the federal level, by USDOT and USEPA.

**Comment 6.6-30:** Please provide the South Greenville Neighborhood Association with digital copies of the MOVES model input and output files, and any protocol that was developed to show procedures used in the modeling analysis. (Larkins)

**Response 6.6-30:** Appendix G, which contains these materials, has been included in the FEIS.

**Comment 6.6-31:** The DEIS incorrectly states that “on-road diesel vehicles currently contribute very little to sulfur dioxide emissions.” If this were true why would the American Lung Association list diesel engines in “trucks, locomotives, and ships” as a major source of sulfur emissions? (Larkins)

**Response 6.6-31:** The statement in the DEIS is correct. USEPA has made significant advances with diesel program regulations. Sulfur emissions from diesel engines are no longer an air quality issue.

Please see <http://www.epa.gov/OTAQ/fuels/dieselfuels/index.htm>.

**Comment 6.6-32:** Has PANYNJ determined the impact on the proposed new 1-hour National Ambient Air Quality Standard for sulfur dioxide, from the CHFP and all the trucks and trains passing the Greenville environmental justice community using USEPA’s AERMOD dispersion model? (Larkins)

**Response 6.6-32:** The 1-hour standard for sulfur dioxide was promulgated in 2010, as noted in Chapter 6.6 of the DEIS. An analysis to assess local effects on air quality will be performed in Tier II, using AERMOD or the USEPA preferred model at the time of the analysis. USEPA had mandated a reduction of sulfur content in diesel fuel, effective 2012, which has reduced the sulfur content of locomotive and marine diesel to 15 parts per million (ppm) of ultra-low sulfur diesel. The sulfur content of highway diesel (used in trucks) was reduced to 15 ppm in 2010. Considering the low sulfur content of diesel fuel, sulfur dioxide emissions from trucks and trains are not anticipated to result in disproportionate impacts on air quality.

**Comment 6.6-33:** Has PANYNJ considered that the sulfur dioxide emissions from diesel engines are a major contributor to the formation of sulfate particles, which are a major cause of asthma in children in urban and environmental justice communities? (Larkins)

**Response 6.6-33:** Due to the low sulfur content of diesel (see Response to Comment 6.6-32), sulfur dioxide emissions would be minimal. Formation of sulfate particles resulting from the operation of diesel engines would not be substantial. Pollutant precursors are generally discussed on page 6.6-5.

**Comment 6.6-34:** Has an air quality analysis been performed to determine if primary air pollutants emitted by the project or secondary air pollutants, such as sulfate particles created by the project, will cause impacts at the Edwin B. Forsythe National Wildlife Refuge? (Larkins)

**Response 6.6-34:** The Edwin B. Forsythe National Wildlife Refuge is over 100 miles from the area potentially affected by the proposed project. Impact of

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localized emission increases from the Preferred Alternatives at that distance would not be measurable. Therefore, no further analysis with respect to this resource is required.

**Comment 6.6-35:** The DEIS states that the Waterborne Alternatives could result in an increase of all criteria pollutants, because of the high emissions from marine engines. How can any of those alternatives be considered if they are going to increase air pollution in the area, and possibly contribute to a violation of the National Ambient Air Quality Standards? (Larkins)

**Response 6.6-35:** As noted in Chapter 6.6, the potential increase in criteria pollutant emissions with the Waterborne Alternatives would be small and options to reduce these emissions could be explored as part of any Tier II analysis.

**Comment 6.6-36:** The DEIS states that some increases in pollutant burdens may result in the region as a result of the CHFP. Why isn't PANYNJ considering using only technology that will result in a decrease in pollutant burden? (Larkins)

**Response 6.6-36:** Technological options to reduce emissions will be further evaluated in Tier II.

**Comment 6.6-37:** Is it possible that the increased pollutant burden from the CHFP will violate USEPA's anti-backsliding regulations? (Larkins)

**Response 6.6-37:** No. The anti-backsliding provision is in place to prevent areas from undoing any air quality improvement measures or to make sure areas keep their commitments to improving air quality as committed to in their federally approved New York and New Jersey SIPs. As a federally funded and approved project, CHFP would need to conform with the New York and New Jersey SIPs.

**Comment 6.6-38:** The DEIS states that VOC emissions will increase as a result of all the alternatives. VOCs are a precursor to the criteria pollutant ozone. This region is non-attainment for ozone. Why doesn't PANYNJ propose alternatives that will reduce air pollution, such as electric locomotives, and electric and hybrid trucks, rather than contributing to a violation of the NAAQS? (Larkins)

**Response 6.6-38:** See Response to Comment 4-14 regarding electric locomotives. While some minor increases in VOC emission may result, any increases would be unlikely affect ambient air quality or the regional efforts to meet federal ozone standards.

- Comment 6.6-39:** If someone gets sick and they suspect it is due to the increase in pollution in the Greenville section of Jersey City, will there be provisions made for free health care for those individuals? (Larkins)
- Response 6.6-39:** A detailed assessment of the effects of the Preferred Alternatives on Air Quality will be performed as part of Tier II environmental review. Predicted air pollutant levels will be compared with the health-based NAAQS. If the potential for exceedance of those standards is predicted, mitigation strategies will be explored in Tier II, where appropriate, and a health impact assessment would be performed, if needed.
- Comment 6.6-40:** Aren't the significant adverse social impacts caused by the odors from MSW on railcars only feet away from people's houses against the NEPA regulations? (Larkins)
- Response 6.6-40:** Trains traversing Jersey City today carry MSW, which is a legally permissible cargo to be transported by rail. MSW shipments need not necessarily create adverse impacts if applicable laws and regulations are adhered to and trains carrying such shipments do not remain in sensitive locations for an extended period of time. The Tier I DEIS did not determine that there would be "significant adverse social impacts caused by the odors from MSW on railcars." Furthermore, a finding of a significant adverse impact would not be against NEPA regulations nor would it necessarily preclude a project from advancing in compliance with NEPA. Tier II will evaluate and analyze potential adverse impacts and will explore potential mitigation strategies, where appropriate.
- Comment 6.6-41:** Will trains carrying containers from Global, BMW, and other freight lines be given preference over trains carrying MSW, so that MSW will sit for days in Greenville making the odors unbearable? (Larkins)
- Response 6.6-41:** An operating plan has not been developed at this time. Estimating potential train delays and identifying measures to limit them will be explored in Tier II.
- Comment 6.6-42:** 6.6-18 indicates that "Truck routes would be designated to the extent practicable to avoid residential areas. No-idling laws would be enforced." In the densely populated Greenville area of Jersey City and nearby northern Bayonne which are adjacent to Greenville Yard, how would it be practicable to route trucks in such a way as to avoid residential areas? And how feasible would it be to enforce no-idling laws in these areas? (Larkins)
- Response 6.6-42:** The Rail Tunnel with Truck Access Alternative is the only Build Alternative that would have resulted in additional truck traffic in the Greenville area. As that Alternative is not being proposed as a Preferred

Alternative for advancement to Tier II, the routing of trucks within Greenville does not warrant further consideration.

**Comment 6.6-43:** How many no idling citations have been issued in Greenville in the past year? In Jersey City? In Hudson County? Zero? (Larkins)

**Response 6.6-43:** This information is beyond the scope of the Tier I EIS. However, idling violations can be reported to NJDEP by calling the 24-hour hotline: 877-WARN-DEP.

**Comment 6.6-44:** 6.6-18 goes on to state: “All diesel fuel for the proposed project would include 15 ppm or less sulfur by weight.” Are we then to conclude that this diesel fuel is entirely “clean”? Other than sulfur, what other potential contaminants are emitted in diesel fuel? (Larkins)

**Response 6.6-44:** As discussed in Chapter 6.6, combustion of diesel fuel results in emissions of NO<sub>x</sub>, particulate matter, carbon monoxide, carbon dioxide, as well as other air pollutants in minute quantities. Diesel with low-sulfur content does not result in substantial emissions of sulfur dioxide.

**Comment 6.6-45:** The Rail Tunnel Alternatives will result in significant annual reductions in carbon dioxide emissions, as well as nitrous oxide emissions and particulate matter of 2.5 and 10 that can cause and exacerbate asthma, heart, pulmonary diseases and other health problems. (Wilt)

**Response 6.6-45:** Comment noted.

**Comment 6.6-46:** General Conformity applies to portions of the project funded or permitted by Federal agencies and not covered under Transportation Conformity. (NJDEP)

**Response 6.6-46:** A discussion of General Conformity is included in the errata; however, General Conformity requirements will be determined at the appropriate time, during the Tier II process.

**CHAPTER 6.7: NOISE AND VIBRATION**

**Comment 6.7-1:** Marine noise mitigation measures must comply with the Inland Navigation Rules, including 33 CFR Part 8—Annex III: Technical Details of Sound Signal Appliances. Requests for alternate signal means must be submitted to the local Captain of the Port Office for review. Requests for alternate signal means must be balanced against the need for maintaining safe navigation within the adjacent waterways. (USCG)

**Response 6.7-1:** Comment noted. This requirement is included in the errata.

**Comment 6.7-2:** The effects of vibration must be fully mitigated. Structures close to the rail cut may be susceptible to damage. All structures within a defined

distance from the cut should be inspected prior to any excavation or demolition associated with the CHFP. Building owners should be provided with the inspection results and be afforded an opportunity to comment. (Berk)

**Response 6.7-2:** Further assessment of the effects of vibration with the Preferred Alternatives will be performed in Tier II. Outreach to stakeholders will continue.

**Comment 6.7-3:** Restrictions on hours of work must be employed. The Tier II DEIS must separately analyze noise along the rail line generated by construction, and noise generated by train operation, and, based on each analysis, evaluate the mitigating value of limitations placed on work hours and operating hours. (Berk)

**Response 6.7-3:** Potential operational and construction effects on noise will be evaluated and analyzed separately and in Tier II and potential mitigation strategies will be explored, where appropriate.

**Comment 6.7-4:** I have requested \$250,000 in state funding for a Noise and Vibration study concerning the Fresh Pond Terminal/Yards and the Swamp Switch in Middle Village. I am requesting that the next steps in this process include a full study and disclosure of local impacts on communities up and down the rail line as well as a study into possible technological methods that would reduce burdens on community health, environment, and quality of life. (M. Miller)

**Response 6.7-4:** Localized noise and vibration effects of the Preferred Alternatives will be further evaluated and analyzed in Tier II and potential mitigation strategies will be explored, where appropriate.

**Comment 6.7-5:** My support is contingent on significant noise calming and noise reduction efforts for old rail networks that haven't been upgraded in some time. (Williams)

**Response 6.7-5:** Comment noted.

**Comment 6.7-6:** If any of the "train" alternatives is advanced to Tier II, noise mitigation must be effective. All techniques should be explored. Failure to achieve substantial noise mitigation would be one of the first reasons Bay Ridge Line neighbors move away. (Berk)

**Response 6.7-6:** Potential noise mitigation strategies will be explored in Tier II, where appropriate.

**Comment 6.7-7:** With respect to measurement, CB14 wishes to offer some comments on techniques. First, the community board questions the appropriateness of

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using  $L_{eq}$  or  $L_{dn}$  measures to assess noise impacts at residential sites along the track. These measures compute average absolute sound levels, as when trains are passing. (Berk)

**Response 6.7-7:** The measurements selected are consistent with federal guidance and appropriate for the noise impact assessment.

**Comment 6.7-8:** According to DEIS Table 6.7-2, typical noise levels for locomotive-driven freight trains are 80 to 90 vibration decibels (VdB) at 50 feet. Absent substantial mitigation, numerous residences near the Bay Ridge Line would be subjected to these levels. The same table indicates that, at these sound levels, there would be “difficulty with vibration-sensitive tasks, such as reading a video screen.” CB14 reminds the CHFP team that Brooklyn College is adjacent to the Bay Ridge Line in Community District (CD) 14. Moreover, the threshold for “residential annoyance” is lower. Numerous residential buildings abut the right-of-way. Mitigation must bring noise levels well below the “Residential annoyance” threshold. (Berk)

**Response 6.7-8:** A more detailed evaluation and analysis of the effect of the Preferred Alternatives on noise and vibration will be performed in Tier II and potential mitigation strategies will be explored, where appropriate.

**Comment 6.7-9:** The board objects to the selection of Tier I noise measurement receptor sites within Community District 14. Table 6.7-6 identifies a site at the dead end of East 22nd Street between Campus Road and Avenue I. Here, distance to the receptor site is 55 feet from railroad cut center line. (The LIRR property apparently is 110 feet wide at this point.) The arbitrary choice of this location for noise level measurement obscures the narrowing of the railroad line west of East 16th Street to 88 feet, where, as elsewhere, residential structures abut the cut and can be as close as 44 feet to the track bed center line. The choice of receptor sites should be changed for Tier II. (Berk)

**Response 6.7-9:** In recognition of the comment, additional locations will be modeled and a more detailed analysis will be performed in Tier II along the corridor. The receptors modeled for a noise impact analysis are selected to be representative of worst-case locations.

**Comment 6.7-10:** The use of a single “track bed center line” for purposes of determining distances to receptor sites is appropriate only for a single track. If the rail cut is to contain two tracks, then noise levels must be calculated based on the lesser of the distances to receptor sites from the center line of each track. (Berk)

- Response 6.7-10:** Consistent with the Federal Transit Administration (FTA) guidance (see page 5-14 of FTA’s *Transit Noise and Vibration Impact Assessment*), “distances are referenced to the track centerline, or in the case of multiple tracks, to the centerline of the rail corridor”.
- Comment 6.7-11:** The DEIS states that “Allowable CHFP noise exposure levels were identified based on existing noise levels, as measured for the 2004 DEIS or calculated using FTA technology.” The PANYNJ CHFP web page does not provide a link to the 2004 DEIS. The current measurement methodology must be specified. (Berk)
- Response 6.7-11:** A link to the 2004 DEIS can be found at:  
<https://www.panynj.gov/port/pdf/CH-DEIS-2004.pdf>
- Comment 6.7-12:** FTA methodology described by the referenced guidance (FTA guidance manual *Transit Noise and Vibration Impact Assessment*, May 2006) which, according to the report, is being followed at the “General Noise Assessment” level, is NOT followed.
- In general, using measurements of existing levels from 2004 would not be valid. In Table 6.7-6 the “Noise Monitor Location” column leads the reader to understand that one point is used to represent potential noise levels for entire segment; this is not consistent with methodology for General Noise Assessments presented in 2006 FTA guidance manual. (NYSDOT)
- Response 6.7-12:** When existing levels are not available, General Noise Assessment uses approximate values based on population density. The use of older, site-specific data is more appropriate.
- Comment 6.7-13:** It is unclear why all assessment of freight yards has been deferred to Tier II; there is a General Noise Assessment methodology described for Stationary Sources in the FTA guidance manual. (NYSDOT)
- Response 6.7-13:** Due to the large number of Alternatives and freight facility locations, in addition to a lack of sufficient information regarding equipment, operations, and the precise configuration of the freight facilities, the noise assessment is deferred to Tier II. This clarification is included in the errata.
- Comment 6.7-14:** Additional mapping would be helpful for understanding where different types of transit occur, locations of sensitive receptors, screening distances, reported probable effect areas. (NYSDOT)
- Response 6.7-14:** Additional maps will be prepared for the more detailed noise assessment that will be prepared for the Preferred Alternatives in Tier II.

- Comment 6.7-15:** Regarding Table 6.7-6:
- (1) Calculated and predicted decibel values are reported including decimals; should report integer values only.
  - (2) Where did Moderate and Severe Impact threshold values come from? FTA guidance table 3-1 does not report values out to decimals. (NYSDOT)
- Response 6.7-15:** The requested revision to Table 6.7-6 is included in the errata. The impact threshold values were calculated using the equations provided in Appendix B-5 of the FTA guidance.
- Comment 6.7-16:** Regarding Section D, “Probable Effects of the Alternatives”: no calculations are presented to support the probable effects presented for each alternative. (NYSDOT)
- Response 6.7-16:** Appendix H, showing the calculations is included as part of the errata.
- Comment 6.7-17:** The FTA guidance describes an “Inventory of Vibration-Impacted Locations” as part of a General Vibration Assessment; this is not included in the CHFP report. (NYSDOT)
- Response 6.7-17:** For the Tier I DEIS, the analysis was based on distances. Due to the lack of operational detail available, and given the large corridor and number of alternatives considered in Tier I, a comprehensive inventory was not undertaken as part of Tier I.
- Comment 6.7-18:** Table 6.7-10 presents values from the FTA guidance manual that are associated with a detailed construction noise assessment, which is somewhat misleading, as no such analysis is being presented. (NYSDOT)
- Response 6.7-18:** The values shown in Table 6.7-10 are indicative of levels where impacts may occur and were included to inform the reader. A detailed assessment of noise during construction will be prepared as part of Tier II, when more information regarding construction activity, location, and duration becomes available.
- Comment 6.7-19:** Five elementary schools are close to the rail lines. Two of those schools serve autistic children, children who are specifically hypersensitive to noise and vibration: it can send them into a panic attack. (Barrett)
- Response 6.7-19:** Further evaluation of the effect of the project on noise and vibration will be undertaken in Tier II. The noise impact criteria are based on general community reactions to noise at varying levels which have been documented in scientific literature and do not account for specific

community attitudinal factors which may exist, as noted in the FTA guidance manual (page 3-7).

**Comment 6.7-20:** We already have so much noise, train whistles, pollution that it's detrimental to us. (Quirk)

**Response 6.7-20:** A more detailed noise study, as well as an air quality analysis, will be conducted in Tier II. Potential mitigation strategies will be explored in Tier II, where appropriate.

**Comment 6.7-21:** Can there be noise mitigation measures, improvements on the rails, scheduling scenarios? Work to minimize train traffic, all with the goal to be respectful to the people living in the area. (Dalsass)

**Response 6.7-21:** Noise mitigation strategies will be explored in Tier II, where appropriate.

**Comment 6.7-22:** CURES has requested that a firm such as Harris Miller Miller and Hanson ([www.hmmh.com](http://www.hmmh.com)) be retained to conduct scientific noise and vibration studies in communities and rail facilities, and make specific engineering recommendations that will reduce community burdens. (Parisen)

**Response 6.7-22:** Any detailed noise and vibration studies conducted as part of Tier II will be conducted by qualified experts selected in accordance with applicable laws and regulations. Studies and conclusions will be shared with the public, as required by NEPA.

**Comment 6.7-23:** The 2015 DEIS noise analysis relies on measures noise levels in the 2004 DEIS and estimates using FTA methodology. Vibration was also estimated. If it was necessary to go out and take measurements for the DEIS in 2004, why is it acceptable to use 11-year-old data and estimates in 2015? There have been major changes in rail operations in the intervening years that have made trains noisier, increased vibration, and also greatly increased the number of hours of noise and vibration that are experienced by residents on a daily basis. (Parisen)

**Response 6.7-23:** The 2014 DEIS is a broader effort and was prepared using tiering to make corridor-level decisions and broadly identify the benefits and potential adverse effects with a wide range of alternatives. The 2004 estimates are considered more reliable than estimates based on population density. See Response to Comment 6.7-12. In Tier II, more detailed noise and vibration studies will be prepared, and existing noise levels will be measured.

**Comment 6.7-24:** The Tier I DEIS should have brought forward the fact that New York City is unlikely to be able to help residents who are adversely affected

by noise, for example by enforcing the City's noise regulations. This is because the FRA has jurisdiction over train noise. So the shrieking and banging rail cars all night long, and the vibration that shakes homes and cracks walls and ceilings will come to New York City neighborhoods with the trains, and New York City won't be able to do anything about it. (Parisen)

**Response 6.7-24:** Tier II will include a more detailed evaluation and analysis of potential adverse noise impacts and mitigation strategies will be explored, where appropriate. These efforts may be undertaken by a variety of governmental agencies and/or the private sector.

**Comment 6.7-25:** The DEIS makes the invalid assumption that "Even in a noisy urban area, the bedrooms often will be quiet in buildings that have effective noise insulation and tightly closed windows. Hence, an occupant of a bedroom in a noisy urban area is likely to be just as sensitive to ground-borne noise and vibration as someone in a quiet suburban area." Many of the structures in the environmental justice community are of old construction, without effective noise insulation. Windows are not tightly closed in the summer, because residents cannot afford air conditioning. Greenville residents have noticed a significant increase in noise level from the Turnpike Extension since the roadway was re-surfaced. In addition, containerized cargo at the Port of New York and New Jersey reached record leaves in 2014. Current train traffic can be heard in the environmental justice community with windows tightly closed at 11:30 PM and 4:30 AM. How much will the noise level increase, with an even greater increase in truck and train traffic? (Larkins)

**Response 6.7-25:** The quoted DEIS statement is generally true for buildings with noise insulation and was made to provide background information, rather than site-specific information. The DEIS did not make this assumption for all buildings. Tier II would consider construction techniques and noise and vibration attenuation to be used in various locations in the study area.

**Comment 6.7-26:** What scientific basis and studies does the DEIS use to justify the absurd conclusion that noise in an urban area is the same as in a quiet suburban area? Has any noise monitoring been done in the environmental justice community of Greenville to justify the statement that "Even in a noisy urban area, the bedrooms often will be quiet in buildings that have effective noise insulation and tightly closed windows. Hence, an occupant of a bedroom in a noisy urban area is likely to be just as sensitive to ground-borne noise and vibration as someone in a quiet suburban area"? The DEIS makes the invalid assumption that Please do not use general vague terms to describe the terrible conditions that Greenville residents will have to live with and quantify the word,

- “often”. How many hours for how many days a week will residents have to live with “noisy” conditions? (Larkins)
- Response 6.7-26:** See Response to Comment 6.7-25. The statement is not indicative of every building along the study corridor. Detailed noise assessment in Tier II will consider specific community impacts.
- Comment 6.7-27:** Why, on a nice spring day, should environmental justice community residents be forced to close their windows tightly, and reduce their quality of life? (Larkins)
- Response 6.7-27:** The DEIS did not state or imply that there would be a requirement to tightly close windows.
- Comment 6.7-28:** Has anyone from PANYNJ seen current construction of modern buildings in Greenville? A bunch of 2 x 4’s, a little wallboard, a Tyvek wrapper and plastic siding? How can the noise analysis be considered valid when modern construction in the environmental justice community does not have “effective noise insulation?” (Larkins)
- Response 6.7-28:** A detailed noise evaluation and analysis will be conducted in Tier II, following FTA guidance. Tier II will explore mitigation strategies, where appropriate.
- Comment 6.7-29:** How can the conclusions of the DEIS be considered valid if the initial assumptions of noise in an urban area versus a suburban area are incorrect? (Larkins)
- Response 6.7-29:** See Response to Comment 6.7-25. The general statement is correct. The general statement has no bearing on the assessment conducted in the Tier I EIS and will not affect the analysis that will be performed in Tier II.
- Comment 6.7-30:** Has the DEIS considered that the major noise made by diesel locomotives is not the locomotive engines, but the sound of the train whistle, and the loud bang made when the trains stop and start? (Larkins)
- Response 6.7-30:** Train horns are required by federal law to be sounded at all grade crossings to warn motorists and pedestrians that a train is approaching. Train crews may also sound horns when there is a vehicle, person or animal on or near the track and the crew determines it is appropriate to provide warning. The grade crossing closest to the proposed project alignment is the Chapel Avenue grade crossing, on the National Docks Secondary from Oak Island. It is not anticipated that the project would result in an increase in horn usage in this location. Further assessment in Tier II would consider the potential need for use of warning signals at

the tunnel portals, as well as address the stop and go concerns. Tier II will also explore potential noise mitigation strategies, where appropriate. However, as required by federal law, safety would be the foremost consideration in terms of grade crossings.

**Comment 6.7-31:** How much noise will be produced by the fan vents in the tunnel alternative? (Larkins)

**Response 6.7-31:** Noise from any tunnel ventilation systems has not been assessed because the ventilation systems have not yet been designed. The potential for the effect of ventilation systems on noise levels would be further considered in Tier II.

**Comment 6.7-32:** Have you studied the impact of noise and vibration on autistic children? An autistic child lives right across from the train trestles at Curries Woods. Two of the schools within blocks of the rail lines and truck routes at the Bayonne/Jersey City border currently have programs for autistic children. Given the hypersensitivity of many autistic individuals to sound, what is being done to mitigate the potentially negative effects of noise along these rail lines and truck routes? What studies have you done to assess the impact of your plans on that child and the health of other autistic children? Will PANYNJ make provisions to compensate the child and provide for alternatives for the child and the child's family when you decide to make his life unbearable? (Larkins)

**Response 6.7-32:** As discussed on page 3-7 of the FTA manual, the federal noise impact criteria (FTA, FRA, and FHWA) for rail projects are based on national standards for a range of populations. The impact criteria are based on general community reactions to noise at varying levels, which have been documented in scientific literature and do not account for specific community attitudinal factors that may exist. Institutional land uses, including schools, will be considered more specifically in Tier II, and potential mitigation strategies will be explored, where appropriate.

**Comment 6.7-33:** How much noise will be produced by these trains? If these trains are to travel through the Greenville Line, these rails need to be fixed as current travel creates noise blocks away. (Larkins)

**Response 6.7-33:** Noise effects are discussed in Chapter 6.7. A more detailed assessment of the Preferred Alternatives with respect to noise will be performed in Tier II and potential mitigation strategies will be explored, where appropriate.

**Comment 6.7-34:** 6.7-2 acknowledges that noise may interfere with human activities, including sleep and tasks requiring concentration and coordination. With this in mind, will freight movement along rail lines through

residential areas (e.g. Greenville section of Jersey City) be limited to daytime hours? How is the inevitable increase in noise and vibration likely to affect children in schools and during study time? (Larkins)

**Response 6.7-34:** A more detailed noise assessment will be performed in Tier II. Residential uses, as well as institutional uses, including schools, will be considered as part of the Tier II analysis, using information on the number of trains and proportion of trains during the day and during the night. For Land Use Category 3, which includes schools, the  $L_{eq}$  metric is used, for the noisiest hour of train-related activity during hours of noise sensitivity (i.e., during the time when children attend class, for schools). For residential uses (Land Use Category 2), the  $L_{dn}$  noise metric will be used to account for the nighttime sensitivity to noise.

**Comment 6.7-35:** According to Table 6.7-2, the sound from a locomotive powered freight train at 50 feet is at velocity level (VdB) of almost 90, which is associated with difficulty with vibration-sensitive tasks, such as reading a video screen. The rail line is only 69 feet from housing on Garfield Avenue and less than 50 feet from housing on Catherine Court. What will this level of noise mean to these residents? What will PANYNJ do to mitigate the effects they would inevitably experience? (Larkins)

**Response 6.7-35:** A more detailed evaluation and analysis of potential adverse effects of noise and vibration will be performed in Tier II and mitigation strategies will be explored, where appropriate. Chapter 6.7 disclosed the potential for noise and vibration impacts in the Greenville study area, which includes the properties noted in the comment. The chapter noted that mitigation strategies would be explored in Tier II.

**Comment 6.7-36:** Are vibrations from locomotives passing within 50 to 100 feet capable of causing cracks in the foundations of homes or shattered windows? If these were to occur, would PANYNJ accept any part of the liability for the damages to home owners? (Larkins)

**Response 6.7-36:** Chapter 6.8 disclosed the potential for vibration-related adverse effects. As part of the Tier II analysis, detailed studies to evaluate and analyze potential vibration effects would be performed. These studies would examine both impacts related to architectural and/or structural damage, as well as potential annoyance issues. Tier II will also explore potential mitigation strategies, where appropriate. Questions of liability are beyond the scope of this environmental review.

**Comment 6.7-37:** Are noise levels near freight train tracks in Jersey City currently being monitored? What are your plans for monitoring noise levels? (Larkins)

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- Response 6.7-37:** Existing noise levels are not monitored by PANYNJ or as part of CHFP. Existing noise measurements in areas that could potentially be affected by the Preferred Alternatives will be obtained as part of Tier II.
- Comment 6.7-38:** In recent years there has been a noticeable increase in train traffic. Whistles can be heard with windows closed six blocks away from the tracks; so can the low rumble of the trains. With windows open, grinding of steel wheels and the clacking of tracks can be heard. How many trains currently pass through? How many more will be added? (Larkins)
- Response 6.7-38:** The number of existing train passbys are shown in Table 6.7-7. The No Action Alternative train passbys are shown in Figure 5-8. The additional train passbys for the Preferred Alternatives are shown in Figure 5-9 and Figure 5-10 (for the Enhanced Railcar Float) and in Figure 5-13 (for the Rail Tunnel Alternative). A more detailed noise evaluation and analysis will be performed in Tier II and mitigation options will be explored, where appropriate.
- Comment 6.7-39:** Air traffic is already loud and dangerous. Sometimes we cannot tell the difference between a jet in the distance or a train until we pay closer attention. Dishes rattle in the cabinets when helicopters fly low. These additional noises have to be considered when determining tolerable noise levels for human beings once you add more noise. Please comment on how you will address this. (Larkins)
- Response 6.7-39:** As discussed on page 3-5 of the FTA guidance, the increase in the cumulative noise—when noise from the project is added to existing noise—is the basis for the criteria. As the existing level of ambient noise increases, the allowable level of train noise increases, but the total amount that community noise exposure is allowed to increase is reduced (see Figure 3-2 in the FTA guidance). Therefore, existing noise levels will be accounted for in Tier II.
- Comment 6.7-40:** We don't want the Cross Harbor tunnel under our building. The vibration would cause a problem in the Towers of Bay Ridge. We're asking that the tunnel be moved to a different location, not directly underneath the Towers. It would create an uncomfortable situation for the people who live there. (Orlando)
- Response 6.7-40:** The tunnel would be approximately 100 feet below the building. Tier II will evaluate and analyze potential localized adverse effects of the tunnel. However, based on the anticipated depth of the tunnel under the Towers of Bay Ridge, a significant adverse impact is not likely.

**CHAPTER 6.8: NATURAL RESOURCES**

**Comment 6.8-1:** If the Rail Tunnel Alternatives are selected, the Tier II analysis should include diagrams displaying the proposed dredge and cover location for the immersed tube option for the Rail Tunnel Alternatives. (USCG)

**Response 6.8-1:** If any dredging is required for the Preferred Alternatives, the level of detail requested will be provided in Tier II.

**Comment 6.8-2:** The proposed depression of the tracks to accommodate higher freight cars, coupled with the required relocation of the Buckeye Pipeline, would displace fauna that inhabit the railroad cut. According to the Tier I DEIS, these include rats, opossums, and raccoon, among others. The Tier II DEIS must acknowledge the need for construction-related pest control measures extending beyond the boundaries of the railroad cut to be funded through the project. The specifications for such pest control should be determined only after consultation with the New York City Department of Health and Mental Hygiene, and local community boards. (Berk)

**Response 6.8-2:** As urban-adapted, invasive, generalists, Norway rats and the other species that have the potential to occur in the site are superabundant and ubiquitous throughout the entire metropolitan area. The project is not considered to have the potential to significantly shift or increase pest populations in or around the project site. A standard vector control program for rodents and other pest species would be developed and implemented by the construction contractor, and with this measure in place, no significant change in the existing condition of pest populations in the surrounding area would occur.

**Comment 6.8-3:** The Bay Ridge Line rail cut currently is habitat to trees and other vegetation, which currently provide air quality benefits in the vicinity and attenuate noise emanating from the cut. The DEIS process must take into account these benefits, and propose measures to compensate for their loss. (Berk)

**Response 6.8-3:** The plant community along the Bay Ridge Branch right-of-way is an “herbicide-sprayed roadside/pathway” community (Edinger et al. 2002) that consists of mostly non-native invasive species such as Norway maple that are common to disturbed areas and tolerant of urban conditions. Substantial portions of the railroad embankments and elevated areas contain sparse, invasive vegetation or no vegetation at all. Any carbon dioxide absorption and oxygen production provided by this limited vegetation is highly negligible and partial or complete removal of the vegetation would not have measurable effects on local air quality. A more detailed evaluation of the effects of the potential removal of

vegetation from the area would be conducted in Tier II, and appropriate mitigation (e.g., tree replacement) would be identified.

**Comment 6.8-4:** The primary concern is significant disturbance to the sea floor due to dredging activities associated with the development and improvement of waterfront terminals and support facilities as well as the proposed option of an immersed tube as a possible Rail Tunnel Alternative. The Southern New England/Mid-Atlantic winter flounder stock is near historic lows and the proposed shoreline development and immersed tube location occur within a region which has been determined to be Essential Fish Habitat for all life history stages of winter flounder. As such, the timing restrictions on dredging and development which have been established to protect the spawning and vulnerable life history stages of winter flounder should be imposed. (NJDEP)

**Response 6.8-4:** As noted in Chapter 6.8, “Natural Resources,” coordination with USACE, NMFS, and NYSDEC would be undertaken during subsequent Tier II environmental review to determine the appropriate dredging restriction windows for the protection of winter flounder and other commercially and ecologically important fish species that spawn in the project area.

**Comment 6.8-5:** A New Jersey Natural Heritage Program Priority Site is immediately south of the Greenville Yard and hosts a small breeding colony of the state-endangered least tern. The DEIS also states that the pied-billed grebe, a New Jersey state-endangered species, may occur in the offshore waters of this area during winter, and the peregrine falcon, a state endangered species, has been recorded in the vicinity of the project sites. What provisions will be made to ensure that these endangered species are not negatively impacted? (Larkins)

**Response 6.8-5:** As discussed in Chapter 6.8, “Natural Resources,” no adverse impacts to wildlife occurring within or near the project sites would be expected to occur. This includes the state-listed least terns, pied-billed grebes, and peregrine falcons that may occur in the vicinity of the Greenville Yard, and peregrine falcons that nest on the top of Hell Gate Bridge along the Freemont Secondary Line. Any individuals that may occur in these areas are inherently tolerant of the currently high levels of disturbance, and are unlikely to be adversely affected by any increased rail or vessel activity. Peregrine falcons, which have become an urban-adapted species and nest on many New York City bridges and buildings where levels of noise and human disturbance are exceptionally high, would not be affected by increased rail activity on Hell Gate Bridge.

- Comment 6.8-6:** The DEIS states that “no federally listed species are known to occur in the area.” How is this “known”? Have any long-term observations been made by PANYNJ to ensure that there are no federally listed species in the area? (Larkins)
- Response 6.8-6:** Federally listed species in the area were determined using the U.S. Fish and Wildlife Service’s Information, Planning, and Conservation System list of federally endangered, threatened, proposed, and candidate species that occur in each of the counties in which the project sites are located. This is the most standard and conservative (i.e., at the county level) method for identifying federally listed species that may occur in the vicinity of a project site. In addition, a request was submitted to the New York Natural Heritage Program for any records in their database of federally- and state-listed species in the vicinity of the project sites.
- Comment 6.8-7:** In plain English explain: What will the added pollution do to the wildlife and vegetation in the area? (Larkins)
- Response 6.8-7:** As analyzed and discussed in detail in Chapter 6.5, “Energy and Climate Change,” the CHFP would reduce energy consumption and GHG emissions from freight transport by increasing the share of goods moved through the region by rail and marine vessels—modes that are more energy-efficient than transport by trucks. Some of the Build Alternatives would also reduce energy consumption and GHG emissions by reducing congestion and consequent results of vehicles idling on existing Hudson crossings and roadways used by heavy trucks. As an example, the energy savings that would result from the Enhanced Railcar Float Alternative would exceed the energy needed to heat 1,000 homes, and the energy savings that would result from the Rail Tunnel Alternatives would be enough to heat more than 17,000 homes. Overall, the CHFP would not increase pollution impacts to vegetation or wildlife.
- Comment 6.8-8:** Page 6.8-3 reads: “A permit is required for almost any activity that would alter wetlands or the adjacent areas (up to 300 feet inland from wetland boundary or up to 150 feet inland within New York City)” - Possibly too vague? Is there a way to limit the implications of “almost any activities”? (City of New York)
- Response 6.8-8:** Activities that require authorization under the NYSDEC Tidal Wetlands Regulatory program are specified in the errata.
- Comment 6.8-9:** The maps in Figure 6.8-1 and Figure 6.9-2 appear to be inserted into the document twice, consecutively. Maybe a mistake? (City of New York)

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- Response 6.8-9:** To our knowledge, other copies of the DEIS did not include these figures twice. This may be a printing error that is specific to the copy that was shared with the City of New York.
- Comment 6.8-10:** There is a typo on p. 6.8-28: The potential sites on Long Island contain habitats that are capable of supporting more diverse wildlife communities and more sensitive species than those that occur in the local study areas in Jersey City and New York City. (City of New York)
- Response 6.8-10:** The correction is noted in the errata.
- Comment 6.8-11:** Regarding p. 6.8-37: In this section "Within the New York District of USACE, dredging operations may be restricted in the winter months and the spring (February 1 to May 31) to protect striped bass, American shad, Atlantic tomcod (spawning), and winter flounder (spawning and hopper dredge entrainment). Dredging is also restricted from November through July to protect Atlantic and shortnose sturgeon populations." It is not clear when dredging is permitted. (City of New York)
- Response 6.8-11:** Work windows are imposed on a case-by-case basis, and so it is not known at this time exactly what work windows would be imposed for the CHFP. The purpose of this section is just to note the work windows that are commonly imposed for projects in New York that involve dredging. Imposition of dredging windows will depend on the location, extent, and duration of dredging, type of dredge, and measures implemented to minimize sediment resuspension. Based on previous dredging permits issued for the Lower Hudson River, it is possible that dredging would only be permitted to occur from August 1 to October 31.
- Comment 6.8-12:** Are the 6 types of endangered whales mentioned on p. 6.8-37 listed anywhere? (City of New York)
- Response 6.8-12:** The six species are blue whale, sei whale, sperm whale, finback whale, humpback whale, and right whale. These are pelagic species that occur in the Atlantic Bight and only on very rare occasions would potentially come as close to shore as New York Harbor. The species names are included in the errata for Chapter 6.8 (DEIS page 6.8-38).
- Comment 6.8-13:** USACE permits most large scale projects in the port. You may want to mention authorization of necessary permits from USACE and not just dredge materials. (City of New York)
- Response 6.8-13:** The U.S. Rivers and Harbor Act is included in the errata (for Chapter 6.8, Regulatory Context). The project will require authorization from the USACE under section 10 of the Act to add a tunnel or any other structure to the navigable waters of New York Harbor.

**Comment 6.8-14:** The 23 county map referred on p. 6.8-4 could not be found. (City of New York)

**Response 6.8-14:** The 23-county Regional Environmental Analysis Study Area is shown in Figure 5-2 of the DEIS.

**Comment 6.8-15:** You may need to extend your project area and effect area beyond 400 feet depending on actual area. Taking into consideration tides, currents and refraction waves and sea state. (City of New York)

**Response 6.8-15:** Existing conditions and potential impacts to aquatic resources were considered for the harbor as a whole. A study area of 400 feet was used for terrestrial portions of the project.

**CHAPTER 6.9: WATER RESOURCES**

**Comment 6.9-1:** With regards to the waterborne alternatives presented in the EIS, is it not expressly stated if dredging either through existing berth deepening or the creation of new berthing facilities would be required. If new dredging at the Greenville Yards facility is required, impacts to intertidal and subtidal shallows (New Jersey Administrative Code [N.J.A.C.] 7:7E-3.15 Intertidal and subtidal shallows) would have to be minimized and a thorough alternatives analysis would be required (N.J.A.C. 7:7E-4.7 New dredging). Depending on which berths would be utilized at Port Newark/ Elizabeth Port Authority Marine Terminal for Truck Float/Truck Ferry/LOLO/RORO option, existing depths might satisfy the requirements of the transportation vessels being proposed. Otherwise, the applicant would have to provide an alternatives analysis for any required deepening (N.J.A.C. 7:7E-4.7 New dredging). Mitigation would be required for all permanent impacts to intertidal and subtidal shallows (ISS) and might be required for temporary impacts. (NJDEP)

**Response 6.9-1:** Based on the limited design information available the type and amount of dredging needed to construct any of the 10 proposed build alternatives is unknown at this time. Dredging details would be determined during subsequent Tier II analyses for the alternatives recommended for further study in the ROD. The dredging activities would be under the jurisdiction of both the USACE (New York District) and the NJDEP.

**Comment 6.9-2:** With regards to the rail tunnel options, it appears that major dredging would be required to construct the tunnel. This would trigger many Coastal Zone Management regulations and require a lengthy and robust compliance statement. The EIS does not state if the “immersed tube” technique would be used to construct the entire length of the tunnel, or just a portion. It also does not state if the constructed tunnel would

protrude upwards creating a ridge on the seafloor, or if the trench would be dug deep enough so that the tunnel would be installed and the original sea floor elevation restored. The construction technique chosen would substantially affect the project's overall environmental impact. It is anticipated that additional detail will be provided in the Tier II EIS that will follow. Besides the ISS rule referenced in Comment 6.9-1 and the New Dredging rule, compliance with N.J.A.C. 7:7E-3.5 Finfish migratory pathways, N.J.A.C. 7:7E-3.7 Navigation channels, N.J.A.C. 7:7E-3.12 Submerged infrastructure routes, N.J.A.C. 7:7E-3.38 Endangered or threatened wildlife or plant species habitats, N.J.A.C. 7:7E-4.10 Filling, and other major regulations will be triggered. Mitigation would be required for any permanent impact to ISS, and also for any loss of water area as a result of filling. (NJDEP)

**Response 6.9-2:** It is correct that the construction technique chosen for the tunnel could affect the project's environmental impact on water and aquatic resources. Furthermore, as documented in the DEIS, the Enhanced Railcar Float Alternative may require a modest amount of dredging as compared to an immersed tube tunnel. The dredging requirements and its potential impacts will be assessed in Tier II for the Preferred Alternatives. Pertinent regulations are included in the errata.

**Comment 6.9-3:** What quantity of permanent or temporary discharge of dredged or fill material into navigable waters and other waters of the United States, including wetlands does PANYNJ plan, since it lists Section 404 of the Clean Water Act in the DEIS? (Larkins)

**Response 6.9-3:** The type and amount of dredging or amount of wetlands to be disturbed to construct the preferred alternatives is unknown at this time. Dredging details and potential wetlands impacts would be determined during the Tier II analysis for the Preferred Alternatives. Any proposed dredging and/or wetlands disturbance activities would be under the jurisdiction of both the USACE (New York District) and the NJDEP.

**Comment 6.9-4:** Has PANYNJ already applied for a Waterfront Development Permit? (Larkins)

**Response 6.9-4:** Regulatory permitting would be included in the subsequent design phase.

**Comment 6.9-5:** Does the CHFP project include building in or near tidal waters, and does it require a grant, lease, or license from the State for portions of the project that may occurring on State-owned lands? (Larkins)

**Response 6.9-5:** Regulatory permitting would be included in the subsequent design phase. Any of the alternatives that will involve work within or beneath

tidal waters (within the boundaries of the State of New Jersey) will require a Tidelands Grant, Lease or License from the NJDEP Bureau of Tidelands Management.

**CHAPTER 6.10: HAZARDOUS MATERIALS**

**Comment 6.10-1:** There have been disasters with trains carrying oil and other flammable products that destroyed neighborhoods and killed people. We have houses 50 feet away from that train track.

In your document, you don't specify what's going to be on the train. Therefore, we can assume there's going to be flammables on there, trash, perhaps munitions, radioactive materials. We can expect the worst because you haven't specified what's going to be in the cargo. (Legge)

**Response 6.10-1:** See Response to Comment 5-118. Specific commodities will be determined by the rail freight market and by the rail operators carrying them. Certain materials may be prohibited through the rail tunnel. With proper operating procedures and strict adherence to federal safety standards, the probability of a major disaster involving a flammable cargo is substantially reduced. In addition, it is noted that the federal government recently proposed stricter standards (including reduced operating speeds) for trains transporting oil. If these standards are adopted and followed, the probability of a major disaster is further reduced.

**Comment 6.10-2:** Appendices E-1 through E-14 exclude any information about hazardous materials within or near the Bay Ridge Line within the confines of CD14 and elsewhere. CB14 believes this omission limits the ability of the Tier I DEIS to help to decide between those project alternatives that use the Bay Ridge Line and those that do not.

The board recommends that the project sponsors consider whether the CHFP decision process should be modified to introduce a limited hazardous materials survey of the Bay Ridge Line before the Tier I ROD is rendered. CB14 requests that this hazardous materials review yield a report organized by New York City community district. (Berk)

**Response 6.10-2:** The Tier I process includes a review of available databases and historic information for specific study areas. The Bay Ridge Line is discussed in the 65th Street Yard study area and East New York study area of the chapter. Further investigation of the Bay Ridge Line would be performed during Tier II environmental review.

**Comment 6.10-3:** As of May 7, 2012, with limited exceptions, all remediation in the State of New Jersey are required under NJDEP regulation to proceed with a Licensed Site Remediation Professional (LSRP), without NJDEP (Department) approval. A person responsible for remediation must

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comply with the Administrative Requirements for the Remediation of Contaminated Sites, N.J.A.C. 7:26C including notifying the DEP Hotline regarding discovery of a discharge not already known to the Department and hiring a LSRP to perform, supervise, and certify that the remediation meets all NJDEP requirements. (NJDEP)

**Response 6.10-3:** The errata note that all remediation in New Jersey is required to proceed with a LSRP.

**Comment 6.10-4:** Remediation has been conducted at Oak Island Yard and Greenville Yard sites by Conrail. Program identification (PI) numbers associated with site remediation include but are not limited to:

Oak Island	#005878 remediation is currently being conducted by an LSRP #030921 #G000004434 (Oak Island Landfill)
Greenville Yards	#G000004412 #G000006482 (NJDEP)

**Response 6.10-4:** The errata incorporate this information.

**Comment 6.10-5:** If the project moves forward, an LSRP must conduct a full Open Public Records Act (OPRA) review and assess current or past remedial projects or existing remedial action permits on the specific property block and lots of identified in the construction area. (NJDEP)

**Response 6.10-5:** The errata incorporate this information.

**Comment 6.10-6:** Will any of containers in the CHFP carry any of the hazardous substances regulated under section 112(r) of the Clean Air Act? If so, has a Risk Management Plan been completed? (Larkins)

**Response 6.10-6:** Section 112(r) of the Clean Air Act directs owners and operators of **stationary** sources to identify hazards that may result from accidental releases, to design and maintain a safe facility, and to minimize the consequences of releases when they occur. Transportation-related chemical safety is the responsibility of the Department of Transportation and is not regulated by the Clean Air Act.

**Comment 6.10-7:** Do any railcars using the Greenville Branch carry hazardous substances, and has PANYNJ performed a risk analysis of the impact if a train from Greenville Yards collides with another train using the Greenville Branch? (Larkins)

**Response 6.10-7:** Railcars currently using the Greenville Branch carry hazardous substances. These existing operations are not within the control of

PANYNJ. Safety and security of operations associated with the Preferred Alternatives will be addressed in Tier II, as appropriate.

**Comment 6.10-8:** Will some toxic materials be carried in the train cars? What kind of toxins will be carried in the trains? What kind of toxins will be carried by trucks? (Larkins)

**Response 6.10-8:** The comment does not specify what is meant by “toxic materials”. As noted in Response to Comment 6.10-1, specified commodities carried in trains traversing the study area will be determined by the rail freight market and by the rail operators of trains carrying them. As noted in Response to Comment 6.10-7, with respect to transportation of hazardous substances, safety and security of operations associated with the Preferred Alternatives will be addressed in Tier II, as appropriate.

**Comment 6.10-9:** What are possible activities that would take place that would contaminate soil? Why would they be needed? (Larkins)

**Response 6.10-9:** The activities planned under the Preferred Alternatives would not contaminate the soil; however, such activities may impact existing contaminated soil. Possible activities that may impact existing contaminated soil include soil testing, groundwater monitoring, excavation, drilling, remediation, construction and maintenance. Construction may impact existing contaminated soil and ground water and will be handled and disposed of with all applicable laws and regulations. An appropriate health and safety Plan (HASP) will be developed in Tier II.

**Comment 6.10-10:** What is dewatering? (Larkins)

**Response 6.10-10:** Dewatering is the removal of groundwater from an excavation, usually by pumping, which then allows the contractor to carry out the work specified in a relatively dry environment.

**Comment 6.10-11:** Exactly where would the excavation take place? Please show a map of Greenville Yards. (Larkins)

**Response 6.10-11:** Since detailed design is not available, exact locations and areas to be excavated and the presence or lack of contaminated materials have not been determined. Exact locations will be identified as part of Tier II.

**Comment 6.10-12:** The DEIS states: “The operation of the support facilities yards associated with this alternative and associated equipment would include a variety of fuels, lubricants, and oils. **The proper use, storage, and disposal of these materials are covered by numerous applicable city, state, and federal regulations. At rail yard locations near the waterfront, additional procedures would be used to ensure that**

**hazardous materials do not contaminate groundwater or surface water.”** [emphasis added] Please quantify the “numerous applicable regulations.” (Larkins)

**Response 6.10-12:**

The applicable regulations include the following:

1. New York City Department of Environmental Protection, Community Right-To-Know (RTK) Program.
2. New York State Code of Rules and Regulations (NYCRR), Title 6, Chapter III, 370-376 Hazardous Waste Management Regulations
3. New Jersey Solid Waste Management Act (New Jersey Statutes Annotated [N.J.S.A.] 13:1E-1 *et seq.*) and the Solid Waste Utility Control Act (N.J.S.A. 48:3-1 *et seq.*, N.J.S.A. 48:13A-1 *et seq.*, N.J.A.C. 7:26-1 *et seq.*, N.J.A.C. 7:26G-1 *et seq.*, and N.J.A.C. 7:26H-1 *et seq.*)
4. New Jersey Spill Compensation and Control Act (the Spill Act), N.J.S.A. 58:10-23.11a *et seq.*
5. New Jersey “Discharges of Petroleum and Other Hazardous Substances” (DPHS) rules, codified at N.J.A.C. 7:1E
6. U.S. Department of Transportation
  - a. Hazardous Substances, Title 49, Part 171 and 172 of the Code of Federal Regulations
  - b. Hazardous Materials Regulations, General Awareness and Training Requirements for Handlers, Loaders and Drivers Titles 49, Parts 171-180 of the Code of Federal Regulations
  - c. Hazardous Materials Regulations, Editorial and Technical Revisions, Title 49, Parts 171-180 of the Code of Federal Regulations
7. U.S. Environmental Protection Agency (USEPA)
  - a. Management of Hazardous Wastes, Resource Conservation and Recovery Act (RCRA), Title 40, Parts 260-268 of the Code of Federal Regulations
  - b. Emergency Planning and Community Right-to-Know Act (EPCRA)
  - c. 40 CFR112 (Spill Prevention Control and Countermeasures)
  - d. 40 CFR125 Subpart K (National Pollutant Discharge Elimination System [NPDES] Program)
8. Occupational Safety and Health Administration (OSHA) General Industry Safety and Health Standards (29 CFR 1910) and OSHA Construction Industry Standards (29 CFR 1926)
9. OSHA Globally Harmonized System of Classification and Labeling of Chemicals (GHS).

**Comment 6.10-13:** Have you analyzed the soil in the Greenville area for existing contaminants and how much additional pollution will further contaminate the soil under your plans? (Larkins)

**Response 6.10-13:** Detailed engineering design has not been started, and soil sampling and analysis has not yet been performed. Where appropriate, soil sampling and analysis will be performed in Tier II. Upon development of detailed engineering and construction plans, it is anticipated that remediation undertaken as part of the project would improve existing conditions. No additional soil contamination is expected to result from the project.

**Comment 6.10-14:** Please name any and all hazardous materials that will be transported either by truck or train through the Greenville section of Jersey City and surrounding communities as a result of the CHFP. (Larkins)

**Response 6.10-14:** See Response to Comment 5-118. In general, the laws of common carriage require a rail carrier to transport all freight tendered to it that it may legally convey, consistent with applicable laws and regulations. Therefore, it is impossible to develop a comprehensive list of commodities that could potentially be transported. The Preferred Alternatives are not projected to result in any additional truck traffic in the Greenville area or to change the mix of cargo currently carried by trucks in that area.

**Comment 6.10-15:** What percentage of the freight transported by rail in the CHFP will contain hazardous materials? (Larkins)

**Response 6.10-15:** It is not possible to compute this percentage. See Response to Comment 6.10-14.

**Comment 6.10-16:** The EIS states that a portion of the Greenville Yard study area has been remediated to remove barium, lead, and polycyclic aromatic hydrocarbon (PAH) contamination. How extensive is the remaining contamination? You state that the remediation would be completed under the No Action Alternative. When would the remediation resume? (Larkins)

**Response 6.10-16:** The remaining contamination has not yet been delineated in relation to this Tier I EIS. Due to the study area being listed in the NJ Release, Facility Index System (FINDS), RCRA, Spill Incidents (SPILLS), Scrap Metal Processing/Auto Recycling facility and former Known Contaminated Site databases, as well as the extensive site listings within 1,000-feet of the study area's perimeter, the Greenville Yard study area requires further investigation in any future Tier II documentation. The remediation would resume after further investigation and delineation by

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an LSRP. Any work on the site would be conducted in accordance with appropriate NJDEP site restrictions.

**Comment 6.10-17:** 6.10-36 indicates that if contaminated ground water were encountered in the dewatering process and exceeded the sewer limits, it would be treated by readily available technologies and then returned to the sewers. What readily available technologies would be used? Would all contaminants be removed from the water before it was returned to the sewers? (Larkins)

**Response 6.10-17:** The technology for treating the groundwater would be determined by the type and concentration of contamination. The most common technologies for treatment of contaminated water from dewatering are activated carbon filters, oil water separators and sedimentation tanks. The contaminants would be removed to the extent necessary to ensure that the remaining concentration would be allowable by the New York City Department of Environmental Protection (NYCDEP), NYSDEC, or NJDEP.

**Comment 6.10-18:** We have serious issues: chromium on Garfield Avenue and the lead in our water. (L. Richardson)

**Response 6.10-18:** Comment noted.

**Comment 6.10-19:** There are some instances where this review is quite dated and needs revision, e.g., no mention of the Newtown Creek Superfund site (Maspeth Yard) and installation of the park at Bush Terminal (65th St Yard.) (City of New York)

**Response 6.10-19:** A more detailed and up to date assessment of hazardous materials will be conducted in Tier II. The needed updates noted in the comment are included in the errata.

**Comment 6.10-20:** For the Phelps Dodge Site (Maspeth) and Bush Terminal (65th St Site) and possibly others, future construction on the site will be governed by the site management plan or operation, monitoring and maintenance plan that was approved by the NYSDEC when remediation was completed. For the Phelps Dodge Site, additional requirements may be placed on the use of the property by the USEPA in conjunction with the Superfund Site. (City of New York)

**Response 6.10-20:** Construction of the freight facilities will be in accordance with any applicable site management plans and operation, monitoring, and maintenance plans. The Phelps Dodge Site will be developed and used in accordance with any applicable USEPA requirements.

**CHAPTER 6.11: ENVIRONMENTAL JUSTICE**

**Comment 6.11-1:** We must evaluate all components of the plan as it moves through the Tier I review process and continues into Tier II. Issues of transportation equity that communities face when a preferred alternative advances must be analyzed. (Adams)

**Response 6.11-1:** Pages 6.11-1 and 6.11-2 in the DEIS discuss the fundamental principles of environmental justice, as applicable to the CHFP. Pages 6.11-9 and 6.11-10 discuss analysis that may be appropriate for Tier II environmental review. In agreement with the comment, the DEIS states that Tier II “targeted analyses will be required to determine whether the impacts borne by environmental justice communities may be disproportionately high. At that time, avoidance measures or mitigation would be developed to reduce impacts on environmental justice communities, as appropriate.”

**Comment 6.11-2:** Because of the inequities of the environmental impacts of commercial freight transportation, I support common sense approaches to alleviate air pollution and traffic congestion in not only my district, but across the entire City. (Mark-Viverito)

**Response 6.11-2:** Comment noted. Please see Response to Comment 6.11-1.

**Comment 6.11-3:** Improvements to public health are also paramount here. Roadway congestion caused by trucks is often disproportionately concentrated in low- and working-class communities of color. (Quarless)

**Response 6.11-3:** One of the project goals is to reduce the contribution of Cross Harbor truck trips to congestion along the region’s major freight corridors relative to No Action conditions, as discussed in Chapter 1, “Purpose and Need.” The reduction in truck traffic would benefit air quality and public health in the region, including many environmental justice communities. To address potential localized adverse effects, as stated in the DEIS, in Tier II “targeted analyses will be required to determine whether the impacts borne by environmental justice communities may be disproportionately high. At that time, avoidance measures or mitigation would be developed to reduce impacts on environmental justice communities, as appropriate.”

**Comment 6.11-4:** Most of the current truck traffic comes across the George Washington Bridge and contributes to acute public health problems in low-income communities of color, including Harlem and the Bronx, which have borne the brunt of our truck-intensive system and suffer from the highest rates of asthma in the state. (J. Wood)

**Response 6.11-4:** Comment noted. See Response to Comment 6.11-3.

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- Comment 6.11-5:** No one community should disproportionately shoulder the impact of activity. While industry is a priority, we must also invest in making waterfront communities more livable. Bush Terminal Park and the Brooklyn Waterfront Greenway—which coexist with the working waterfront—provide an example for moving forward. (Velázquez)
- Response 6.11-5:** Comment noted. See Response to Comment 6.11-1.
- Comment 6.11-6:** Hunts Point has long been overburdened by unfavorable land uses that have resulted in health and quality of life issues for community residents. Hunts Point residents suffer from extremely high rates of asthma. Any addition to these already problematic circumstances would be unacceptable. While we ultimately support the CHFP, we are extremely interested in taking into serious consideration the localized impact (and potential mitigation measures) that will be studied in detail in the Tier II DEIS. (Tovar)
- Response 6.11-6:** Comment noted. See Response to Comment 6.11-3.
- Comment 6.11-7:** In communities like Newark, especially around the port, or Elizabeth, certain toxins (mostly from exhaust) from trucks and mobile sources are about 1,800 times the health-based standard. The reduction would do a lot to help the communities like in the Ironbound section, Petersburg, or Elizabeth to reduce air pollution, asthma, and respiratory illnesses. (Tittel)
- Response 6.11-7:** Comment noted.
- Comment 6.11-8:** You wouldn't dump garbage in your backyard, why bring it to us? Because we're just innocent citizens who only make about a median income of \$50,000 a year. (Tayari)
- Response 6.11-8:** The Preferred Alternatives do not contemplate siting a MSW transfer, sorting, or disposal facility anywhere within the study corridor. It is possible that trains utilizing the Preferred Alternative infrastructure would carry MSW to its final destination (see Response to Comment 6.10-14).
- Comment 6.11-9:** The reliance on trucks to move freight across the Hudson has a human cost, as we see in the communities in the South Bronx and Harlem where childhood asthma rates are four times the national average as a result of truck emissions. (Markham)
- Response 6.11-9:** The purpose and need of the CHFP is to improve the movement of freight across the harbor, by reducing the reliance on trucks. Benefits from such a change include an improvement of air quality.

## Chapter 12: Response to Comments Received on the DEIS

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**Comment 6.11-10:** Improving air quality in a 23- or 54-county region at the expense of Kings and Queens Counties (nonattainment areas with Environmental Justice communities) and calling it “improvement” is not acceptable. (Parisen)

**Response 6.11-10:** As indicated by the commenter, the regional air quality analysis performed as part of this Tier I EIS supports the conclusion that regional air quality would be expected to improve with the Preferred Alternatives. As explained in Chapter 6.6, “Air Quality,” a regional air quality analysis is appropriate at this level of environmental review. Tier II will evaluate and analyze the potential for localized impacts associated with construction and/or operation of the Preferred Alternatives, determine whether they are disproportionate, and explore potential mitigation strategies, where appropriate.

**Comment 6.11-11:** Greenville is an environmental justice community. The rail line for the project is only 138 feet from the Curries Woods and 69 feet from the nearest low-income housing of the environmental justice community. The Turnpike is only 575 feet from the Environmental Justice Community. The DEIS says there will be adverse local traffic, air quality, and noise impacts from their construction and operation, many of which would be borne by environmental justice communities. Why should this project be allowed to go forward if there will be significant impacts to the environmental justice community affecting the health of its children? (Larkins, Vasil)

Greenville has always been a neglected community bearing disproportionately high adverse human health and environmental effects. It’s a federal action, which means you can be sure we’re going to be talking to USEPA and NJDEP to make sure this does not go forward. (Vasil)

**Response 6.11-11:** Please refer to pages 6.11-1 and 6.11-2 in the DEIS for an explanation of the fundamental principles of environmental justice, as applicable to the CHFP. Also, please refer to pages 6.11-9 and 6.11-10, discussing analysis that may be appropriate for Tier II environmental review. At this point the magnitude, extent, and duration of potential adverse impacts at Greenville have not been determined. The DEIS states that Tier II “targeted analyses will be required to determine whether the impacts borne by environmental justice communities may be disproportionately high. At that time, avoidance measures or mitigation would be developed to reduce impacts on environmental justice communities, as appropriate.”

**Comment 6.11-12:** Has a health risk assessment, using the output from the AERMOD model, been completed or are there plans to perform an assessment to

determine health risks to residents and in particular children in the environmental justice community from asthma, and other respiratory illness from diesel trucks, diesel locomotives, vessel engines, the Greenville Yards Facility, construction equipment and fugitive dust from disturbing soil? (Larkins)

**Response 6.11-12:** See Response to Comment 6.11-11 regarding potential impacts to environmental justice communities. The AERMOD model is used for air pollutant dispersion analysis and requires detailed operational information that is not available for this Tier I EIS. Tier II will evaluate and analyze the potential for adverse impacts on air quality using AERMOD and will explore potential mitigation strategies, and include a health risk assessment, where appropriate.

**Comment 6.11-13:** What is the ethnic make-up of the population living within a half mile of the freight train tracks in the Greenville section of Jersey City? (Larkins)

**Response 6.11-13:** Please refer to page 6.1-6 for population characteristics, summarized according to study area: “Approximately 65 percent of the population is non-white and about 31 percent is Hispanic. Consequently, Environmental Justice communities may be present throughout the study area.”

**Comment 6.11-14:** What is the average income of the families living within a half mile of the freight train tracks in the Greenville section of Jersey City? (Larkins)

**Response 6.11-14:** As discussed in the DEIS, a detailed analysis of local impacts will be performed in Tier II. Until that time, it is not possible to determine the extent of any potential adverse impacts or to conclude whether any such impacts would disproportionately affect low-income communities. As noted in Chapter 6.11, in the New Jersey portion of the project alignment, the program rail lines run through minority communities; approximately half of these are also low income. The average income information was not reported in the DEIS for any of the study areas.

**Comment 6.11-15:** What is Environmental Justice as it pertains to this project? What actions has PANYNJ taken to ensure that the plans comply with Environmental Justice requirements? (Larkins)

**Response 6.11-15:** See Response to Comment 6.11-11.

**Comment 6.11-16:** Is there any value in the execution of the current work underway in Greenville Yards if all 10 proposed alternatives described in this report are found to be in violation of Environmental Justice Law and therefore not executable? (Larkins)

- Response 6.11-16:** The current work at Greenville Yard (No Action Alternative) has independent utility and was analyzed in a separate NEPA action—*Greenville and 65th Street Yards Categorical Exclusion Re-evaluation Statement*. It should be noted that the comment mischaracterizes Environmental Justice policy and potential implications of compliance. The DEIS consideration of the Build Alternatives is consistent with the fundamental principles of environmental justice, as discussed on pages 6.11-1 and 6.11-2. Tier II will evaluate and analyze the potential for adverse impacts associated with the Preferred Alternatives and determine whether any adverse impacts are disproportionate. Tier II will also explore potential mitigation strategies, where appropriate.
- Comment 6.11-17:** There is no relevant public health and industry data, for the Environmental Justice Community listed in the reference section, concerning the potential for multiple exposures or cumulative exposure to human health or environmental hazards in the affected population, as well as historical patterns of exposure to environmental hazards, which are significant in Greenville. Therefore, PANYNJ is not complying with the NEPA regulations. (Larkins)
- Response 6.11-17:** See Response to Comment 6.11-11.
- Comment 6.11-18:** The fact that there are no references listed for the Environmental Justice Section of the DEIS shows PANYNJ’s lack of concern for the low-income and minority residents of Greenville and lack of understanding of NEPA. At the very least the NEPA regulations, and the President’s Executive Order, should be referenced. (Larkins)
- Response 6.11-18:** Please refer to pages 6.11-1 and 6.11-2 of the DEIS for a narrative of the regulatory context; an explanation of the fundamental principles of environmental justice, as applicable to the proposed project, are described alongside reference to the applicable policies. Data sources are described on page 6.11-3.
- Comment 6.11-19:** According to USDOT Order 5610.2 (a), a fundamental principle of environmental justice requires the avoidance or mitigation of disproportionately high and adverse health and environmental effects to low-income and minority populations. What is PANYNJ doing to ensure environmental equity for communities such as the Greenville section of Jersey City, with its high proportion of low-income, minority residents? (Larkins)
- Response 6.11-19:** See Response to Comment 6.11-11.

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**Comment 6.11-20:** What is PANYNJ’s definition of Environmental Justice? Explain how this definition is consistent with your plans for implementation of the CHFP? (Larkins)

**Response 6.11-20:** This Tier I EIS considers applicability of the Environmental Justice to proposed implementation of the proposed project. See Response to Comment 6.11-11.

**Comment 6.11-21:** The DEIS states that “emissions along the rail corridor used for CHFP would also increase, as would the concentrations of air pollutants near the rail tunnel portals and vents. Despite these local increases, which would be mitigated to the extent practicable, the Build Alternatives would result in regional benefits to air quality.” The environmental justice community is along the rail corridor and would be near rail tunnel portals and vents. Why should the Greenville environmental justice community pay for regional benefits in air quality with worse air quality? This is how it was done in the past, but it is now against the law! (Larkins)

**Response 6.11-21:** In Tier II, the potential increases in air pollutant emissions will be further evaluated and analyzed and potential mitigation strategies will be explored, where appropriate. See Response to Comment 6.11-11. The Tier I EIS is therefore fully compliant with applicable law.

**Comment 6.11-22:** This is an Environmental Justice community. How do you plan to get away with this? (Larkins)

**Response 6.11-22:** See Response to Comment 6.11-11.

**Comment 6.11-23:** The DEIS report states: “Environmental Justice—The proposed alignment of certain Build Alternatives would be located largely on an existing rail line transecting a large portion of New York City and Hudson and Essex Counties in New Jersey, and therefore would run through or near a large number of environmental justice communities. Such Alternatives would, in varying degrees, result in local traffic, air quality, and noise impacts from their construction and operation, many of which would be borne by environmental justice communities.” Isn’t it against the law to make environmental justice communities bear the negative environmental consequences of your plans? What do you mean by “proposed alignment of certain Build Alternatives”? (Larkins)

**Response 6.11-23:** See Response to Comment 6.11-11. It should be noted that adverse impacts in environmental justice communities are not against the law. However, the law requires consideration of mitigation strategies to address adverse and disproportionate impacts, where appropriate. “Proposed alignment of certain Build Alternatives” refers to the fact that

not all Build Alternatives considered in the DEIS have the same alignment and that therefore not every Build Alternative affect the same communities.

**CHAPTER 6.12: COASTAL ZONE MANAGEMENT**

**Comment 6.12-1:** Challenge the No Action of the Rail Tunnel Alternative in Table 6.12-1. Specifically line 3.2. By implementing the tunnel there will be fewer commercial vessels off the Brooklyn waterfront. This would decrease the possibilities of conflict between recreational and commercial waterfront users. (City of New York)

**Response 6.12-1:** The comment may be referring to the N/A (Not Applicable) entry for the Rail Tunnel Alternative in Table 6.12-1. The tunnel would not result in an increase in recreational, commercial, or ocean going vessels. The tunnel is also not expected to substantially decrease the number of commercial vessels. Rather, the tunnel would divert freight from trucks to rail. Therefore, no revisions to Table 6.12-1 are warranted.

**Comment 6.12-2:** Page 6.12-7: Instead of “nor recreational vessel traffic” please insert something like...”recreational traffic is seasonal and is aware of designated commercial areas. There are no recreational facilities directly adjacent to our proposed alternative areas so interactions would be limited and have direct effect.” (City of New York)

**Response 6.12-2:** The requested revision is noted in the errata.

**CHAPTER 7: INDIRECT AND CUMULATIVE EFFECTS**

**Comment 7-1:** What PANYNJ projects currently underway (such as expansion of Greenville Yards or addition of barge traffic) will result in increased freight traffic into Greenville Yard in Jersey City? (Larkins)

**Response 7-1:** The projects underway to improve certain facilities in Greenville Yard, forming part of the No Action Alternative (see Response to Comment 3-44) have the potential to increase the amount of rail freight traffic handled at Greenville Yard. In addition, PANYNJ contemplates construction of an ICTF on certain property owned by it, which also has the potential for increasing the amount of rail freight traffic handled at Greenville Yard.

**Comment 7-2:** According to the Greenville Yard Master Plan (Chapter 7), MSW will be moved from barges and transferred to rail in sealed containers. Can PANYNJ assure that the containers are air-tight? How do you plan to do this? (Larkins)

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**Response 7-2:** PANYNJ currently has no plans to build a barge-to-rail containerized MSW transloading facility at Greenville Yard. This change is noted in the errata.

**Comment 7-3:** You state that the activation of the Greenville Master Plan will substantially increase rail traffic, with associated cumulative effects to local air quality and from increased noise. What effects do you project these detrimental effects to air quality and noise level will have on the residents of the nearby Greenville section of Jersey City? How do you plan to either mitigate the most harmful effects or compensate individuals who suffer from worsening air quality or rising noise levels? (Larkins)

**Response 7-3:** Those elements of the Greenville Master Plan were discussed as part of the Indirect and Cumulative effects assessment. More detailed operational information for the Preferred Alternatives will be developed in Tier II and an analysis of cumulative effects of other projects at Greenville Yard will be performed at that time.

**Comment 7-4:** Chapter 7 projects a dramatic expansion for Global Marine Terminal, with an almost doubling in acreage. You state that increased traffic from this expansion “may result in cumulative traffic, air quality and/or noise effects in the local study area.” In fact, the expansion of Global Marine Terminal WILL result in deleterious traffic, air quality, and noise effects for the area. What will PANYNJ be doing to mitigate these deleterious effects? (Larkins)

**Response 7-4:** The magnitude, extent, and duration of the potential adverse effects noted in the DEIS have not been determined in Tier I. More detailed operational information for the Preferred Alternatives will be developed in Tier II and an evaluation and analysis of cumulative effects of Global Marine Terminal expansion and the Preferred Alternatives will be considered at that time. Potential mitigation strategies will be explored in Tier II, where appropriate.

**Comment 7-5:** Table 7-1, next to cultural resources, lists potential adverse effects to the Morris Canal. What specifically are these potential adverse effects? (Larkins)

**Response 7-5:** As noted in the DEIS Chapter 6.3, a portion of the Morris Canal is located within a small area of the western part of Greenville Yard. The Canal is buried in this area, and is considered a sensitive historic-period archaeological resource. Direct ground disturbance during construction of the Rail Tunnel Alternatives could potentially affect the buried canal prism (walls). As discussed in the DEIS, a supplemental archaeological documentary study would be required for construction activities that

may affect this area of the yard. The potential effect on this resource during tunnel construction would also be considered. Consultation with NJHPO would be undertaken as part of any future Tier II documentation. Noise and vibration are unlikely to affect this buried resource within the portion of the Morris Canal in the project study area but will be considered in Tier II, in coordination with NJHPO. Rather than indirect impacts, the potential cumulative effects from construction of other projects that could potentially affect different portions of this cultural resource would warrant further consideration. Revisions to Table 7-1 to reflect this are included in the errata.

**Comment 7-6:** Table 7-1, next to air quality, lists potential local cumulative effects during construction and operation. What specifically are these potential local cumulative effects? In non-technical language, please describe at least one potential local cumulative effect. (Larkins)

**Response 7-6:** If during construction as part of the CHFP, other construction unrelated to CHFP takes place within close proximity, emissions from construction equipment and construction activities for CHFP and other projects that could be under construction at the same time could have a cumulative effect on air quality. Such potential cumulative effects will be further considered in Tier II, when the construction timelines and activities for CHFP and other projects in the vicinity become more developed. Tier II will explore mitigation strategies to address potential adverse effects during construction, where appropriate.

**Comment 7-7:** Table 7-1 indicates that there will be potential local cumulative effects related to noise during construction and operation. Four rows below, however, someone reading the table would conclude that there are no cumulative effects related to environmental justice known at this time. How can this be true when the projected cumulative effects related to noise will be endured by residents of Greenville in Jersey City, which is an environmental justice community? (Larkins)

**Response 7-7:** The magnitude and extent of the potential adverse impacts identified in the DEIS have not been determined; it is therefore not possible to determine at this stage whether the direct impacts from CHFP would disproportionately affect any environmental justice communities. It is also not known at this time which other projects would be constructed in these areas at the same time and what their effects would be. Table 7-1 was not meant to indicate that there is no potential for cumulative effects on environmental justice communities, but rather, that Tier I did not and could not determine whether such cumulative effects would occur and what they might be. A clarification is included in the errata. Further evaluation and analysis of potential cumulative effects,

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including potential cumulative effects in environmental justice communities will be performed in Tier II, and mitigation strategies will be explored, where appropriate, consistent with NEPA and related FHWA orders and guidance with respect to environmental justice.

**Comment 7-8:** Has a cumulative impact analysis been performed for all the mobile and stationary sources that are associated with the CHFP, including relevant public health and industry data, concerning the potential for multiple exposures or cumulative exposure to human health or environmental hazards in the affected environmental justice community population, as well as historical patterns of exposure to environmental hazards as required by the NEPA regulations? (Larkins)

**Response 7-8:** A cumulative impact analysis will be performed in Tier II for the Preferred Alternatives, in accordance with NEPA regulations.

### OTHER COMMENTS

**Comment G-1:** I'm asking the Borough President's office to include businesses like mine (import of bulk cement on the waterfront) and active waterfront terminals so they can connect to this waterfront rail system and be a part of the growth. (Quadrozzi)

**Response G-1:** Comment noted.

**Comment G-2:** The very notion of an interstate rail corridor through Brooklyn, with its 2,504,700 residents (2010 Census), the highest for any New York City borough, should raise serious safety and terrorism concerns. New York would not be able to regulate what gets shipped on such a route. (Reinhold)

**Response G-2:** The laws on common carriage require a rail carrier to transport all freight tendered to it that it may legally convey, consistent with applicable laws and regulations. A safety and security analysis will be performed as part of Tier II, when more detailed design information becomes available.

**Comment G-3:** What kind of liability insurance will PANYNJ or other entities carry in order to be prepared to compensate those who will be injured or sickened as a result of your plans?

What kind of insurance does each agency/entity carry to compensate people for diagnosis and treatment of health hazards resulting from the CHFP plan implementation? (Larkins)

**Response G-3:** Questions of liability are beyond the scope of this EIS.

- Comment G-4:** What kind of monetary compensation are you prepared to offer to the residents of the Greenville section of Jersey City since they will bear the burden of improving freight traffic movement for the New York/New Jersey region as a whole if this project goes through? (Larkins)
- Response G-4:** A localized impact evaluation and analysis will be prepared in Tier II. Potential mitigation strategies will be explored, where appropriate, in accordance with federal regulations.
- Comment G-5:** What happened with plans for the ARC tunnel? (Larkins)
- Response G-5:** The ARC project was discontinued in 2010. The project was a transit improvement project and was not aimed at improving freight movement.
- Comment G-6:** Helicopters fly dangerously low over the tracks. Two helicopters have made emergency landings in Mercer Park just a few feet from the train. What is being done to reduce this hazard, and avoid a collision between a malfunctioning helicopter and a train? (Larkins)
- Response G-6:** This is not a reasonably foreseeable incident and need not be considered in the EIS.
- Comment G-7:** Tropicana uses ammonia for refrigeration. Has the possibility a railway accident and tank car explosion that damages Tropicana's ammonia tanks and releases a dense gas suffocating thousands of Jersey City residents been assessed? What are the disaster recovery plans for the area? Has a dense gas dispersion model, and explosion modeling analysis been done to assess what will happen and how many people will be killed if this combined scenario occurs? (Larkins)
- Response G-7:** Tropicana's operations are beyond the scope of this EIS.
- Comment G-8:** Greenville Yards may be a target for sabotage. Are you prepared for acts of terrorism? If so, what are the plans? (Larkins)
- Response G-8:** PANYNJ has detailed security plans for all of its facilities. Specific plans for any facility are confidential.
- Comment G-9:** Why does PANYNJ routinely favor New York at New Jersey's expense? I think it's time PANYNJ starts considering New Jersey as great an asset as New York. (Boggiano, Larkins)
- Response G-9:** The Preferred Alternatives would provide regional transportation, air quality, and energy benefits, to both New York State and New Jersey. Potential localized adverse effects would not be exclusive to New Jersey. Tier II will evaluate and analyze potential adverse impacts and

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will explore potential mitigation strategies, where appropriate, giving the same consideration to New York and New Jersey.

**Comment G-10:** If the containers of solid municipal waste are not sealed so that odors can escape, and rats and mice can enter, how will PANYNJ compensate the residents of Greenville when they cannot use their front or backyards, or sell their houses when they want to move, because the odors will be unbearable on a hot summer day? (Larkins)

**Response G-10:** PANYNJ has no plans to site a containerized municipal solid waste (CMSW) transloading facility at Greenville Yard (please see Response to Comment 7-2). Any trains traveling through the Greenville area are required to comply with all laws and regulations applicable to the types of cargo they are carrying.

**Comment G-11:** The DEIS indicates that Greenville Yard is also a proposed site for the movement of New York (CMSW) by barge to rails and then on to landfills. When, in October 2014, Jersey City Mayor Steven Fulop proposed a virtually identical plan, he was strongly criticized by PANYNJ Chairman John Degnan for not first getting input from the people of Jersey City. Has Chairman Degnan since changed his mind, and is he now in favor of moving New York's MSW through parts of Jersey City? If so, what has caused Chairman Degnan to change his mind? (Larkins)

**Response G-11:** The Preferred Alternatives do not contemplate siting an MSW transfer, sorting, or disposal facility anywhere within the study corridor. It is possible that trains utilizing the Preferred Alternative infrastructure would carry MSW to its final destination.

**Comment G-12:** The City backs the No Build Alternative which assumes that CHFP would not be implemented but that other planned and funded actions of independent utility would move forward such as the redevelopment of Greenville Yards. (City of New York)

**Response G-12:** Projects that are part of the No Action Alternative, including approved Cross Harbor improvements at Greenville Yards, are being implemented. The City's support for the No Action improvements, as well as support for the Preferred Alternatives, as reflected in Comment 4-1 and Comment 4-4 is noted.

**Comment G-13:** To keep up with FEMA Flood Zone Compliance and Flood Resistant Construction for waterfront sites in the City, compliance with *New York City's Building Code Appendix G* requirements would be required. These requirements include meeting the mandatory Design Flood Elevations. (City of New York)

- Response G-13:** Any buildings constructed as part of the Preferred Alternatives would comply with all applicable regulations, including the New York City Building Code, as appropriate.
- Comment G-14:** All surveys for waterfront sites and adjacent lands under waters, including any bathymetric and hydrographic surveys, must be in the NAVD88. (City of New York)
- Response G-14:** In Tier II, all surveys requiring New York City approval or prepared as part of design requiring New York City approval will comply with this request.
- Comment G-15:** The City is currently coordinating with NYSDEC on the new regulations for combined sewer overflows (CSO) and municipal separate storm sewer systems (MS4). These new regulations may also inform any design considerations for the various projects that include waterfront sites. (City of New York)
- Response G-15:** The freight facilities that would be developed as part of the Preferred Alternatives would not be expected to generate substantial sewage volumes. Where applicable, up-to-date CSO regulations will be considered during the design phase.
- Comment G-16:** Based on the proposed alternatives presented, are property takings envisioned to accommodate necessary site expansion? If so, this should be discussed in appropriate sections. (City of New York)
- Response G-16:** The DEIS discusses the need for expansion or property acquisition in the following chapters: Chapter 4, "Alternatives"; Chapter 6.1, "Land Use"; and Chapter 6.2, "Economic Conditions and Effects" (see Table 6.2-5); It should be noted that no residential property acquisition is anticipated at this time and that additional studies and design as part of Tier II would be needed to specifically identify the properties that would be acquired. \*