

## Chapter 25: **Process, Agency Coordination, and Public Involvement**

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### 25.1 INTRODUCTION

Agency and public involvement are an integral part of the transportation planning, environmental review, and environmental permitting processes. Accordingly, the Federal Railroad Administration (FRA) and New Jersey Transit Corporation (NJ TRANSIT) are providing many opportunities for open, collaborative, and meaningful agency and public participation for the Hudson Tunnel Project (the Project). The public and agency participation program has been developed in compliance with legislation and policies that guide compliance with the stakeholder involvement requirements of the National Environmental Policy Act (NEPA) and the current Federal surface transportation law, namely the Fixing America's Surface Transportation (FAST) Act of 2015 and 23 USC § 139, *Efficient Environmental Reviews for Project Decisionmaking*. The FAST Act carries forward requirements of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) and Moving Ahead for Progress in the 21st Century Act (MAP-21) that increase opportunities for the public and Federal, state, and local agencies to have active involvement in the NEPA process. The Project Sponsor that will advance the Project through final design and construction, including compliance with mitigation measures, has not yet been identified. The Project Sponsor may include one or more of the Port Authority of New York and New Jersey (PANYNJ), the National Railroad Passenger Corporation (Amtrak), NJ TRANSIT, and/or another entity that has not yet been determined. The Project Sponsor, once identified, will be responsible for ensuring all commitments and mitigation measures presented in the Environmental Impact Statement (EIS) are implemented. The Project Sponsor will be responsible for continuing agency and public involvement for the Project through the final design and construction stages.

A detailed description of the tools being used to engage stakeholders in the NEPA process and throughout the Project's development can be found in the Public and Agency Coordination Plan, (provided in **Appendix 25**), which is posted on the Project website at [www.hudsonunnelproject.com](http://www.hudsonunnelproject.com). This chapter presents an overview of the regulatory process and summarizes the agency and public outreach activities that have occurred to date for this EIS.

This chapter contains the following sections:

- 25.1 Introduction
- 25.2 Regulatory Process
  - 25.2.1 National Environmental Policy Act (NEPA)
  - 25.2.2 Section 106 Consultation
  - 25.2.3 Section 4(f) Consultation
  - 25.2.4 Environmental Justice Outreach
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- 25.3 Coordination
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- 25.4.4 Public Review and Comment on DEIS
- 25.5 Project Contacts

## 25.2 REGULATORY PROCESS

### 25.2.1 NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

Construction of the Project is expected to involve the use of Federal funding administered through the U.S. Department of Transportation (USDOT). Prior to approving the funding, Federal agencies must consider the environmental effects of their actions in accordance with NEPA. The procedural provisions of NEPA (set forth in 40 CFR Parts 1500-1508) require Federal agencies to consider the direct, indirect, and cumulative effects of their actions. FRA's implementing procedures for complying with NEPA are contained in FRA's *Procedures for Considering Environmental Impacts* (FRA's Environmental Procedures<sup>1</sup>). This EIS was prepared in accordance with FRA's procedures, the Council on Environmental Quality's (CEQ) regulations implementing NEPA (40 CFR Parts 1500-1508), and the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) *Environmental Impact and Related Procedures* (23 CFR Part 771). The DEIS also documents compliance with other applicable Federal, New Jersey and New York State, and local environmental laws and regulations. FRA and NJ TRANSIT are serving as joint lead agencies for the environmental review. As discussed below in Section 25.3, FTA and the U.S. Army Corps of Engineers (USACE) are serving as Cooperating Agencies for the environmental review and a number of other agencies are serving as Participating Agencies. Where relevant, the analysis also meets the NEPA procedures of the FTA and USACE as well as the requirements of other agencies from which permits or approvals will be sought.

Consistent with those procedures and regulations, this EIS evaluates a number of alternatives for the Proposed Action, identifies the Preferred Alternative as a reasonable and feasible alternative; identifies and discusses the likely impacts the Project would have on social, economic and environmental conditions in the study area; and identifies mitigation measures to avoid or minimize any adverse impacts. The steps in the NEPA EIS process include the following:

- **Notice of Intent (NOI).** Publication of the NOI in the Federal Register formally announces FRA's intent to prepare an EIS for the Proposed Action and initiates the environmental review process. An NOI for the Project was published in the Federal Register on May 2, 2016.
- **Scoping.** Scoping generally occurs after publication of the NOI and is an initial step in the NEPA process where the public and agencies are provided an opportunity to review and comment on the scope of the EIS including the proposed action's purpose and need, alternatives to be considered in the EIS, environmental issues of concern, and the methodologies for the environmental analysis. A Scoping Document was made available on April 28, 2016 (on the Project's website and at document repositories) and public scoping meetings were held in New York City and New Jersey on May 17 and May 19, 2016, respectively. The public was invited to provide verbal or written comments at the scoping meetings or written comments during the comment period, which extended to May 31, 2016. All comments were reviewed and considered, and responses were provided in a Scoping

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<sup>1</sup> 64 Federal Register 28545, May 26, 1999, as updated in 78 FR 2713, January 14, 2013.

Summary Report, which was posted to the Project's website in October 2016 (see [www.hudsonstunnelproject.com](http://www.hudsonstunnelproject.com)).

- **Draft Environmental Impact Statement (DEIS).** Following scoping, this DEIS was prepared, which incorporates comments received during scoping, as appropriate, and provides detailed technical analyses related to potential social, economic, and environmental impacts of the Project. This DEIS identifies appropriate measures to avoid, minimize, or mitigate those impacts consistent with the requirements of NEPA and other applicable regulations and requirements.
- **Public Review of the DEIS.** In accordance with NEPA, a public comment period for the DEIS of no less than 45 days was established and the Notice of Availability of the DEIS was widely distributed. Public hearings will be held in New York City and New Jersey, to allow members of the public, elected officials, and agency representatives to provide oral testimony on the DEIS, and to speak with Project staff about the Project (see Section 25.4.4 below).
- **Combined Final Environmental Impact Statement (FEIS)/Record of Decision (ROD).** After the close of the public comment period on the DEIS, FRA and NJ TRANSIT intend to issue a combined FEIS/ROD in accordance with 23 USC §139(n)(2) and 49 USC §304a, which directs the lead agency, to the maximum extent practicable, to expeditiously develop a single document combining the FEIS and ROD unless the following conditions exist:
  - The FEIS makes substantial changes to the Proposed Action that are relevant to environmental or safety concerns; or
  - There are significant new circumstances or information relevant to environmental concerns and that potentially affect the Proposed Action or the impacts of the Proposed Action.

The FEIS/ROD will include a summary of, and response to, all appropriate comments made on the DEIS during the public comment period and address any necessary revisions to the DEIS to address the comments. The FEIS/ROD will announce and analyze FRA's Selected Alternative, explain FRA's decision, and describe any commitments for mitigating potential social, economic, and environmental impacts.

In accordance with 23 USC § 139(d)(8) and 40 CFR § 1506.3, this environmental document may be adopted or used by any Federal agency making any approval associated with the Proposed Action. FTA may issue a separate ROD for the Project using the FEIS prepared for the Project by FRA.

### 25.2.2 SECTION 106 CONSULTATION

Section 106 of the National Historic Preservation Act (NHPA)<sup>2</sup>) requires Federal agencies to take into account the effects of their undertakings on historic properties that are listed in or meet the eligibility criteria for listing in the National Register of Historic Places (NRHP) and afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment. Section 106 also requires that agency officials work with the State Historic Preservation Officer (SHPO) to identify parties to participate in the Section 106 process (Consulting parties). Consulting parties may include local governments, Federally recognized Indian tribes, and individuals and organizations with a demonstrated interest in the project due to the nature of their legal or economic relationship to the project or affected historic properties, or their concern with the project's effects on historic properties.

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<sup>2</sup> 54 USC § 306108.



For this Project, FRA is conducting outreach and consultation required under Section 106 of the National Historic Preservation Act concurrently with the NEPA process.

### 25.2.3 SECTION 4(f) CONSULTATION

Section 4(f) (49 USC § 303; 23 USC 138) prohibits operating administrations of USDOT from approving any program or project that requires the use of any publicly owned parkland, recreation area, or wildlife and waterfowl refuge; or any land from a publicly or privately owned historic site of national, state, or local significance (collectively, Section 4(f) resources), unless (1) the agency determines that the use of the property will have a *de minimis* impact; or (2) there is no feasible and prudent avoidance alternative to the use of the land, and the action includes all possible planning to minimize harm to the Section 4(f) resource. The requirements of Section 4(f) apply to the operating administrations of USDOT, including FRA, FTA, and FHWA.

Section 4(f) requires that the responsible USDOT operating administration must coordinate with the U.S. Department of the Interior (DOI), and if appropriate, with the U.S. Department of Housing and Urban Development (HUD) and the U.S. Department of Agriculture (USDA), and the appropriate official(s) with jurisdiction over the Section 4(f) resource, prior to approving the use of a Section 4(f) property.

Section 4(f) requires that public notice and an opportunity for public review and comment must be provided on the Draft Section 4(f) Evaluation. This requirement can be satisfied in conjunction with other public involvement procedures, such as the comment period provided on a DEIS prepared in accordance with NEPA. For this Project, FRA is providing the public an opportunity to review and comment on its Draft Section 4(f) evaluation for the Project concurrently with the NEPA public review period for the DEIS. FRA will issue a Section 4(f) determination prior to or in conjunction with its ROD for the Project. In addition, FTA will issue its own Section 4(f) determination in conjunction with its ROD for the Project.

### 25.2.4 ENVIRONMENTAL JUSTICE OUTREACH

Executive Order (EO) 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, dated February 11, 1994, requires consideration of whether a proposed action would disproportionately affect minority or low-income groups.<sup>3</sup> EO 12898 also requires Federal agencies to ensure public participation from communities with substantial minority or low-income populations. Each Federal agency has developed a strategy to address environmental justice, with the CEQ responsible for oversight and coordination. The environmental justice analysis for the Project follows the guidance and methodologies recommended in CEQ's Environmental Justice Guidelines under the National Environmental Policy Act (December 1997); the USDOT's Final Order 5610.2(a) on Environmental Justice (April 1997 and updated May 2012); the *Environmental Justice Policy Guidance for Federal Transit Administration Recipients*, FTA C 4703.1; and relevant guidance from the States of New Jersey and New York.

### 25.2.5 OTHER PERMITS AND APPROVALS

Implementation and construction of the Project is subject to a number of Federal, state (New Jersey and New York), and local permits and approvals in addition to NEPA. The regulatory requirements related to the Project's construction and operations are discussed in detail in the preceding technical chapters. The permits and approvals that would be required to implement the Project are listed in **Table 25-1**.

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<sup>3</sup> 59 Federal Register 7629, 1994.

**Table 25-1  
Major Permits and Approvals Required for the Project**

Permit / Approval	Reason
<b>Federal</b>	
USACE Section 404/Section 10 Individual Permit	Construction activity in the Hudson River; construction activity and permanent structures in wetlands (Meadowlands and Hoboken, NJ)
<b>State of New Jersey</b>	
NJDEP Waterfront Development Permit	Construction activities in or within 500 feet of tidal areas
NJDEP Freshwater Wetlands General Permit No. 10A	Project components in freshwater wetlands, wetland transition areas, and/or state open waters (for the Hoboken wetland)
NJDEP Flood Hazard Area Permit	Project components within flood hazard areas, regulated floodplain, and riparian zones
NJDEP Water Quality Certificate	Certification that the Project complies with relevant water quality standards; required for USACE Section 404 permit
NJDEP Tidelands Conveyance	Use of state-owned riparian lands (land that are now or were formerly covered by the mean high tide, which includes the Hudson River)
NJDEP Water Supply Allocation Permit or Permit-by Rule	Dewatering during construction
NJDEP National Pollutant Discharge Elimination System (NPDES) General Permit 5G3 for Construction Activity Stormwater	Small construction activities less than 1 acre, and disturbance during construction of less than 1 acre of total land area that is part of a larger plan that will disturb between 1 and 5 acres.
NJDEP Stormwater Management Rules	Disturbance during construction of more than one acre of land or increasing impervious surface by one-quarter acre or more
NJDEP Green Acres Parkland Diversion	Tunnel alignment beneath parkland funded through Green Acres Program (in Hoboken)
NJDEP Coastal Zone Consistency Determination	Determination of consistency with the state's coastal zone management policies
<b>State of New York</b>	
NYSDEC Protection of Waters Permit	Construction activity in the Hudson River
NYSDEC Water Quality Certificate	Certification that the Project complies with relevant water quality standards; required for USACE Section 404 permit
NYSDEC State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharge from Construction Activity	Construction activities
NYSOGS Permit to Occupy State-Owned Underwater Lands	Tunnel alignment beneath Hudson River
New York State Department of State Coastal Zone Consistency Determination	Determination of consistency with the state's coastal zone management policies
<b>Local</b>	
Hudson-Essex-Passaic Soil Conservation District Soil Erosion and Sediment Control Plan Certification	Disturbance of more than 5,000 square feet of land
New York City Department of City Planning Coastal Zone Consistency Determination	Determination of consistency with New York City's Local Waterfront Revitalization Program
New York City Amendment to Amtrak's 1902 Franchise Agreement	To allow tunnel and rail operations beneath land owned by New York City (streets and land under water in the Hudson River)
<b>Notes:</b> USACE = U.S. Army Corps of Engineers. NJDEP = New Jersey Department of Environmental Protection. NYSDEC = New York State Department of Environmental Conservation. NYSOGS = New York State Office of General Services.	



## 25.3 COORDINATION

### 25.3.1 LEAD, COOPERATING, AND PARTICIPATING AGENCIES

Agency coordination has included identification and engagement of Cooperating and Participating Agencies, formation of a Federal and State Agency Task Force, and outreach to various other agencies, as described below. The agency coordination FRA and NJ TRANSIT conducted for the Project will keep permitting and resource agencies informed and involved in the Project's environmental review to ensure that their concerns are addressed.

For projects subject to NEPA, the lead agency is responsible for ensuring that the environmental review process is conducted properly and in accordance with all applicable environmental regulations. For this Project, the FRA and NJ TRANSIT are serving as joint lead agencies. The legislation at 23 USC § 139 directs the lead agencies to identify Cooperating and Participating Agencies in its NEPA actions and to maintain an open line of communication with them as a project progresses.

According to CEQ regulations (40 CFR § 1508.5), Cooperating Agency means any Federal agency, other than a lead agency, that has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposed project or project alternative. Cooperating Agencies have the responsibility to:

- Provide input on defining the project's purpose and need, the range of alternatives to be considered, and the methodologies and level of detail required in the alternatives analysis;
- Identify issues that could substantially delay or prevent granting of permit and/or approval;
- Participate in coordination meetings and joint field reviews;
- Provide timely review and comments on pre-draft or pre-final environmental documents; and
- Prepare mitigation recommendations.

The legislation at 23 USC § 139 describes Participating Agencies as those Federal, state, or local agencies or Federally recognized tribal governmental organizations with an interest in the project. The role of Participating Agencies is to:

- Provide input on defining the project's purpose and need, the range of alternatives to be considered, and the methodologies and level of detail required in the alternatives analysis;
- Participate in coordination meetings and joint field reviews, as appropriate;
- Provide timely review and comments on certain pre-draft or pre-final environmental documents, as requested by FRA; and
- Provide timely comments on unresolved issues.

Cooperating Agencies have a higher degree of authority, responsibility, and involvement in the environmental review process than Participating Agencies. A Cooperating Agency with jurisdiction may adopt an EIS without recirculating the EIS as the lead agency when, after an independent review of the EIS, the Cooperating Agency concludes that its comments and suggestions have been satisfied (40 CFR § 1506.3). This is particularly important for permitting agencies that, as Cooperating Agencies, routinely adopt environmental documents prepared by the USDOT. Cooperating Agencies also share the responsibilities of Participating Agencies.

**Table 25-2** lists the lead agencies as well as the agencies that were invited to serve as Cooperating or Participating Agencies for the Project, with their applicable area of jurisdiction or expertise. FRA and NJ TRANSIT consulted with Cooperating and Participating Agencies throughout the NEPA process to update them on the status of the Project and discuss areas of concern.

Table 25-2  
Lead Agencies and Invited Cooperating and Participating Agencies

Agency	Role	Accepted Invitation	Responsibilities
<b>Lead Agencies</b>			
Federal Railroad Administration (FRA)	Federal Lead Agency		Manage environmental review process; prepare EIS and decision document; provide opportunity for public and agency involvement; arbitrate and resolve issues
NJ TRANSIT	State Joint Lead Agency		Manage environmental review process; prepare EIS and decision document; provide opportunity for public and agency involvement; arbitrate and resolve issues
<b>Federal Agencies</b>			
Federal Transit Administration (FTA)	Cooperating Agency, Task Force member	Yes	Consultation related to NEPA
U.S. Army Corps of Engineers (USACE)	Cooperating Agency, Task Force member	Yes	Section 404, Clean Water Act permit Section 10, Rivers and Harbors Act permit
Advisory Council on Historic Preservation (ACHP)	Participating Agency, Section 106 Consulting Party, Task Force member	Yes	Consultation related to Section 106 of the National Historic Preservation Act
Federal Emergency Management Agency (FEMA), Federal Region II	Participating Agency, Task Force member	Yes	Consultation related to resilience and floodplain issues
National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS)	Participating Agency, Task Force member	Yes	Consultation in accordance with Section 7, Endangered Species Act; Essential Fish Habitat, Magnuson-Stevens Fishery Conservation and Management Act; Section 10 permit, Section 404 permit
U.S. Coast Guard (USCG)	Participating Agency, Task Force member	Yes	Consultation related to navigational issues in the Hudson River
U.S. Department of Homeland Security (DHS)	Participating Agency, Task Force member	Yes	Consultation related to security
U.S. Department of Housing and Urban Development (HUD)	Task Force member	Yes	Coordination related to Rebuild By Design project in Hoboken
U.S. Environmental Protection Agency (USEPA)	Participating Agency, Task Force member	Yes	Consultation related to NEPA; Section 309, Clean Air Act; and Section 404, Clean Water Act
U.S. Fish and Wildlife Service (USDOI)	Participating Agency, Task Force member	Yes	Consultation related to NEPA; Section 404, Clean Water Act; and in accordance with Section 7, Endangered Species Act
<b>State, Regional, and Local Agencies</b>			
Port Authority of New York & New Jersey (PANYNJ)	Participating Agency	Yes	Assist in environmental review process
New Jersey Department of Environmental Protection (NJDEP)	Participating Agency, Task Force member	Yes	Various permits and reviews
New Jersey Department of Transportation (NJDOT)	Participating Agency	Yes	Consultation related to impacts on Tonnelles Avenue (U.S. Routes 1 and 9)
New Jersey Sports and Exposition Authority (NJSEA)	Participating Agency	Yes	Coordination related to impacts in the New Jersey Meadowlands
New Jersey State Historic Preservation Office (at NJDEP) (NJHPO)	Participating Agency, Section 106 consultation, Task Force member	Yes	Concurrence under Section 106, National Historic Preservation Act
North Jersey Transportation Planning Authority (NJTPA)	Participating Agency	Yes	Consultation and review of air quality conformity determination
Hudson River Park Trust (HRPT)	Participating Agency, Task Force member	Yes	Consultation related to impacts within Hudson River Park
Metropolitan Transportation Authority (MTA)	Participating Agency	Yes	Consultation related to PSNY



**Table 25-2 (cont'd)  
Lead Agencies and Invited Cooperating and Participating Agencies**

Agency	Role	Accepted Invitation	Responsibilities
<b>State, Regional, and Local Agencies (cont'd)</b>			
New York Metropolitan Transportation Council (NYMTC)	Participating Agency	Yes	NYMTC will participate in an advisory capacity Review of air quality conformity determination
New York State Department of Environmental Conservation (NYSDEC)	Participating Agency, Task Force member	Yes	Various permits and reviews
New York State Department of Transportation (NYSDOT)	Participating Agency	Yes	Consultation related to impacts within Twelfth Avenue (New York State Route 9A)
New York State Historic Preservation Office (at New York State Office of Parks, Recreation and Historic Preservation) (NYSHPO)	Participating Agency, Section 106 consultation, Task Force member	Yes	Concurrence under Section 106, National Historic Preservation Act
New York City Department of City Planning (NYC DCP)	Participating Agency	Yes	Consultation related to impacts in New York City
New York City Department of Parks and Recreation (NYC Parks)	Participating Agency	Yes	Consultation related to impacts in New York City
New York City Department of Transportation (NYC DOT)	Participating Agency	Yes	Consultation related to impacts in New York City
New York City Mayor's Office of Capital Project Development	Participating Agency	Yes	Consultation related to impacts in New York City
New York City Mayor's Office of Recovery and Resiliency (NYCORR)	Participating Agency	Yes	Consultation related to impacts in New York City
New York City Mayor's Office of Sustainability (NYCMOS)	Participating Agency	Yes	Consultation related to impacts in New York City
<b>Agencies that did not Accept Invitation to Participate</b>			
National Park Service (at USDO I)	Participating Agency	No	Consultation related to Section 4(f)
U.S. Department of Interior (USDO I)	Participating Agency	No	Consultation related to Section 4(f) of the U.S. Department of Transportation Act
New York City Department of Environmental Protection (NYCDEP)	Participating Agency	No. NYCMOS will participate on their behalf	Consultation related to impacts in New York City
New York State Department of State (NYSDOS)	Participating Agency	No	Coastal zone consistency review

FRA coordinated with Federal Cooperating and Federal and New Jersey and New York Participating Agencies, as appropriate, at the headquarters and regional staff level to participate in a Hudson Tunnel Federal and State Agency Task Force. The purpose of the Task Force is to engage early and regularly with agencies that have a role in the environmental compliance and/or permitting processes for the Project so that issues that may arise during the compliance and permitting processes can be identified and addressed in a timely and efficient manner. **Table 25-3** provides a listing of the Project meetings held with the Cooperating and Participating Agencies, including meeting dates and primary topics of discussion. Meetings and discussions with NJHPO and NYSHPO are discussed separately in Section 25.3.2 below.

Table 25-3  
Agency Meetings Held to Date

Meeting Date	Meeting Topic
<b>Cooperating Agency Coordination Calls and Meetings</b>	
Monthly and as needed	Coordination between the Project team and Federal Transit Administration
Monthly and as needed	Coordination between the Project team and U.S. Army Corps of Engineers
<b>Participating Agency Meetings</b>	
June 7, 2016	Participating Agency Kickoff meeting
June 20, 2016	North Jersey Transportation Planning Authority (NJTPA) Project Prioritization Committee Project presentation
August 19, 2016	New Jersey Sports and Exhibition Authority meeting re. Project alignment through the Meadowlands
August 23, 2016	New York City agencies meeting
September 1, 2016	Project Agency Task Force Kickoff meeting
September 8, 2016	New York Metropolitan Transportation Council (NYMTC) coordination call
September 22, 2016	New York City Department of City Planning
September 28, 2016	Coordination call with NYMTC and NJTPA
October 17, 2016	Project Agency Task Force: State Agency Members Kickoff
October 27, 2016	Project Agency Task Force meeting #2 webinar briefing on Preferred Alternative
October 27, 2016	New York City Agencies briefing on Preferred Alternative
November 2, 2016	Project briefing with Hudson River Park Trust
December 12, 2016	NYC Department of City Planning briefing
December 16, 2016	Annual Meeting of the Metropolitan Area Planning (MAP) Forum
December 21, 2016	US Coast Guard - Coordination Call
January 18, 2017	US Coast Guard - Harbor Safety, Navigation and Operations Committee
January 23, 2017	Coordination with NJDEP Rebuild By Design Hoboken project representatives
February 28, 2017	New York City Mayor's Office coordination and Project update
March 21, 2017	New York City Mayor's Office and Law Department coordination and Project update
March 21, 2017	New York State Department of Transportation Project presentation
March 23, 2017	New York City agencies: City Environmental Quality Review (CEQR) Task Force Project presentation
April 3, 2017	Project Agency Task Force meeting #3 webinar briefing on Alternatives Development Report
April 11, 2014	Project briefing with Hudson River Park Trust and heliport operator (Pegasus)
<b>Special Presentations</b>	
October 26, 2016	Presentation to CEQ Transportation Rapid Response Team
November 28, 2016	2016 FRA Rail Program Delivery meeting
February 8, 2017	Manhattan Community Board 4 briefing on Manhattan construction
March 31, 2017	Fire Department of New York (FDNY) Project presentation

As required by FAST, the Project was added to the Permitting Dashboard for Federal Infrastructure Projects (<https://www.permits.performance.gov/>), an online tool that allows Federal agencies, project developers, and interested members of the public to track the Federal government's permitting and review process for large or complex infrastructure projects. The Public and Agency Coordination Plan also includes a proposed schedule for completion of the environmental review that was used in developing the information for the Permitting Dashboard.

### 25.3.2 SECTION 106 CONSULTATION

In early May 2016, FRA initiated consultation with NJHPO and NYSHPO in accordance with the requirements of Section 106. In addition, FRA sent letters to Federally recognized Indian tribes with a potential interest in the Project area to initiate Government-to-Government consultation and provide notice of the public scoping meetings. All correspondence related to Section 106 is presented in **Appendix 9**. The Federally recognized Indian tribes invited to participate in the process were as follows:

- Delaware Nation
- Delaware Tribe
- Delaware Tribe of Indians, Oklahoma
- Shawnee Tribe of Oklahoma
- Shinnecock Indian Nation
- Stockbridge-Munsee Community of Mohican Indians of Wisconsin
- Eastern Shawnee Tribe of Oklahoma

In accordance with Section 106 regulations (36 CFR § 800.2), FRA has consulted with the SHPOs to identify other parties to participate in the Section 106 process (these are referred to as consulting parties). As set forth in the regulations, consulting parties for an undertaking can include the following:

- Representatives of local governments with jurisdiction over the area where the undertaking may occur.
- The applicant for Federal assistance, permits, licenses, and approvals.
- Additional consulting parties: certain individuals and organizations with a demonstrated interest in the undertaking due to their legal or economic relation to the undertaking or affected properties or their concern with the undertaking's effects on historic properties.

FRA extended invitations to local preservation groups, local planning agencies, and others to participate as Section 106 consulting parties. The entities FRA invited to participate as consulting parties are as follows:

- NJHPO
- NYSHPO
- Amtrak
- PANYNJ
- NJ TRANSIT
- FTA
- USACE
- ACHP
- Delaware Nation
- Delaware Tribe
- Delaware Tribe of Indians, Oklahoma
- Shawnee Tribe of Oklahoma
- Shinnecock Indian Nation
- Stockbridge-Munsee Community of Mohican Indians
- Eastern Shawnee Tribe of Oklahoma
- Eastern Delaware Nations
- Eastern Lenape Nation of Pennsylvania
- Nanticoke Lenni-Lenape Indians of New Jersey
- Unkechaug Nation

- New York City Landmarks Preservation Commission
- Hoboken Mayor's Office
- Hoboken Historic Preservation Commission
- Hudson County
- City of Jersey City's Mayor's Office
- City of Jersey City Historic Preservation Commission
- North Bergen Mayor's Office
- Secaucus Mayor's Office
- Union City Mayor's Office
- Union City Landmarks Commission
- Weehawken Mayor's Office
- Weehawken Historical Commission
- Hudson River Park Trust
- Archaeological Society of New Jersey
- Society for Industrial Archeology
- Professional Archaeologists of New York City
- Hoboken Historical Museum
- Hoboken Quality of Life Coalition
- Jersey City Landmarks Conservancy
- New Jersey Historical Society
- Weehawken Historical Society
- Hudson Riverkeeper
- Anthracite Railroads Historical Society
- Erie Lackawanna Historical Society
- National Railway Historical Society, Jersey Central Chapter
- Railway & Locomotive Historical Society, New York Chapter
- Pennsylvania Railroad Technical & Historical Society, Philadelphia Chapter
- Tri-State Railway Historical Society
- United Railroad Historical Society of New Jersey
- National Railway Historical Society, North New Jersey Chapter

FRA provided (and will continue to provide) opportunities for public involvement in Section 106 concurrent with the NEPA public involvement, including scoping meetings, DEIS public outreach (described in Section 25.4 below), and public hearings on this DEIS. At the scoping meetings held on May 17 and May 19, 2016, FRA and NJ TRANSIT staffed a presentation board specific to Section 106 and made a Section 106 sign-in sheet available for members of the public to join the Project mailing list. In addition, this DEIS includes detailed information on the Section 106 issues for the Project in Chapter 9, "Historic and Archaeological Resources," and a copy of the Draft Programmatic Agreement in **Appendix 9**.

### **25.3.3 ENVIRONMENTAL JUSTICE OUTREACH**

FRA and NJ TRANSIT have held public outreach meetings throughout development of the EIS documentation, including large meetings at key Project milestones (e.g., during NEPA scoping and after identification of the Preferred Alternative) and smaller, targeted meetings for specific stakeholders. Meetings have been held in the Project area, including in areas where environmental justice communities live. FRA and NJ TRANSIT have undertaken targeted outreach to affected property owners and stakeholders in these communities. Project meeting materials have been translated into Spanish, which is the predominant language other than English that residents of the study area speak at home, and Spanish translators have been provided at all meetings to which environmental justice communities have been invited.



## 25.4 PUBLIC INVOLVEMENT

During preparation of this DEIS, FRA and NJ TRANSIT have informed and solicited early and continued feedback from the public; encouraged open discussion of Project details and issues; and provided opportunities for comments and questions. In addition to providing a schedule of Project milestones on the Permitting Dashboard for Federal Infrastructure Projects ([www.permits.performance.gov](http://www.permits.performance.gov)), FRA and NJ TRANSIT used the Project website, meeting flyers, and email notices to publicize all public meetings, public hearings, and open houses. The flyers were in English and Spanish (due to the presence of large Spanish-speaking communities in the vicinity of the Project area), and were mailed or emailed to the Project mailing list. FRA and NJ TRANSIT also distributed flyers to libraries and community centers. In addition, meetings have been advertised in area newspapers (in English, with Spanish ads in corresponding local area papers) and on the Project website. **Table 25-4** provides a list of the public outreach meetings held to date and anticipated in the future for the Project, while **Table 25-5** lists the media outlets used to publicize these meeting opportunities.

**Table 25-4**  
**List of Public Involvement Meetings**

Coordination Point	Date
<b>Purpose and Need, Scoping, Development of Alternatives</b>	<b>Spring – Fall 2016</b>
Notice of Intent Published	May 2, 2016
Public Scoping Comment Period	April 28 through May 31, 2016
Public Scoping Meetings	May 17, 2016: NY May 19, 2016: NJ
Scoping Summary Memorandum Complete	October 2016
Alternatives Evaluation Complete and Preferred Alternative Identified	October 2016
Public Meetings on Preferred Alternative Selection	November 10, 2016 November 17, 2016
Alternatives Development Report Published	April 2016
<b>Public Review of DEIS</b>	<b>Summer 2017</b>
DEIS Completed; Publish Draft EIS Notice of Availability	June 2017
DEIS Public Comment Period (a minimum of 45 days)	Summer 2017
DEIS Public Hearings (in NY and NJ)	Summer 2017

**Table 25-5**  
**Media Outlets for Meeting Advertisements**

Publication	Description
<i>The Star Ledger</i> (Hudson County edition)	Daily general interest newspaper
<i>Hudson Reporter</i> (Bayonne, Hoboken, Jersey City, North Bergen, Secaucus, Union City, Weehawken, West New York editions)	Daily general interest newspaper serving Hudson County, NJ
<i>Jersey Journal</i>	Daily newspaper serving Hudson County, NJ
<i>El Especialito</i> (Hudson County and West Side of Manhattan editions)	Spanish language paper
<i>Metro NY</i>	Free daily newspaper targeting urban audience
<i>AM NY</i>	Free daily newspaper targeting urban audience

### **25.4.1 PUBLIC SCOPING MEETINGS**

FRA and NJ TRANSIT held scoping meetings for this Project in New York City and New Jersey on May 17, 2016, and May 19, 2016, respectively. The scoping meetings included open houses where Project staff were available to talk informally about the Project with interested members of the public. Project staff made a presentation about the Project. FRA and NJ TRANSIT invited the public to offer oral testimony privately to a stenographer that was available at each meeting for that purpose and to ask questions or make comments. FRA and NJ TRANSIT did not respond to the oral testimony at the meeting, and conversations with Project staff during the open house portion of the meeting are not reflected in the Project record.

A total of 107 individuals, 16 agency representatives, several elected officials, and several members of the press attended the May 17, 2016 meeting; and 40 individuals, 8 agency representatives, 6 elected officials and several members of the press attended the May 19, 2016 meeting. A total of 95 comment submissions were provided on the Scoping Document via a variety of methods (written and verbal comments provided to stenographers at the Scoping Meetings), web form (submitted via the “Contact Us” form on the Project website), email, letter, comment sheet (obtained/completed at one of the Scoping Meetings), voice mail (to the Project telephone number). FRA and NJ TRANSIT prepared a Scoping Summary Report, which is available for review on the Project’s website ([www.hudsonunnelproject.com](http://www.hudsonunnelproject.com)), that summarizes and responds to the substantive oral and written comments received during the scoping comment period, and includes the full text of all comments received.

### **25.4.2 PUBLIC INFORMATION OPEN HOUSES**

Following completion of the public scoping meeting, FRA and NJ TRANSIT held public open houses in November 2016 to provide information about the Preferred Alternative identified for the Project. These open houses were held on November 10, 2016 and November 17, 2016 in New Jersey and New York City, respectively. Sixty-one individuals, two agency representatives, two elected officials, and two members of the press attended the open house on November 10, 2016; and 109 individuals, 24 agency representatives, and one elected official attended the open house on November 17, 2016.

During these open houses about the Preferred Alternative, many attendees expressed support for the Project during informal conversations. Others asked questions and sought information or clarification related to aspects of the Project. Approximately 30 written comments were received via comment sheets at the open houses, via the Project’s website ([www.hudsonunnel.com](http://www.hudsonunnel.com)), and via email. The comments are summarized in the Project’s Alternatives Development Report, provided in **Appendix 2** of the DEIS and available on the Project’s website.

### **25.4.3 TARGETED OUTREACH**

In addition to the public meetings described above, FRA and NJ TRANSIT have held numerous additional meetings among the Project team and stakeholders, elected officials, and property owners.

### **25.4.4 PUBLIC REVIEW AND COMMENT ON DEIS**

Following scoping, FRA and NJ TRANSIT prepared this DEIS, which incorporates comments received during scoping, as appropriate, and provides detailed technical analyses related to potential social, economic, and environmental impacts of the Project. Public comments are now being solicited on this DEIS.

FRA and NJ TRANSIT have scheduled public hearings to allow members of the public, elected officials, and agency representatives to provide oral testimony on the DEIS, and to speak with



Project staff about the Project. Information on the dates and locations of the hearings is available on the Project website.

This DEIS is available on the Project website at [www.hudsonunnelproject.com](http://www.hudsonunnelproject.com) and at the local repositories (libraries and other publicly accessible locations) listed on the Project website.

At the DEIS public hearings, formal testimony will be recorded electronically by a stenographer and incorporated into a comments summary. The public comment period will be open for a minimum of 45 days after the publication of the DEIS, as specified in the Notice of Availability for the Project. Comments may be submitted in written form, as follows:

- Through the Project website: [www.hudsonunnelproject.com/contact.html](http://www.hudsonunnelproject.com/contact.html).
- Via email at: [comment@hudsonunnelproject.com](mailto:comment@hudsonunnelproject.com).
- To the contacts listed below.

## 25.5 PROJECT CONTACTS

Ms. Amishi Castelli, Ph.D.  
Environmental Protection Specialist  
USDOT Federal Railroad Administration  
One Bowling Green, Suite 429  
New York, NY 10004

Mr. RJ Palladino, AICP, PP  
Senior Program Manager  
NJ TRANSIT Capital Planning  
One Penn Plaza East – 8th Floor  
Newark, NJ 07105

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