

**6B.1 INTRODUCTION**

This chapter identifies the property acquisition requirements of the Preferred Alternative, both for its construction and operation. This information is based on conceptual design completed as of the date of completion of this Draft Environmental Impact Statement (DEIS). The No Action Alternative would not require the acquisition of any property, and therefore is not discussed in this chapter.

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- 6B.1 Introduction
- 6B.2 Regulatory Context
- 6B.3 Property Acquisition Required
  - 6B.3.1 New Jersey
  - 6B.3.2 New York
- 6B.4 Measures to Avoid, Minimize, and Mitigate Impacts

**6B.2 REGULATORY CONTEXT**

A Federally funded project must adhere to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as codified in 42 USC §§ 4601 et seq., and the applicable implementing regulations set forth in 49 CFR Part 24 (collectively, “the Uniform Act”). The Uniform Act protects the rights of property owners and tenants of real property to be acquired to implement the Project. It intends to ensure that individuals do not suffer disproportionate injuries as a result of programs and projects designed for the benefit of the public as a whole, and to minimize the hardship of displacement on such persons. The Uniform Act recognizes that displacement of businesses often results in their closure, and aims to minimize the adverse impact of displacement to maintain the economic and social well-being of communities. The Uniform Act is designed to ensure that individuals do not suffer disproportionate injuries as a result of programs and projects designed for the benefit of the public as a whole, and minimize the hardship of displacement on such persons.

In accordance with Federal and state law, owners of properties that would be acquired would be compensated at fair market value and would be provided all other benefits and assistance required by law. Residents of affected properties, whether owners or rental tenants, are also entitled to benefits in accordance with the Uniform Relocation Act. These benefits could include relocation payments and assistance in finding replacement housing that meets the needs of displaced residents in terms of size, price, rental, location, and timely availability.

The Project Sponsor that will advance the Project through final design and construction, including acquisition of property and compliance with mitigation measures, has not yet been identified. The Project Sponsor may include one or more of the Port Authority of New York & New Jersey (PANYNJ), the National Railroad Passenger Corporation (Amtrak), New Jersey Transit Corporation (NJ TRANSIT), and/or another entity that has not yet been determined. Property acquisition must and will adhere to the applicable statutes and laws to which the acting entity is subject.



In New Jersey, acquisition of real property by NJ TRANSIT must also adhere to the New Jersey Eminent Domain Act of 1971 (NJSA 20:3-1 et seq.) and the Uniform Transportation Replacement Housing and Relocation Act (NJSA 27:7-72 et seq.). In New York, acquisition of real property by New York State entities must also adhere to the New York State Eminent Domain Procedure Law (EDPL), which seeks to establish the exclusive procedure by which property is acquired in New York State, ensure just compensation is paid, and establish opportunities for public participation in the planning of projects necessitating the exercise of eminent domain. Amtrak has the right to acquire property by eminent domain as set forth in 49 USC § 24311.

### **6B.3 PROPERTY ACQUISITION REQUIRED**

Temporary and permanent acquisition of privately owned commercial and industrial property is required for construction of the Preferred Alternative's surface tracks in the Meadowlands, to accommodate construction activities in Hoboken, for the construction activities at the Twelfth Avenue shaft site in New York, and the permanent location of the tunnel, ventilation shaft, and fan plant in New York. For the most part, both the temporary and permanent acquisitions would be limited to easements on unused portions of industrial property. No acquisition of residential property would be required and no displacement or relocations of residents would occur. A full list of property acquisition requirements based on conceptual design (10 percent design) is presented in **Appendix 6**.

#### **6B.3.1 NEW JERSEY**

##### *6B.3.1.1 SUBSURFACE EASEMENTS*

Based on conceptual design, permanent subsurface property easements would be required at 117 properties (not including parcels previously acquired by NJ TRANSIT for the Access to the Region's Core (ARC) Project) to accommodate the tunnel alignment (see **Appendix 6**). These properties are located in North Bergen and Union City on top of the Palisades, and in Hoboken east of the Palisades.

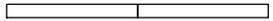
##### *6B.3.1.2 SURFACE ACQUISITIONS*

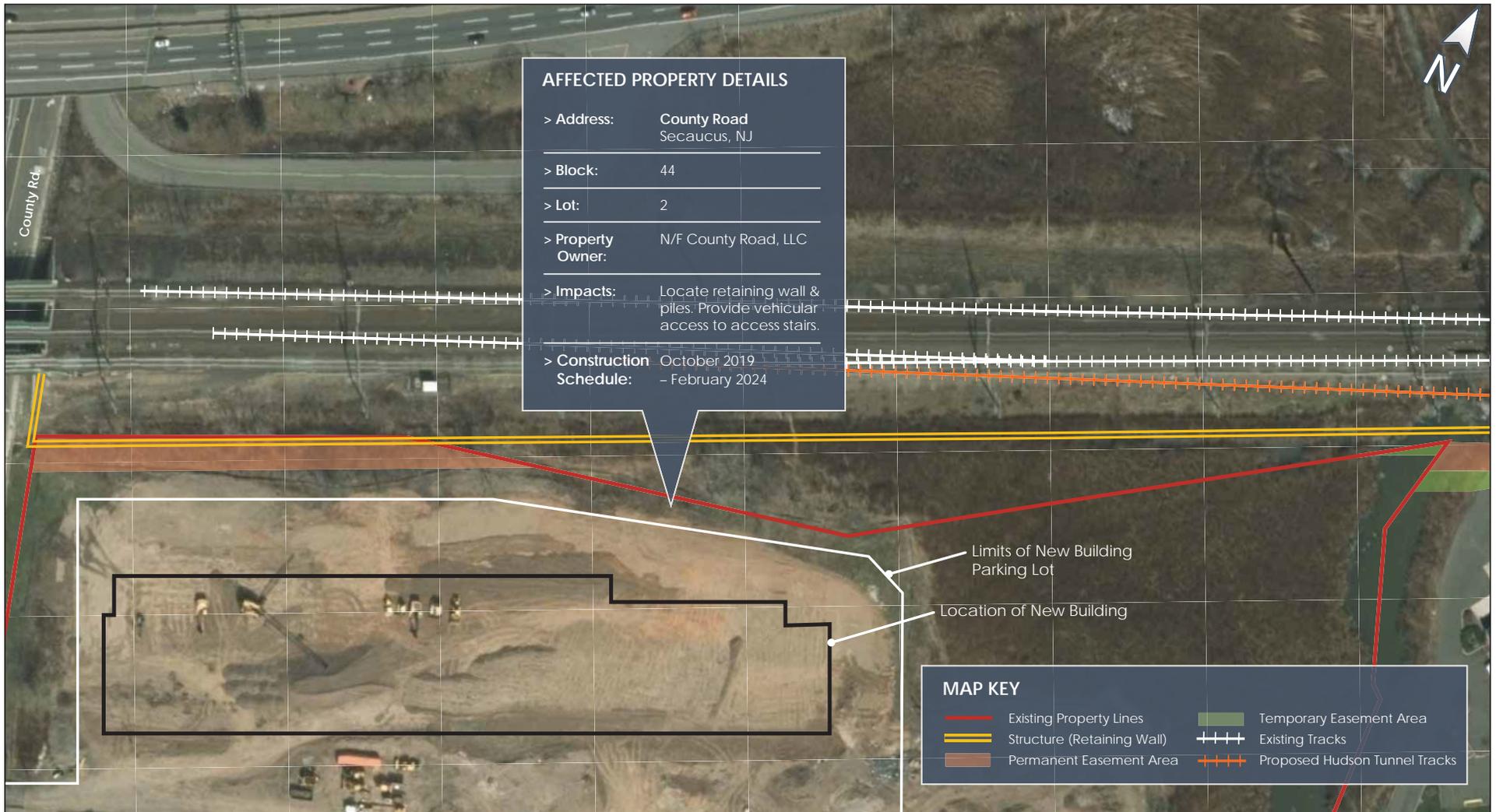
Based on conceptual design, a total of 11 temporary and 12 permanent surface property acquisitions (not including parcels owned by NJ TRANSIT, New Jersey Department of Transportation (NJDOT), or PANYNJ) would be required in Secaucus and North Bergen, primarily on portions of the properties that are vacant land or parking areas. For properties used during construction, the Project Sponsor would acquire easements; the permanent acquisitions would also likely be easements. Potential displacements in the vicinity of the Meadowlands would occur only during construction; operation of the Preferred Alternative would not result in any displacement to business activity (e.g., parking spaces, loading areas, or business operations). In addition, depending on the route for the temporary construction access road, one fee acquisition of an industrial property in Hoboken may be required.

The specific properties that are included within the Project site for the surface alignment of the Preferred Alternative are summarized in **Table 6B-1**. **Figures 6B-1 through 6B-9** illustrate these properties and the potential acquisition areas required.



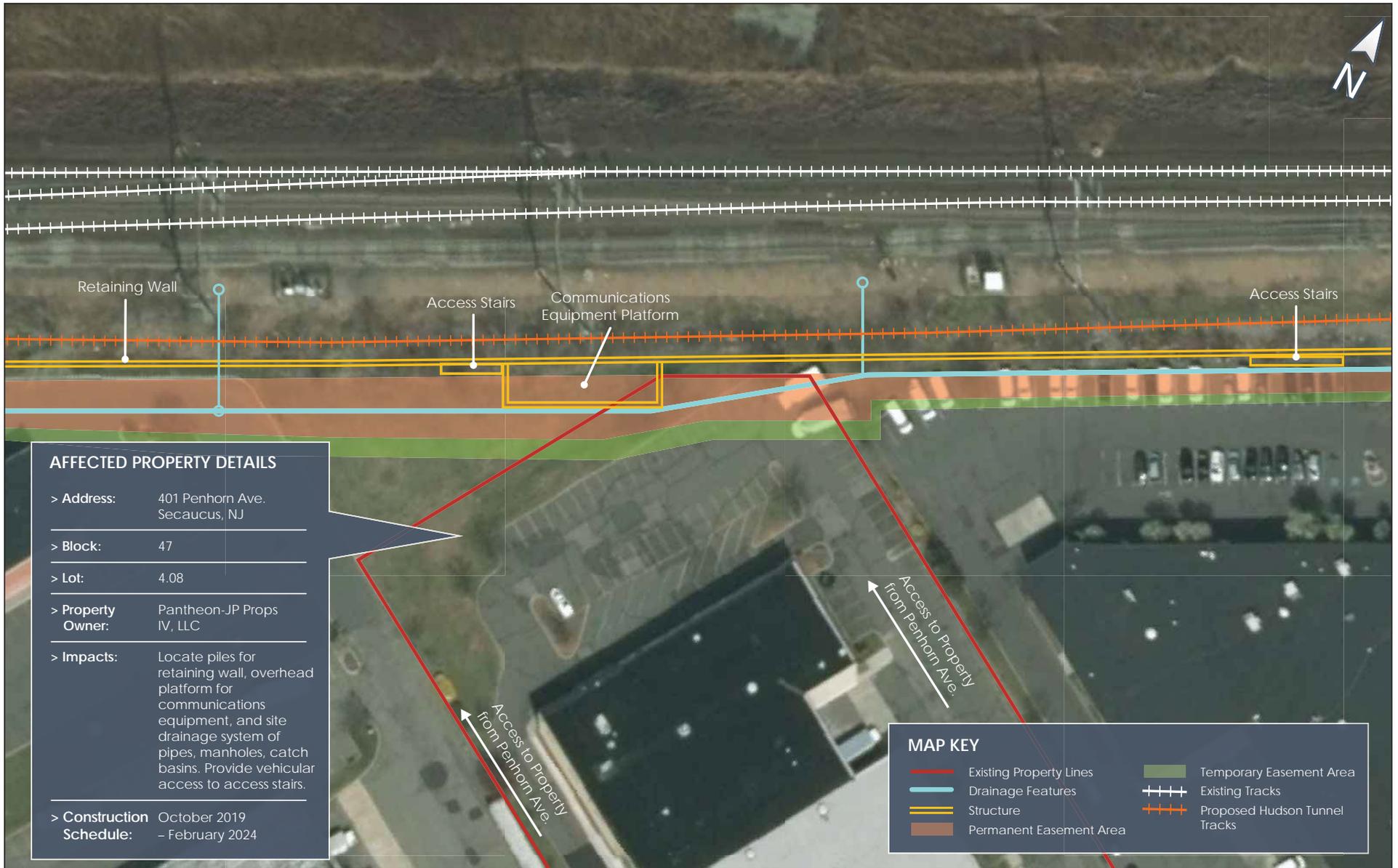
 Properties where property acquisition may be required (see Figures 6B-2 through 6B-9)

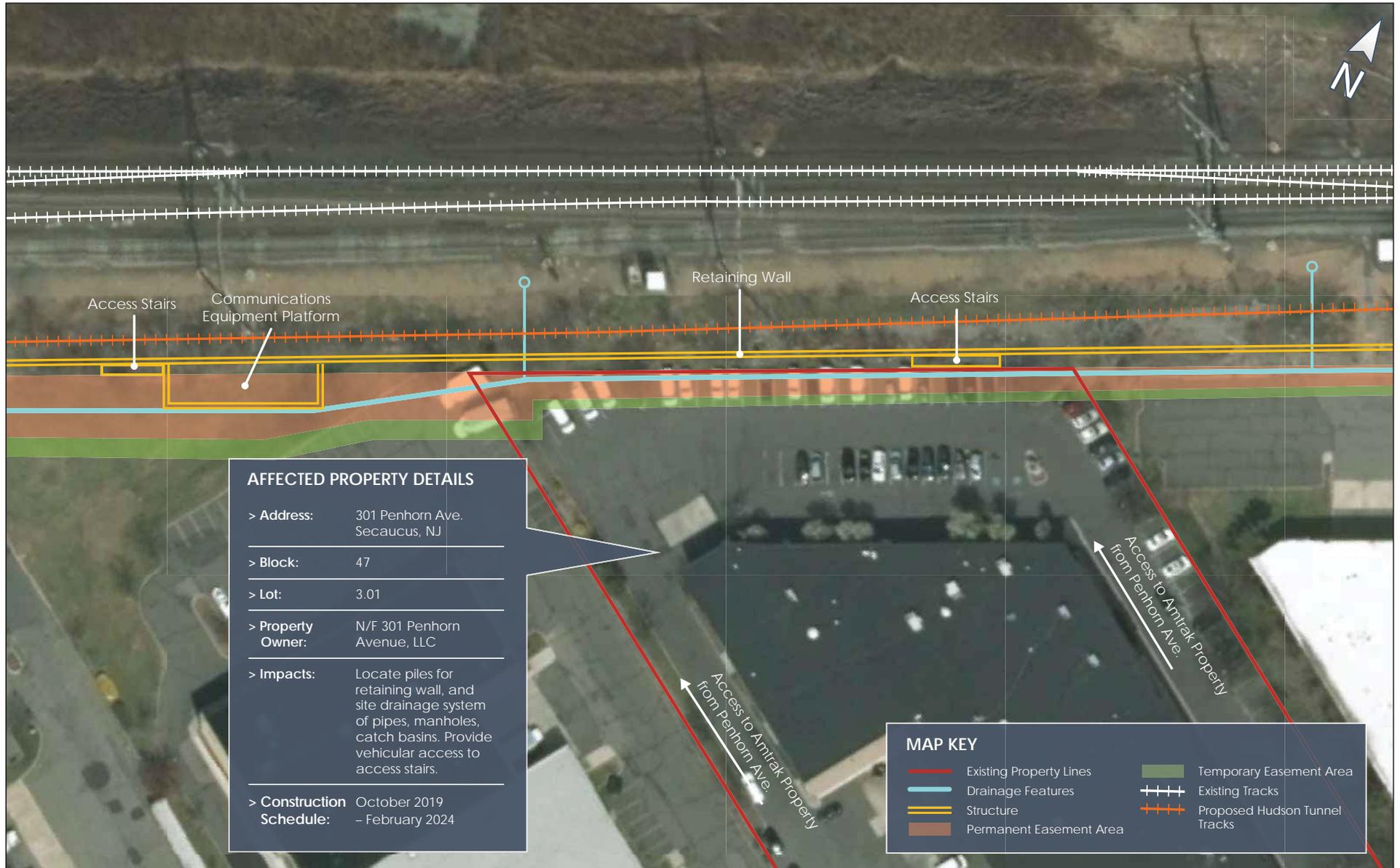
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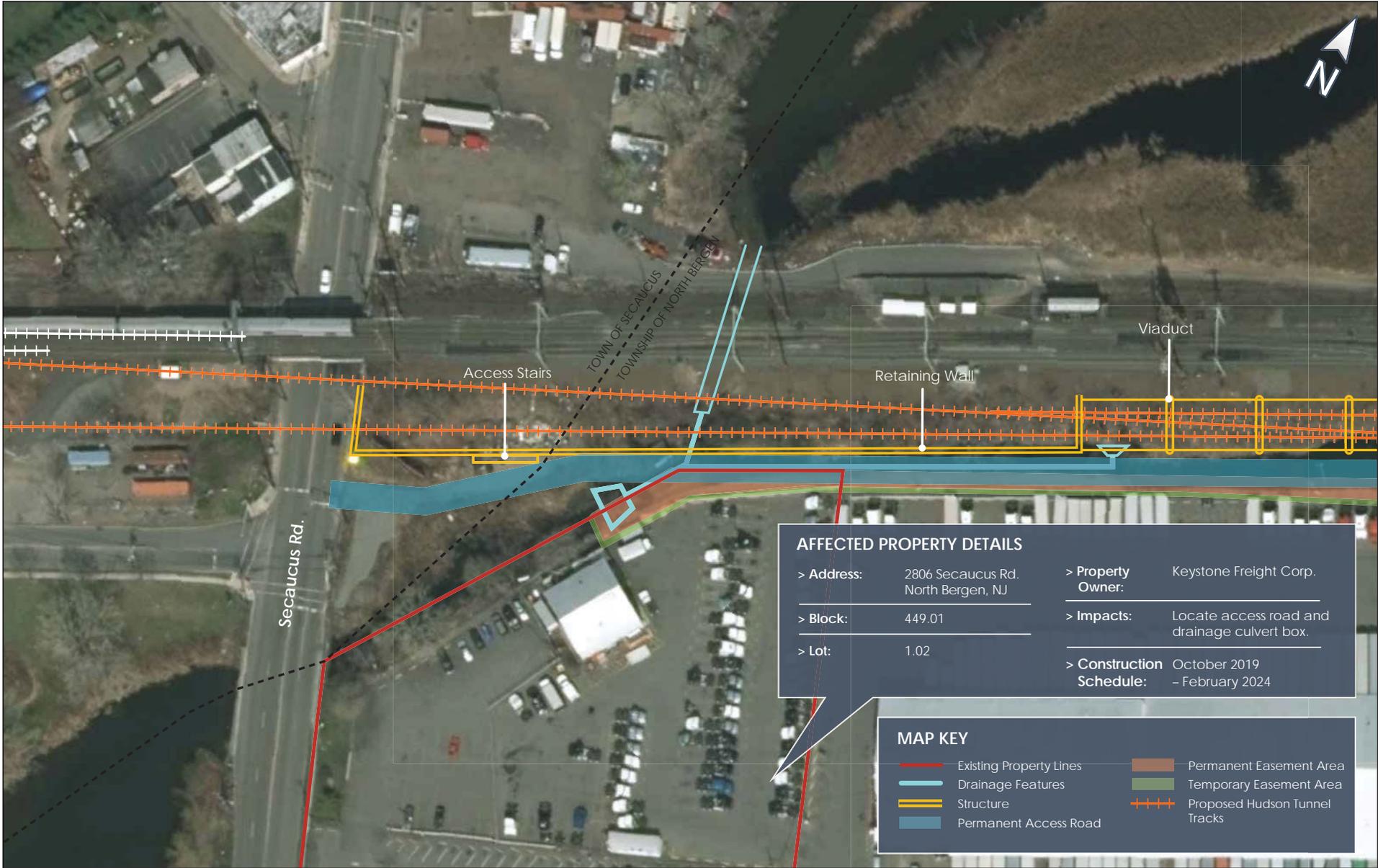


Property Acquisition at 801 Penhorn Avenue, Secaucus  
**Figure 6B-3**



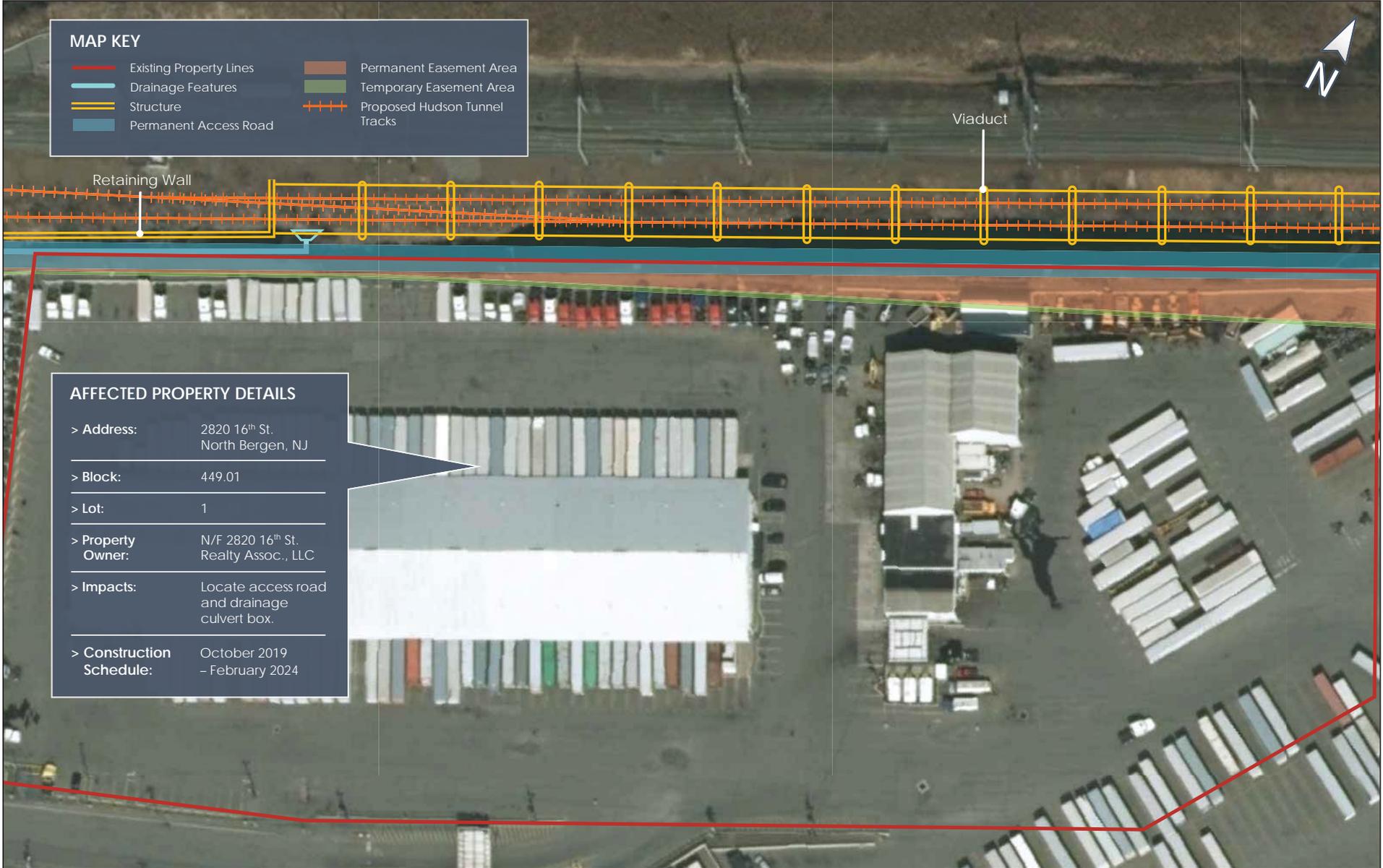






Property Acquisition at 2806 Secaucus Road, North Bergen

Figure 6B-7





**Table 6B-1**

**Surface Property Acquisitions for the Preferred Alternative, New Jersey**

Property		Acquisition
Address	Block/Lot	
<b>County Road to Secaucus Road, Secaucus</b>		
County Road, Secaucus	Block 44, Lot 2	Temporary easement for construction access
		Permanent easement for retaining wall and access to new tracks, in paved parking area and landscaped area at an industrial / warehousing facility
801 Penhorn Avenue	Block 44, Lot 5.04	Temporary easement for construction access
		Permanent easement for access to new tracks and for below-grade drainage beneath paved area providing access to warehouse loading docks
401 Penhorn Avenue	Block 47, Lot 4.08	Temporary easement for construction access
		Permanent easement for access to new tracks and for below-grade drainage beneath paved parking area and landscaped area
301 Penhorn Avenue	Block 47, Lot 3.01	Temporary easement for construction access
		Permanent easement for access to new tracks and to accommodate below-grade drainage beneath paved parking area
201 Penhorn Avenue	Block 47, Lot 2.01	Temporary easement for construction access
		Permanent easement for access to new tracks and for below-grade drainage beneath paved area with parking spaces and truck maneuvering area for loading docks
<b>Secaucus Road to Tonelle Avenue, North Bergen</b>		
2806 Secaucus Road, North Bergen	Block 449.01, Lot 1.02	Permanent easement of vacant land and edge of paved area, to accommodate new above-ground drainage feature and permanent access road
2820 16th Street, North Bergen	Block 449.01, Lot 1	Temporary easement for construction access
		Permanent easement in paved area to accommodate below-grade drainage and adjacent permanent access road; no effect to adjacent spaces used for parking and storage of tractor trailers, containers, and equipment
2400 16th Street, North Bergen	Block 449.01, Lot 4	Temporary easement for construction access
		Permanent easement in paved area with approximately five spaces for parking or container storage and in undeveloped wetland area to accommodate permanent access road and track embankment
NA	Block 442, Lot 1.01	Temporary easement for construction access
		Permanent easement in undeveloped wetlands area to accommodate track embankment
NA	Block 442, Lot 1.09	Temporary easement for construction access
		Permanent easement in undeveloped wetlands area to accommodate track embankment and permanent access road; Permanent acquisition across wetland area being created and beneath PSE&G aerial high-tension power lines
NA	Block 485, Lot 1	Temporary easement for construction access
		Permanent easement across NYSW freight right-of-way for bridge structure
NA	Block 486, Lot 1	Temporary easement for construction access
		Permanent easement across Conrail freight railroad right-of-way for bridge structure
<b>Willow Avenue, Hoboken</b>		
1714 Willow Avenue	Block 146, Lot 2	Possible permanent acquisition to accommodate haul route (for truck turning radius on southbound Willow Avenue service road)
<b>Notes:</b> NA = not applicable; NYSW = New York, Susquehanna & Western Railway.		

The permanent and temporary easements that would be required include the following:

- A 1.5-acre permanent easement and 0.2-acre temporary easement would be required at 278 County Road (Block 44, Lot 2), a light industrial property in Secaucus, to provide Amtrak with vehicular access to a stairway to the track level and construct and maintain a retaining wall along the right-of-way.
- A 0.5-acre permanent easement and 0.15-acre temporary easement would be required at 801/901 Penhorn Avenue (Block 44, Lot 5.04), a light industrial property in Secaucus, to provide Amtrak with vehicular access to a stairway to the track level and construct and maintain a retaining wall, drainage system, manholes, and catch basins along the right-of-way.
- A 0.1-acre permanent easement and 0.04-acre temporary easement would be required at 401 Penhorn Avenue (Block 47, Lot 4.08), a light industrial property in Secaucus, to provide Amtrak with vehicular access to a stairway to the track level and construct and maintain a retaining wall, drainage system, manholes, and catch basins along the right-of-way.
- A 0.1-acre permanent easement and 0.04-acre temporary easement would be required at 301 Penhorn Avenue (Block 47, Lot 3.01), a light industrial property in Secaucus, to provide Amtrak with vehicular access to a stairway to the track level and construct and maintain a retaining wall, drainage system, manholes, and catch basins along the right-of-way.
- A 0.2-acre permanent easement and 0.1-acre temporary easement would be required at 201 Penhorn Avenue (Block 47, Lot 2.01), a light industrial property in Secaucus, to provide Amtrak with vehicular access to a stairway to the track level and construct and maintain a retaining wall and drainage swale.
- A 0.05-acre permanent easement would be required at 2806 Secaucus Road (Block 449.01, Lots 1.02), an industrial property in North Bergen, to provide Amtrak with access to the tracks and a drainage culvert box.
- A 0.5-acre permanent easement and 0.05-acre temporary easement would be required at 2820 16th Street (Block 449.01, Lot 1), an industrial property in North Bergen, for installation and maintenance of a drainage culvert box and access road.
- A 4.1-acre permanent easement and 1.5-acre temporary easement would be required at 2400 16th Street (Block 449.01, Lot 4), a commercial property in North Bergen, for the installation and maintenance of embankments, access road, and cross culverts.
- A 0.4-acre permanent easement and 0.02-acre temporary easement would be required on an undeveloped portion of PSE&G property on West Side Avenue (Block 442, Lot 1.01), for the installation and maintenance of bridge structure, tracks, embankment, an cross culvert.
- A 0.4-acre permanent easement and 1.3-acre temporary easement would be required on an unused portion of PSE&G property on 16th Street (Block 442, Lot 1.09), for installation and maintenance of bridge structure, tracks, embankment, cross culvert, permanent access road and temporary haul road.
- A 0.15-acre permanent easement and 0.2-acre temporary easement would be required on an undeveloped portion of NYS&W property (Block 485, Lot 1) for the installation and maintenance of a bridge structure.
- A 0.15-acre permanent easement and 0.1-acre temporary easement would be required on an undeveloped portion of Lackawanna Railroad Company property (Block 486, Lot 1) for the installation and maintenance of a bridge structure.

Potential displacements in the vicinity of the Meadowlands would occur only during construction; operation of the Preferred Alternative would not result in any displacement to business activity (e.g., parking spaces, loading areas, or business operations).

If the construction access route that brings southbound trucks to the site along southbound Willow Avenue is selected (rather than using southbound Park Avenue), fee acquisition of 1714 Willow Avenue (Block 146, Lot 2), a warehouse structure in Hoboken, would be required. This would facilitate construction of a curve in the road that could accommodate the turning radius of construction vehicles.

### **6B.3.2 NEW YORK**

#### *6B.3.2.1 SUBSURFACE EASEMENTS*

Permanent subsurface easements would be required in New York for the new tunnel alignment between the New York State line and Dyer Avenue (see **Appendix 6**).

#### *6B.3.2.2 SURFACE ACQUISITIONS*

In New York, private property must be acquired and/or permanent easements obtained for the below-grade Hudson River Tunnel alignment and above-grade Twelfth Avenue fan plant on Manhattan Block 675 (the block between Eleventh and Twelfth Avenues and West 29th and West 30th Streets). This includes a portion or all of Lot 1 on Block 675, where the tunnel and fan plant would be located and where construction staging activities would occur. A temporary construction easement would also be required on a portion of Lot 12, which would be used for construction staging.

An existing easement would be used for the fan plant in space beneath and within the Lerner Building; this easement would be modified if necessary.

In addition, a temporary easement would be required on a portion of Hudson River Park, including the West 30th Street Heliport property.

### **6B.4 MEASURES TO AVOID, MINIMIZE, AND MITIGATE IMPACTS**

All relevant property acquisition procedures will be followed for the property acquisitions required for the Preferred Alternative's construction and operation. Potential displacements in the vicinity of the Meadowlands would occur only during construction; operation of the Preferred Alternative would not result in any displacement to business activity (e.g., parking spaces, loading areas, or business operations). Analysis of these displacements is provided in Chapter 7, "Socioeconomic Conditions," Section 7.7. \*