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MAS Comments on the Hudson Tunnel Project Draft Environmental Impact Statement and Draft Section 4(f) Evaluation, Hudson County, NJ and New York County, NY

August 21, 2017

The Municipal Art Society of New York (MAS) has the following comments on the June 2017 Draft Environmental Impact Statement (DEIS) and Draft Section 4(f) Evaluation for the Hudson Tunnel Project (HTP).

General Project Comments

Given the complexity, regional significance, and cost of the HTP, we are puzzled as to why the Federal Railroad Administration (FRA) and New Jersey Transit Corporation (NJ TRANSIT) did not select a project sponsor prior to initiating the environmental review process. The selection of a project sponsor is critical to a project of this magnitude. MAS requests that one is chosen as quickly as possible.

MAS is disappointed to learn that critical transportation infrastructure needs like capacity expansion at New York Penn Station and Secaucus Junction Station, and through-running capability to Midtown Manhattan remain unaddressed in the analysis of the DEIS. Furthermore, we find the DEIS is deficient in only evaluating two alternatives, the No Build and the Preferred Alternative. Passenger capacity measures identified in the Access to the Region's Core (ARC) EIS or ARC Major Investment Study (MIS) alternatives, referenced in Chapter 2 of the HTP DEIS should have been considered and evaluated in the DEIS alternatives for this project as well.

We find this deficiency to be a missed opportunity in light of the long-term transit needs of the region.

Environmental Evaluation

Traffic and Pedestrians

According to Table 5A-38 in Chapter 5, *Proposed Mitigation Measures During Construction of the Preferred Alternative*, the number of intersections (twenty-three) with unmitigated adverse construction traffic impacts near the Tonelle Avenue Staging Area in New Jersey is alarming. This is magnified by the fact that these impacts would occur over a period of eight years and would disproportionately affect an environmental justice area. Please see our comments regarding these impacts, mitigation, and community outreach in the environmental justice section.

Socioeconomic Conditions

The installation of tracks and associated infrastructure in the project's surface alignment through the Meadowlands would require partial acquisitions of nearby industrial properties. According to the DEIS Socioeconomic Conditions analysis in Chapter 7, the Project Sponsor would fully restore the property once construction is complete. The DEIS should include information regarding the scope and timing of the proposed restoration.

Open Space and Recreational Resources

Impacts to open space and recreational resources are underestimated in the DEIS:

High Line (New York) – During pile driving activities that are expected to last twelve months, the portion of the High Line that runs along West 30th Street would incur noise levels that exceed Federal Transit Administration (FTA) noise impact criteria. The noise is expected to disrupt passive recreation on the West 30th Street segment of the High Line, which includes public seating areas. We find the conclusion that this would affect only an 800-linear-foot-area of the High Line leaving the rest of the High Line “available for recreation without increased noise” to lack rigor and expect the FEIS to include mitigation measures for these impacts.

Hudson River Park (New York) – According to the DEIS, a 1,500-foot portion of the Hudson River Walkway adjacent to the West 30th Street Heliport would be closed for nine months for ground freezing operations during tunnel construction. However, the DEIS does not provide any descriptions or drawings showing how public access would be provided during the closing of the portion of the walkway. We expect these to be included in the FEIS.

19th Street Basketball Court (New Jersey) – The DEIS states that construction truck traffic (up to 24 trucks per hour for approximately four years) would increase noise levels at 19th Street Basketball Court beyond FTA thresholds, constituting an adverse noise impact. The evaluation concludes that “the 19th Street Basketball Courts have active recreational uses which are normally not noise-sensitive” and cites the park’s proximity to a heavily trafficked intersection as a reason to determine that noise would not disrupt the ability to use the park.

Given the amount and duration of the construction traffic, we find this conclusion to be substantially flawed. Irrespective of noise impacts, it ignores the serious public health risks that adverse air quality from prolonged construction traffic would have on an open space resource that is used for active recreation. As such, we request that FRA and NJ Transit arrive at demonstrable mitigation measures to attenuate noise and reduce air quality impacts on this resource and include them in the FEIS. Furthermore, we advise FRA and NJ Transit to hold meetings to discuss these impacts and potential mitigation measures with the community and include correspondence of such in the FEIS.

1600 Park (New Jersey) – Construction activities, including heavy trucking, installation of piles, would occur approximately 150 feet from 1600 Park for a period of four months. The FEIS should include documented correspondence between the FRA and NJ TRANSIT and the City of Hoboken to support that construction activities will be coordinated to avoid noise impacts at the park to the extent practicable.

Historic and Archaeological Resources

According to the DEIS, FRA has determined that the project will have an adverse effect on the National Register of Historic Places-eligible resources: North River Tunnel (removal of character-defining features), the Pennsylvania Railroad New York to Philadelphia Historic District (new surface tracks, industrial alterations); the New York Improvements and Tunnel Extension of the Pennsylvania Railroad (same as above); and the Hudson River Bulkhead (new grouting to fill in voids/removal of original components) in New York. We recognize the extensive coordination needed with the New Jersey Historic Preservation Officer, the New York State Historic Preservation Officer and other agencies. We expect the FEIS to include all agency coordination correspondence regarding the monitoring of these resources during construction.

In addition, the FEIS must include the approved Construction Protection Plan (CPP), developed with NYSHPO, that details the methods for protecting the High Line from vibration and other potential impacts associated with the construction of the Twelfth Avenue ventilation shaft.

MAS recognizes the potential for archaeological resources within the Area of Potential Effects (APE) identified in the DEIS and expects the Project Sponsor to make all correspondence and archaeological monitoring information publicly available.

We urge NJ TRANSIT to become a signatory in the Programmatic Agreement between FRA, NJHPO, NYSHPO, the Advisory Council on Historic Preservation, the Federal Transit Administration, and the National Railroad Passenger Corporation.

Natural Resources

MAS recognizes that the HTP would result in the loss of approximately eight acres of tidal wetlands due to the construction of expanded embankments, permanent access roads, culverts, retaining walls and bridge abutments. In light of these serious impacts, MAS strongly requests that the mitigation measures, to be determined with consultation with NJDEP and USACE, are made publicly available through the project website.

According to the Essential Fish Habitat (EFH) Study included in Appendix 11 of the DEIS, ground stabilization activities during construction will affect a 1.5-acre area under the Hudson River, which may serve as prey habitat for EFH species. The area consists of fine-grained silt/clay sediments and serves as a foraging habitat for soft bottom feeding species (e.g., windowpane, skates, and summer and winter flounder).

We understand the area will be replaced with a mixture of cement grout and native soil, or soilcrete to support the new tunnel. According to the DEIS, these activities are considered an unavoidable, adverse effect. The EFH study concludes that over time, sediments will be deposited over the soilcrete and **could** provide soft bottom nursery habitat for these species. Based on this information, the FEIS must include additional information, specifically case studies, in which soilcrete was used in a similar fashion, and through which soft bottom nursery habitat was successfully reestablished for these species.

Furthermore, we understand that the yet-to-be-determined Project Sponsor will monitor this area in consultation with the US Army Corps of Engineers, National Marine Fisheries Service (NMFS), and New York State Department of Environmental Conservation (DEC) for five years after project completion to assess the area's recovery as a fish forging habitat. Therefore, MAS requests that the FEIS include specific details on how information and updates will be provided to the public during the monitoring period.

Noise and Vibration

According to the DEIS noise evaluation, construction trucks, including concrete mixer trucks, materials delivery trucks, and dump trucks for spoils removal would pass residences on Tonnelle Avenue between 10th Street and Secaucus Road at a rate of up to 24 trucks per hour from 7 AM to 10 PM over the course of the approximately four years for the construction at the Tonnelle Avenue tunnel portal and staging area. Based on FTA Noise Impact Criteria for Transit Projects (Chapter 12, Figure 12-1), these trucking activities would produce noise levels that would have severe impacts on nearby residents.

In addition, according to the DEIS, construction activities at the Hoboken staging area would produce moderate and severe noise impacts on area residents for a period of five months. With this information in mind, we question the basis of the conclusion that the use of a 25-foot-tall noise barrier, an approach that was included in the ARC project EIS, would provide adequate shielding.

We also question the basis behind the conclusion that while construction noise may be audible and intrusive to area residents, especially during nighttime hours, it would not constitute an adverse impact because the consultants conducted field observations which led them to assume that affected buildings' façade construction techniques, including insulated glass windows and window air conditions units, would provide ample noise attenuation. To strengthen the analysis, we recommend that the DEIS should include a quantitative analysis of the potential noise impacts on these residences.

We request that the FEIS include detailed design drawings of the proposed fan plants at Twelfth Avenue in New York.

The DEIS does not provide sufficient details about how construction noise affecting two new residential buildings planned at the east end of Block 675 in Manhattan will be mitigated.

Please find our comments regarding noise impacts on parks and open space in the Open Space section.

Air Quality

We recognize that the project has been determined to be exempt from the transportation conformity requirements under the Clean Air Act because it has been classified as a project needed for the “repair of damage caused by natural disasters, civil unrest, or terrorist acts, except projects involving substantial functional, location or capacity changes.” However, we remain extremely concerned about the project’s construction and construction traffic air quality impacts, particularly at the Tonnelle Avenue site in North Bergen, New Jersey, which is an environmental justice area.

Although Chapter 13 lists measures to avoid, minimize, or mitigate impacts during construction, there is nothing in the DEIS that indicates how these measures will be implemented and more importantly, how they will be tested to ensure that the public is protected from adverse air quality impacts.

As such, MAS requests that the FEIS include specific information on how mitigation will be implemented and how air quality testing will be done throughout the entire construction process and the results of which made publicly available through the project website.

Environmental Justice

MAS is very concerned about the disproportionate long-term adverse effects the project construction and operational activities will have on environmental justice communities in the project area. Given that significant and disruptive construction activities will occur at the Tonnelle Avenue site in North Bergen, New Jersey over an 11-year period, we are very concerned about the lack of mitigation of traffic, air quality, and noise impacts. We also believe there has been a lack of effective community outreach regarding these impacts.

Based on the traffic analysis, adverse impacts at twenty-three intersections near Tonnelle Avenue will remain unmitigated under the proposed plan. And as mentioned in the Noise and Vibration section, project construction would result in as many as twenty-four construction vehicles per hour on Tonnelle Avenue between 10th Street and Secaucus Road for four years.

We urge FRA and NJ TRANSIT to find ways to effectively mitigate construction traffic, air quality, and noise impacts near Tonnelle Avenue. As mentioned in our air quality comments, the DEIS lists measures to avoid, minimize, or mitigate impacts during construction, including dust control, utilization of clean fuel in construction equipment, idling restrictions, tailpipe particulate matter reduction technologies, utilization of new equipment, and diesel equipment reduction. However, the DEIS does not indicate how these measures will be implemented and more importantly, how they will be tested to ensure that the public is protected.

Furthermore, given these long-term adverse impacts, the FEIS should include a Maintenance and Projection of Traffic Plan developed in consultation with the local municipality and area residents.

In terms of public outreach, according to the DEIS Chapter 25 “Agency Coordination”, the November 10, 2016 public information open house meeting was attended by sixty-one individuals. The DEIS does not provide any details or records of the targeted outreach efforts mentioned on page 25-13. As such, given the extent of the adverse impacts, we find the DEIS to be inadequate in providing evidence of effective and rigorous outreach with the affected environmental justice communities.

In the very least, MAS strongly urges the FRA and NJ TRANSIT to provide minutes of the meetings with stakeholders, elected officials and property owners and establish a protocol for meeting with the affected communities throughout the construction process.

Conclusion

MAS recognizes the critical need for a new rail tunnel under the Hudson River to maintain existing railroad infrastructure for the Northeast Corridor and Penn Station and rehabilitate the damaged North River Tunnel. However, as the nation’s most pressing transportation infrastructure project, MAS believes that the HTP and the associated DEIS should not be limited to only two alternatives, and that to the greatest extent practicable, additional regional passenger and infrastructure capacity measures should be addressed and evaluated.

We are also extremely concerned about the disproportionate adverse traffic, noise, and air quality impacts that project construction would have on environmental justice communities, and urge the FRA, NJ TRANSIT, and the project sponsor to work with the effected communities and come up with a proposal to mitigate these impacts.

Thank you for granting the opportunity to provide comments for this critical project.