

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

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 the New Jersey Transit Corporation (NJ TRANSIT) have provided many opportunities for open, collaborative, and meaningful agency and public participation for the Hudson Tunnel Project (the Project). The Port Authority of New York and New Jersey (PANYNJ) participated in some but not all of the agency and public meetings, and has reviewed the comments received through the outreach processes. 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.

Following completion of the Draft Environmental Impact Statement (DEIS), the PANYNJ became the Project Sponsor for the Hudson Tunnel Project (see Chapter 1, "Purpose and Need," Section 1.1.2, for more information). Consistent with the roles and responsibilities defined in Section 1.1.1 of that chapter, as the current Project Sponsor, the PANYNJ will comply with mitigation measures and commitments identified in the Record of Decision (ROD). 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 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**. This chapter presents an overview of the regulatory process and summarizes the agency and public outreach activities that FRA and NJ TRANSIT have undertaken for this EIS.

This chapter reflects the following changes made since the DEIS for the Hudson Tunnel Project:

- The chapter includes information related to the public and agency review of the DEIS and completion of the FEIS.
- The chapter incorporates updated information on coordination and consultation with agencies.
- The chapter includes updated information on public outreach activities for the Project.

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
 - 25.2.5 Other Permits and Approvals
- 25.3 Coordination
 - 25.3.1 Lead, Cooperating, and Participating Agencies
 - 25.3.2 Section 106 Consultation
 - 25.3.3 Environmental Justice Outreach
- 25.4 Public Involvement
 - 25.4.1 Public Scoping Meetings
 - 25.4.2 Public Information Open Houses
 - 25.4.3 Targeted Outreach
 - 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 funding, Federal agencies must consider the environmental effects of their actions in accordance with NEPA. FRA prepared this EIS as lead Federal agency, together with NJ TRANSIT and the PANYNJ as joint lead agencies. For more information on roles and responsibilities and the regulations and procedures that the lead agencies used in preparing this EIS, see Chapter 1, “Purpose and Need.” FTA and the U.S. Army Corps of Engineers (USACE) are Cooperating Agencies for the environmental review and a number of other agencies are Participating Agencies. Where relevant, the analysis also meets the NEPA procedures of FTA and USACE as well as the requirements of state and local agencies from which permits or approvals will be sought.

Consistent with those procedures and regulations, this EIS describes potential alternatives for the Project and describes the evaluation process FRA and NJ TRANSIT conducted to identify the Preferred Alternative. For the Preferred Alternative, this EIS describes 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 a proposed action and initiates the environmental review process. FRA published an NOI for the Project 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. FRA and NJ TRANSIT made a Scoping Document available on April 28, 2016 (on the Project’s website and at viewing locations) and held public scoping meetings 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. FRA and NJ TRANSIT reviewed and considered all comments, and provided responses in a Scoping Summary Report, which they posted to the Project's website in October 2016 (see www.hudsonunnelproject.com).

- **Draft Environmental Impact Statement (DEIS).** Following scoping, FRA and NJ TRANSIT prepared a DEIS for the Project. The DEIS incorporates comments received during scoping, as appropriate, and provides detailed technical analyses related to potential social, economic, and environmental impacts of the Project. The 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.** FRA and NJ TRANSIT made the DEIS available for public review on July 6, 2017. FRA coordinated with the U.S. Environmental Protection Agency (EPA) to publish a Notice of Availability of the DEIS in the Federal Register on July 7, 2017, which officially opened the public comment period on the document. The comment period remained open through August 21, 2017. Comments received after August 21, 2017 were also reviewed and incorporated. At the start of the public comment period, FRA and NJ TRANSIT sent electronic and/or hard copy notices to a wide distribution list informing them that the DEIS was available for review, providing information on the comment period and how to make comments, and inviting them to public hearings at which comments could be made. FRA and NJ TRANSIT held three public hearings 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).
- **Final Environmental Impact Statement (FEIS).** After the close of the public comment period on the DEIS, FRA and NJ TRANSIT, with involvement of the PANYNJ, prepared this FEIS. This FEIS includes a summary of, and response to, all comments made on the DEIS during the public comment period and addresses any necessary revisions to the DEIS to address the comments. In addition, this FEIS reflects modifications to the design of the Preferred Alternative that were developed after completion of the DEIS. FRA and NJ TRANSIT made this FEIS available to the public by publishing it on the Project's website, sending notifications to the Project mailing list, and subsequently publishing a Notice of Availability in the Federal Register (see Chapter 27, "Distribution of EIS" for more information).

In accordance with 23 USC § 139(d)(8) and 40 CFR § 1506.3, this FEIS may be adopted or used by any Federal agency making any approval associated with the Project.

- **Record of Decision (ROD).** The Project decision is documented in the ROD, which is combined with this FEIS. In the ROD, FRA and FTA announce the Selected Alternative, describe its environmental impacts based on the conclusions of the FEIS, explain the decision, and describe any commitments for mitigating potential social, economic, and environmental impacts. FRA has issued its ROD for the Project in combination with the FEIS, in accordance with 23 USC §139(n)(2) and 49 USC §304a, which directs the lead Federal agency, to the maximum extent practicable, to expeditiously develop a single document combining the FEIS and ROD.

After consultation with FRA, NJ TRANSIT, and the PANYNJ, review of the FEIS and other NEPA documentation, FTA, in accordance with 43 CFR § 46.120, is adopting the Hudson Tunnel Project EIS and FRA and FTA are issuing a single document that consists of the combined FEIS/ROD as it has been determined that circumstances, such as changes to the proposed action, anticipated impacts, or other new information, do not preclude issuance of such a combined document.



25.2.2 SECTION 106 CONSULTATION

Section 106 of the National Historic Preservation Act (NHPA)¹ 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. For this Project, FRA has conducted 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.

For this Project, FRA has provided 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 has issued a Section 4(f) determination as part of the FEIS for the Project (see Chapter 24, "Final Section 4(f) Evaluation").

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.² 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*

¹ 54 USC § 306108.

² 59 Federal Register 7629, 1994.

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**.

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 kept permitting and resource agencies informed and involved in the Project's environmental review to ensure that their concerns were 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, FRA is the lead Federal agency and NJ TRANSIT and the PANYNJ are joint lead agencies. The legislation at 23 USC § 139 directs lead agencies to identify Cooperating and Participating Agencies in their NEPA actions and to maintain an open line of communication with them as a project progresses. PANYNJ became a joint lead agency after the public review of the DEIS. Prior to PANYNJ becoming a joint lead agency, PANYNJ served as a Participating Agency in the environmental review.

According to CEQ regulations (40 CFR § 1508.5), Cooperating Agencies are Federal agencies, other than a lead agency, that have jurisdiction by law or special expertise with respect to environmental impacts for a proposed project. 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.



Table 25-1

Major Permits and Approvals Required for the Hudson Tunnel Project

Permit / Approval	Reason
Federal	
USACE Section 404/Section 10 Individual Permit	Construction activity in the Hudson River; construction activity and permanent structures in wetlands (Meadowlands and Hoboken, NJ)
State of New Jersey	
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/Section 10 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 (NJPDES) 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
State of New York	
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/Section 10 permit
NYSDEC State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharge from Construction Activity	Construction activities
NYSDEC SPDES Permit	Connection to outfall downstream of regulator will result in stormwater discharge to Hudson River
NYSOGS Easement to Occupy State-Owned Underwater Lands	Construction activities: tunnel alignment beneath Hudson River
Hudson River Park Trust; NYSDEC; NYS OPRHP Easement to Occupy State-Owned Lands	Construction activities; tunnel alignment beneath Hudson River Park
NYSDOT Approval of Route and Easement to Occupy State-Owned Lands	Approval under NYS Rapid Transit Act; construction activities; tunnel alignment beneath Route 9A (Twelfth Avenue) including adjacent bike lanes
New York State Department of State Coastal Zone Consistency Determination	Determination of consistency with the state's coastal zone management policies
Local	
Hudson-Essex-Passaic Soil Conservation District Soil Erosion and Sediment Control Plan Certification	Disturbance of more than 5,000 square feet of land
NYCDCP 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)
Notes: 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 NYS OPRHP = New York State Office of Parks, Recreation and Historic Preservation NYSDOT = New York State Department of Transportation NYCDCP = New York City Department of City Planning	

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, NJ TRANSIT, and, as appropriate, the PANYNJ, consulted with Cooperating and Participating Agencies throughout the NEPA process to update them on the status of the Project and discuss areas of concern.

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 was 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.

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.



Table 25-2

Lead Agencies and Invited Cooperating and Participating Agencies

Agency	Role	Accepted Invitation	Responsibilities
Lead Agencies			
Federal Railroad Administration (FRA)	Lead Federal Agency		Manage environmental review process; prepare EIS and decision document; provide opportunity for public and agency involvement; arbitrate and resolve issues
NJ TRANSIT	Joint Lead Agency		Manage environmental review process; prepare EIS and decision document; provide opportunity for public and agency involvement; arbitrate and resolve issues
Port Authority of New York & New Jersey (PANYNJ)	Participating Agency for DEIS; Joint Lead Agency for FEIS		Assist in environmental review process; prepare FEIS; post DEIS, provide opportunity for public and agency involvement, arbitrate and resolve issues; serve as current Project Sponsor responsible for carrying out Project commitments such as mitigation measures
Federal Agencies			
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 (EPA)	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 (USFWS)	Participating Agency, Task Force member	Yes	Consultation related to NEPA; Section 404, Clean Water Act; and in accordance with Section 7, Endangered Species Act
State, Regional, and Local Agencies			
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 Tonelle 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) (NJHPPO)	Participating Agency, Section 106 consultation, Task Force member	Yes	Concurrence under Section 106, National Historic Preservation Act

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

Agency	Role	Accepted Invitation	Responsibilities
State, Regional, and Local Agencies (cont'd)			
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 (a) impacts within Hudson River Park; (b) securing short and long-term access to the park and heliport; and (c) impacts on the purposes of the Hudson River Park Act
Metropolitan Transportation Authority (MTA)	Participating Agency	Yes	Consultation related to PSNY
New York Metropolitan Transportation Council (NYMTC)	Participating Agency	Yes	NYMTC participated 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) and Route 9A bikeway
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 (NYCDCP)	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
Agencies that did not Accept Invitation to Participate			
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 State Department of State (NYS DOS)	Participating Agency	No	Coastal zone consistency review
New York City Department of Environmental Protection (NYC DEP)	Participating Agency	No. NYCMOS participated on their behalf	Consultation related to impacts in New York City



**Table 25-3
Agency Meetings Held to Date**

Meeting Date	Meeting Topic
Cooperating Agency Coordination Calls and Meetings	
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
Participating Agency Meetings	
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 (NYCDCP) briefing
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	NYCDCP 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 15, 2017	Project briefing with Hudson River Park Trust
February 16, 2017	Project briefing with NYCDCP staff
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)
June 29, 2017	Project Agency Task Force meeting #4 webinar briefing on DEIS
July 5, 2017	Project briefing with Hudson River Park Trust
September 12, 2017	Pre-application meeting with NJDEP
October 23, 2017	Pre-application meeting with NYSDEC
November 14, 2017	Project briefing with Hudson River Park Trust
November 16, 2017	Project Agency Task Force meeting #5 webinar briefing on public comments and post-DEIS Project changes
December 4, 2017	Project briefing with USACE, NOAA-NMFS, and NYSDEC
January 16, 2018	Project briefing with Hudson River Park Trust
January 16, 2018	Project Pre-application meeting with NJDEP Mitigation Unit
March 30, 2021	Project briefing with Hudson River Park Trust
April 8, 2021	Project briefing with Hudson River Park Trust
April 22, 2021	Project briefing for Participating Agencies

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 consulted with the SHPOs to identify other parties to participate in the Section 106 process (these are referred to as consulting parties). The entities FRA invited to participate as consulting parties are as follows:

- NJHPO
- NYSHPO
- ACHP
- NJ TRANSIT
- PANYNJ
- FTA
- USACE
- Amtrak
- 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 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 the 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 support of the Section 106 consultation process, FRA held special project briefings with the NJHPO and the NYSHPO, on June 28, 2016 and July 20, 2016, respectively. In addition, FRA held an agency webinar on July 25, 2017 for Section 106 Consulting Parties to review the Section 106 process and the draft Programmatic Agreement (PA) prepared and circulated for the Project. Following completion of the DEIS, FRA conducted additional consultation with the Section 106 Consulting Parties in November 2017 and April 2021 to review the revised PA prior to its execution. In addition, this EIS includes detailed information on the Section 106 issues for the Project in Chapter 9, "Historic and Archaeological Resources." A copy of the Final PA is in **Appendix 9**. **Appendix 9** also includes a table summarizing the correspondence between FRA and the various Consulting Parties related to the Section 106 coordination process and the review and approval of the Final PA.

25.3.3 ENVIRONMENTAL JUSTICE OUTREACH

FRA and NJ TRANSIT have held public outreach meetings throughout development of the DEIS and FEIS documentation, including large meetings at key Project milestones (e.g., during NEPA scoping, after identification of the Preferred Alternative, and following release of the DEIS) 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. For more information on environmental justice, see Chapter 22, "Environmental Justice."

25.4 PUBLIC INVOLVEMENT

During preparation of the DEIS and FEIS, FRA, NJ TRANSIT, and, as appropriate, the PANYNJ 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), 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.

FRA and NJ TRANSIT conducted a robust outreach effort that included a focused effort to compile a comprehensive mailing list of stakeholders, including elected officials, potentially interested organizations, and owners and residents of properties near the proposed construction staging areas, and to provide multiple forums for those stakeholders to provide input.

The list of stakeholders comprised organizations and individuals included on distribution lists from an earlier trans-Hudson rail project, the Access to the Region's Core (ARC) Project, for areas that would also be affected by the Hudson Tunnel Project; individuals who signed up for the Project mailing list; individuals who attended and provided address information at public scoping sessions (May 2016) and public information open houses (November 2016) for the Project; and addresses along the Project alignment and near the proposed construction staging areas in Secaucus, North Bergen, Union City, Weehawken, Hoboken, and New York City. As the DEIS and FEIS were prepared, the Project mailing list was continually updated to incorporate individuals and organizations who commented or expressed interest in the Project.

Project outreach efforts included:

- A Project website (www.hudsonstunnelproject.com) with a library of Project documents for public review, additional information on the Project, and a means for providing comments and requesting further information.
- Fact sheets published at major Project milestones that were made available on the Project website and sent to the Project mailing list. These included Fact Sheet 1 (spring 2016), which provided a Project overview; Fact Sheet 2 (fall 2016) summarizing the scoping process and comments received, Fact Sheet 3 (fall 2016) presenting the Preferred Alternative, and Fact Sheet 4 (summer 2017) providing a Project update, information on construction methodologies, and information about the public comment period and public hearings. These were published in English and in Spanish (due to the presence of large Spanish-speaking communities in the vicinity of the Project area).
- Public meetings during the public scoping period, after announcement of the Preferred Alternative, and during the DEIS comment period. FRA and NJ TRANSIT used the Project website, meeting flyers, and email notices to the Project mailing list 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. Flyers and meeting notices were sent out at least two weeks in advance of meetings. In addition, meetings were advertised in area newspapers (in English, with Spanish ads in corresponding local area papers) and on the Project website.
- Targeted community meetings to provide additional outreach to specifically affected groups, including owners of property near the Project site and residents of neighborhoods close to the construction sites, including environmental justice communities in New Jersey.

In addition, representatives of local communities in New Jersey requested that FRA and NJ TRANSIT coordinate directly with local government agencies and elected officials to reduce the impacts of the Project on their communities. They also requested that the local community be involved in developing mitigation for the Project's impacts. As a result, FRA and NJ TRANSIT met with representatives of the local communities and other stakeholders during development of the



DEIS, during the public comment period for the DEIS, and after the comment period during development of the FEIS to clarify their concerns, review the impacts of the Preferred Alternative on those communities, and develop measures to reduce and avoid those impacts (see **Table 25-4**, below). After completion of the DEIS, to address concerns raised by local communities, FRA and NJ TRANSIT, working with the other Project Partners, evaluated alternative methods for constructing the Preferred Alternative and have incorporated modifications to the construction methods into the Project that will reduce the construction impacts to local residents associated with the Project. During coordination meetings, elected officials and members of the public proposed ideas for mitigation of Project impacts on their communities, and FRA and NJ TRANSIT considered these ideas when developing mitigation proposed in the DEIS and the FEIS and incorporated many of them into the Project commitments that will be documented in the ROD.

Table 25-4 provides a list of the public outreach meetings held during the NEPA process and **Table 25-5** lists the media outlets used to publicize these meeting opportunities.

**Table 25-4
Public Involvement Meetings**

Meeting	Date
Public Scoping meetings (in New York and New Jersey)	May 17, 2016: NY May 19, 2016: NJ
Public meetings on Preferred Alternative selection (in New York and New Jersey)	November 10, 2016 November 17, 2016
Project briefing with City of Hoboken Mayor and staff	January 10, 2017
Public meetings for owners of properties above tunnel alignment in New Jersey	March 7, 2017 March 9, 2017
Project briefing for Weehawken residents	July 27, 2017
DEIS public hearings (in New York and New Jersey)	August 1, 2017: NY August 3, 2017: NJ August 10, 2017: NJ
Project briefing with Township of Weehawken officials	August 29, 2017
Project briefing with Township of Weehawken officials	October 30, 2017
Project briefing with Township of North Bergen officials	November 8, 2017
Project Briefing with Township of Weehawken Mayor and staff	December 14, 2017
Project Briefing with Township of Weehawken Mayor and staff	January 11, 2018
Project briefing for Weehawken and Hoboken residents	January 18, 2018
Project briefing for North Bergen residents	January 30, 2018

**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
Community News Group (<i>Chelsea Now</i>)	Free weekly community newspaper distributed in New York City's Chelsea, Hell's Kitchen, and Hudson Yards neighborhoods

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.hudson-tunnel-project.com), which 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.hudson-tunnel.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, the local community board in New York, and property owners of properties that would be affected by the Preferred Alternative. In addition, during development of preliminary engineering, Amtrak held targeted meetings about the Project design with emergency service providers (the Fire Department of New York (FDNY) and North Hudson Regional Fire Department); Conrail; New York, Susquehanna & Western Railroad (NYSW); PSE&G; Con Edison; the New York City Department of Environmental Protection; and the New York State Department of Transportation.

25.4.4 PUBLIC REVIEW AND COMMENT ON DEIS

Following scoping, FRA and NJ TRANSIT prepared the DEIS, which incorporated comments received during scoping, as appropriate, and provided detailed technical analyses related to potential social, economic, and environmental impacts of the Project. The DEIS was made available to the public on July 6, 2017 and FRA coordinated with EPA to publish a Notice of Availability of the DEIS in the Federal Register on July 7, 2017, which officially opened the public comment period on the document. The comment period remained open through August 21, 2017. FRA and NJ TRANSIT also considered comments received after that date in preparing the FEIS.

At the start of the public comment period, FRA and NJ TRANSIT sent electronic and/or hard copy notices to elected officials, interested organizations, stakeholders, Participating and Cooperating Agencies, other regulatory agencies, and members of the public,³ informing them that the DEIS was available for review, providing information on the comment period and how to make comments, and inviting them to public hearings at which comments could be made. In addition, FRA and NJ TRANSIT posted notices with information on the availability of and instructions for how to comment on the DEIS; these notices were posted on the Project website and in the Project DEIS viewing locations listed in **Table 25-6**.

Advertisements providing information on the DEIS and the public hearings appeared in local newspapers during the public comment period both at the start of the public comment period and again in advance of the public hearings. Advertisements were run in local newspapers, including English language newspapers and Spanish language newspapers (with Spanish language advertisements) as listed in **Table 25-5**.

During the public comment period on the DEIS, the DEIS was available on the Project website (www.hudson-tunnelproject.com) and at the local viewing locations (libraries and other publicly accessible locations) shown in **Table 25-6**, which were also listed on the Project website.

³ Members of the public were identified using the following sources: individuals included on lists from the ARC Project for areas that would be affected by the Hudson Tunnel Project; individuals who signed up for the Project mailing list; individuals who attended public scoping sessions (May 2016) and public information open houses (November 2016) for the Project; and lists of property owners along the Project alignment and in neighborhoods near the alignment in Secaucus, North Bergen, Union City, Weehawken, Hoboken, and New York City.

**Table 25-6
DEIS Viewing Locations**

Affiliation	Address	City
New Jersey		
Secaucus Main Library	1379 Paterson Plank Rd.	Secaucus
Town of Secaucus Town Hall	1203 Paterson Plank Rd.	Secaucus
North Bergen Library	8411 Bergenline Ave.	North Bergen
North Bergen Town Hall	4233 Kennedy Blvd.	North Bergen
Hudson County Brennan Court House Building	583 Newark Ave.	Jersey City
Jersey City - City Hall	280 Grove St.	Jersey City
Jersey City Main Library	472 Jersey Ave.	Jersey City
Union City Library	324 43rd St.	Union City
Union City Town Hall	3715 Palisade Ave.	Union City
Weehawken Town Hall	400 Park Ave.	Weehawken
Weehawken Township Library	49 Hauxhurst Ave.	Weehawken
Hoboken City Hall	94 Washington St.	Hoboken
Hoboken Public Library	500 Park Ave.	Hoboken
New York		
New York University Jack Brause Library	11 West 42nd St., #510	New York
Manhattan Community Board 4	330 West 42nd St., 26th Floor	New York
Manhattan Community Board 5	450 Fashion Ave., #2109	New York
New York Public Library Main Branch Library	Bill Blass Public Catalog Room 315, Fifth Ave. at 42nd St.	New York
New York Public Library Columbus Branch Library	742 Tenth Ave.	New York

FRA and NJ TRANSIT held three public hearings during the public comment period: on August 1, 2017 in New York City; on August 3, 2017 in Secaucus, New Jersey; and on August 10, 2017 in Union City, New Jersey. At each of the three hearings, FRA and NJ TRANSIT accepted oral and written comments on the Hudson Tunnel Project and the DEIS. These hearings also served as joint public hearings for public review of the Project’s permit application being reviewed by the USACE. During the public comment period, FRA and NJ TRANSIT accepted public comments made in person at the public hearings and submitted by email, through the Project website, or by mail.

Many people commented during the public review period for the DEIS and permit application. Chapter 28 of this FEIS, “Comments and Responses,” lists the commenters and provides a summary of the comments made and responses to those comments, including revisions to the FEIS where appropriate. In total, 21 elected officials, 24 representatives of governmental agencies, 49 representatives of non-governmental organizations or businesses, and 153 individuals commented through the end of 2017; one of those individual comments was a petition signed by 339 individuals.



25.5 PROJECT CONTACTS

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