New Jersey Turnpike Authority
Newark Bay–Hudson County Extension
Interchange 14 to Interchange 14A / Newark Bay Bridge Replacement and Associated Improvements

FINAL ENVIRONMENTAL ASSESSMENT APPENDIX G: SUMMARY OF COMMENTS AND RESPONSES ATTACHMENTS

Submitted to:

UNITED STATES COAST GUARD
U.S. DEPARTMENT OF HOMELAND SECURITY

Submitted by:

New Jersey Turnpike Authority

April 18, 2025

NEW JERSEY TURNPIKE AUTHORITY

NEWARK BAY-HUDSON COUNTY EXTENSION INTERCHANGE 14 TO INTERCHANGE 14A/ NEWARK BAY BRIDGE REPLACEMENT AND ASSOCIATED IMPROVEMENTS

ATTACHMENT 1: ELECTED OFFICIAL COMMENT LETTERS

APRIL 18, 2025

RAS J. BARAKA
MAYOR
NEWARK, NEW JERSEY

July 9, 2024

Re: PUBLIC NOTICE D01-209-2024
PROPOSED REPLACEMENT OF THE NEWARK BAY-HUDSON COUNTY EXTENSION BETWEEN INTERCHANGES 14 AND 14A (EXTENSION) INCLUDING THE VINCENT R. CASCIANO MEMORIAL, NEWARK BAY BRIDGE (NBB) ACROSS NEWARK BAY, MILE 3.8, BETWEEN NEWARK, ESSEX COUNTY AND BAYONNE, HUDSON COUNTY, NEW JERSEY

Dear Commander Fisher,

As Mayor of Newark, I am writing to express my opposition to the proposed expansion of the Newark Bay Hudson County Extension (NBHCE) of the New Jersey Turnpike and ask that you reject the Environmental Assessment (EA) submitted by the New Jersey Turnpike Authority (NJTA). Contrary to the position taken in the EA, the project will have substantial negative environmental impacts on all the residents of Newark and Hudson County, but particularly our most vulnerable citizens, for generations to come.

The NBHCE begins in Newark near the entrance of Newark Bay Bridge and continues through Bayonne and Jersey City before ending at the Holland Tunnel. The EA addresses NJTA's plan to tear down the existing Bridge and replace it with two new bridges thereby doubling the capacity of the existing Bridge. However, the demolition of the Bridge is only the first phase of NJTA's stated plan to demolish and expand the entire 8.1-mile NBHCE. The environmental impact of the entire project must be considered because the Bridge is not a stand-alone project. If only the Bridge was expanded, it would leave in perpetuity a situation where four eastbound lanes of the Bridge would feed into the two remaining lanes, creating monumental traffic congestion in Newark.

The project will undoubtedly increase the number of vehicles on the NBCHE and local streets. Because of induced demand, the expanded highway will quickly fill to capacity. This is the 70-year history of highway expansions in the United States. This will mean more vehicles, more greenhouse gas pollution and ultimately no reduction in traffic congestion.

This in turn will create great health risks. Cars and trucks account for approximately 40% of New Jersey's greenhouse gas emissions and emit particulate matter and other toxic pollutants, which cause respiratory and heart disease, among many other documented health problems. And not surprisingly, it is our already overburdened communities that will suffer the most harm. More than

70% of the census tracts closest to the NBCHE are environmental justice communities. The approval of the EA would be inconsistent with President Biden's Executive Order14096 "Revitalizing Our Nation's Commitment to Environmental Justice for All."

NJTA's failure to consider the environmental impact of its plan to demolish and expand the entire NBHCE is reason enough for USCG to reject the EA. But even if the Bridge replacement is wrongly considered as an isolated project, Newark would have the same environmental and health concerns. Traffic will increase as a result of the Bridge expansion alone as the EA admits but understates. And the EA fails to address at all two other environmental impacts the demolition and expansion of the Bridge will cause: the increased traffic on local streets and the congestion that will be created during the many years between the completion of the Bridge and the expansion of the remainder of the NBHCE when the four lanes on the Bridge will feed into the two existing lanes.

The fact is, New Jersey did not seriously consider alternatives for this project, currently tagged at $10.7 billion as of 2022 - the Bridge replacement alone projected to cost more than $6 billion. The state did not consider coordinating with NJ Transit, rather than simply the NJTA, to study and fund long-needed investments in public transportation, which unlike the highway expansion, would actually reduce traffic congestion and improve the quality of life for not only Newark residents, but all New Jerseyans. To punctuate the point, not only would a public transportation project be the obvious choice for the environment, it would also generate far more economic growth than highway expansions, since every dollar invested in transit results in $4 of economic returns and every $1 billion spent in transit supports 20,000 jobs.

The EA does not mention that an internal NJTA report demonstrated that the existing Bridge can be safely maintained for 40 years at a cost of $260 million. NJTA also rejected simply replacing the existing bridge with a new six lane bridge at a fraction of the cost of building two bridges. The rejection of these alternatives demonstrates that the project is not focused on the safety or the utility of the existing Bridge, as NJTA has maintained, but about putting more vehicles on the road and generating more toll revenue without regard for whether this is in the public interest.

Finally, NJTA refused to allow input from the public or elected officials while the Project was being developed. The only public event of any kind held in Newark was an "information" session where the NJTA informed the public of its plan, but refused to allow public questions or comments. My office, in fact, has not been contacted or consulted in any comprehensive way, even though this project will have a direct and negative impact on our residents.

For all of these reasons, the US 0Coast Guard should reject the EA. If the Bridge demolition and expansion is allowed to proceed at all, USCG should require a full environmental impact statement before any part of the plan proceeds.

Sincerely,

Ras J. Baraka
Mayor

Resolution of the City of Jersey City, N.J.

File No. **Res. 24-546**
Agenda No. **10.7**
Approved: Jul 10 2024

A RESOLUTION OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DEMANDING A COMPREHENSIVE ENVIRONMENTAL IMPACT STATEMENT FOR THE NJ TURNPIKE EXPANSION AND THE REJECTION OF THE DRAFT ENVIRONMENTAL ASSESSMENT FROM THE TURNPIKE AUTHORITY.

COUNCIL offered and moved adoption of the following resolution:

Whereas, the New Jersey Turnpike Authority (NJTA) plans to demolish and then rebuild and expand the entire 8.1-mile section of the Turnpike extension between Newark and Jersey City, formally known as the Newark Bay-Hudson County Extension (NB-HCE); and,

Whereas, the first phase of the project proposes to demolish the four-lane Newark Bay Bridge (Bridge), and replace it with two new four-lane bridges which is expected to cost more than $6 billion out of the projected 2022 $10.7 billion for the entire proposed NB-HCE project (Project); and,

Whereas, the National Environmental Policy Act (NEPA) mandates that a federal agency must conduct an environmental review of major projects such as the Project and Bridge expansion. If the review finds that the project will not have a significant environmental impact, a Finding of No Significant Impact (FONSI) will be issued, allowing the project to proceed. If it finds that it will have a significant impact, it must then require the preparation of an environmental impact statement (EIS); and,

Whereas, the NJTA has submitted a draft Environmental Assessment (EA) to the U.S. Coast Guard (USCG), the lead agency in charge of environmental review, requesting that they issue a FONSI, which the USCG has preliminarily agreed to do; and,

Whereas, the EA submitted by the NJTA is seriously flawed and does not thoroughly assess potential environmental impacts, numerous environmental groups and community leaders in Jersey City and across the region have raised many substantial concerns about the significant environmental impact the Project and the Bridge replacement will cause and have numerous issues with the NJTA's EA; and,

Whereas, the EA fails to consider the significant environmental impacts of the entire Project and erroneously only looks at the Bridge replacement; and,

Whereas, the Jersey City Municipal Council wishes to highlight a number of environmental impacts not identified or fully address in the NJTA's Environmental Assessment, which the city believes will have significant consequences for our residents, including an increase in vehicles on the NB-CHE and our local streets; and,

Whereas, this increase will result in higher vehicle miles traveled (VMT), which will, in turn, elevate greenhouse gas emissions and significantly worsen air quality in the Greenville neighborhood of Jersey City—an area predominantly housing lower-income families—and the Curries Woods public housing complex, which includes a senior citizen residence building; and,

Whereas, the published report does not take these neighborhood factors into account when analyzing its overall environmental impact on the city; and

Whereas, the two Census tracts that will be most affected by Phase I (Tract 61.02 and 63) have above-average poverty rates, lower per capita income, and a disproportionately African American and Hispanic populations; and,

Whereas, the EA does not consider the significant traffic jams that will be created during the many years between the completion of the bridge and the remaining phases of the expansion when the four lanes on the Bridge will feed into the two existing lanes on the extension; and,

Whereas, the EA does not address at all the increased traffic on local streets and greater backups at the Holland Tunnel, which the project will cause; and,

Res. 24-546 **Approved: July 10 2024**

A Resolution of the Municipal Council of the City of Jersey City demanding a Comprehensive Environmental Impact Statement for the NJ Turnpike Expansion and the Rejection of the Draft Environmental Assessment from the Turnpike Authority.

Whereas, the City of Jersey City already suffers from a significant problem of cut-through traffic consisting of vehicles attempting to reach the Holland Tunnel using local streets and thoroughfares; and,

Whereas, no alternatives were seriously considered by the NJTA, including repairing the Bridge at a small percentage of the cost of tearing it down and building two new bridges, or improving or expanding public transportation as a means of reducing traffic congestion; and,

Whereas, the Federal Highway Administration has the expertise to analyze the numerous traffic issues raised by the Project; and Bridge replacement but has not been consulted as it should have been; and,

Whereas, the Project and Bridge replacement each will cause significant negative environmental impacts on the residents of Jersey City; and

Whereas, the Project and the Bridge replacement each are supposedly needed to accommodate growth in Jersey City, yet USCG and NJTA have refused to consider input from Jersey City about the scope of the Project and the Bridge replacement or alternatives; and

Whereas, the Project and Bridge replacement are each not needed for Jersey City's growth but instead will lessen the quality of life and health outcomes for Jersey City residents, new and old.

NOW, THEREFORE, BE IT RESOLVED, THAT THE JERSEY CITY MUNICIPAL COUNCIL requests the United States Coast Guard to reject the Environmental Assessment prepared by the NJ Turnpike Authority and require the preparation of a full environmental impact statement for the Newark Bay Bridge that takes into account NJTA's plan to demolish and expand the entire Turnpike extension between Newark and Jersey City.

Let it also be resolved, that the Municipal Clerk shall forward a copy of this resolution to Commander Donna Fisher, Commander, First Coast Guard District of the United States Coast Guard, and Jersey City's congressional delegation.

Let it be further resolved that this resolution will constitute the comment of the Municipal Council to the draft Environmental Assessment.

Res. 24-546 **Approved: July 10 2024**

A Resolution of the Municipal Council of the City of Jersey City demanding a Comprehensive Environmental Impact Statement for the NJ Turnpike Expansion and the Rejection of the Draft Environmental Assessment from the Turnpike Authority.

APPROVED AS TO LEGAL FORM

Business Administrator

Corporation Counsel

☐ Certification Required

RECORD OF COUNCIL VOTE – Jul 10															9-0
	AYE	NAY	N.V.	Absent		AYE	NAY	N.V.	Absent		AYE	NAY	N.V.	Absent	N.V. – (Abstain)
RIDLEY	✓				SALEH	✓				DEGISE	✓				
PRINZ-AREY	✓				SOLOMON	✓				RIVERA	✓				
BOGGIANO	✓				GILMORE	✓				WATTERMAN, PRES	✓				

Adopted at a meeting of the Municipal Council of the City of Jersey.

President of Council

City Clerk

Res. 24-546 **Approved: July 10 2024**

A Resolution of the Municipal Council of the City of Jersey City demanding a Comprehensive Environmental Impact Statement for the NJ Turnpike Expansion and the Rejection of the Draft Environmental Assessment from the Turnpike Authority.

RESOLUTION FACT SHEET -

This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

Project Manager

James Solomon, Councilperson	201-547-5315	jsolomon@jcnj.org

Department	Municipal Council
Division	Municipal Council

Note: Project Manager must be available by phone during agenda meeting (Wednesday prior to council meeting @ 1:00 p.m.)

Meeting	Regular Meeting of Municipal Council - Jul 10 2024

Purpose

A resolution stating the Council's concerns on the environmental impacts of the Newark Bay Bridge expansion project, the NJTA's environmental assessment, and requesting that the US Coast Guard conduct its own impartial study of the proposed expansion.

Approved by
John Metro, Business Administrator

Status:
Approved - Jul 03 2024

OFFICE OF THE MAYOR

RAVI S. BHALLA MAYOR

CITY HALL
HOBOKEN, NEW JERSEY

Ms. Donna Fisher
Commander
United States Coast Guard
1 South Street, Building 1
New York, NY 10004

July 11, 2024

Dear Commander Fisher:

I write to respectfully ask the United States Coast Guard (USCG) not to rubberstamp the State of New Jersey's $10.7 billion New Jersey Turnpike Extension proposed widening project, and specifically, the proposal under your review regarding the Newark Bay Bridge of the New Jersey Turnpike Extension.

It is deeply troubling that New Jersey is moving forward with a multi-billion dollar project that will, with virtual certainty, increase traffic, produce more emissions, and create harmful environmental impacts to environmental justice communities in Hudson County. I can think of few projects that would be a bigger misuse of transportation dollars than this highway widening.

What is disappointing is that the State is seeking the USCG's review of its Environmental Assessment (EA) of the Turnpike widening when it just raised fares on New Jersey Transit commuters by 15%, hikes that will become 30% in six years. This comes on the heels of major breakdowns of the transit system over the past month, due to NJ Transit and Amtrak infrastructure deficiencies. It is a travesty that not only are commuters forced to shoulder the price tag of rebuilding our mass transit system, but also that the State can even be considering spending $10.7 billion in Turnpike dollars on a highway expansion.

We know from studies connected to congestion pricing that the vast majority of daily commuters from New Jersey to New York take mass transportation, while cars traveling via the Holland Tunnel represent only a small fraction. It is abundantly clear that the best way to assist these vast majority of New Jersey residents is to repurpose a percentage of the $10.7 billion for an additional, dedicated source of funding for NJ Transit. This would also result in more economic growth than compared to highway expansions, with a clear correlation between investments in mass transit, and economic growth and jobs.

The EA produced by the New Jersey Turnpike Authority (NJTA) cannot be taken seriously in stating that the project will have "no significant impact". The negative repercussions of eight miles of highway widening are not complicated: more lanes lead to more room for cars. More room for cars leads to more cars that will fill the roadway. More cars filling the roadway leads to more traffic. More traffic leads to more harmful air and climate emissions, and environmental impacts on surrounding communities.

Induced demand triggered by this project will trigger clear environmental harm. Cars and trucks account for roughly 40% of New Jersey's greenhouse gas emissions and emit particulate matter and other toxic pollutants, which cause heart disease and other problems. It is overburdened communities that will suffer the most harm, with more than 70% of the census tracts closest to the Newark Bay Hudson County Extension (NB-HCE) considered as environmental justice communities.

We know from previous history that large-scale highway widenings frequently fail. For example, the Katy Freeway in Houston, Texas underwent a $2.8 billion expansion that made it the widest freeway in the world. While the travel times initially declined, after a five-year period, peak travel times became longer than before the expansion began[i]. In fact, researchers have confirmed that every 1% increase in highway lanes corresponds with a 1% traffic increase after several years[ii].

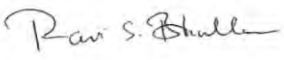
This concept of induced demand was not mentioned once by the NJTA report. By ignoring this accepted concept, the NJTA report is grossly lopsided in its conclusions, and cannot be taken seriously by anyone who understands even the most basic of transportation concepts. At the very least, the EA should be redone by independent experts and in conjunction with the U.S. Department of Transportation and examined in a far more thorough study that also considers other, better uses of transportation dollars, including mass transit.

I've heard from countless residents of Hoboken, Jersey City, Bayonne, and surrounding communities who are seriously concerned should this project advance. I agree with the strong preference of many of these concerned residents to instead rehabilitate the bridge at the cost of approximately $260 million, a fraction of the total $6 billion price tag, that would last for four decades. The EA ignores the internal NJTA Jacobs Report that demonstrates this and ignores the possibility of replacing the existing bridge with a new six lane bridge at a fraction of the cost. The lack of consideration of these alternatives calls into question NJTA's entire process.

I respectfully ask that you reject the EA submitted by the NJTA and require the preparation of a full environmental impact statement (EIS) for the Newark Bay Bridge Hudson County Extension that fully considers the NJTA's plan to demolish and expand the entire Turnpike Extension from Newark to the mouth of the Holland Tunnel – which sits at Hoboken's doorstep. The focus on the demolition of the Bridge analysis in the EA is clearly misleading – the demolition and expansion for the entire eight plus miles of the NB-HCE must be considered as the Bridge is not a stand-alone project. The EA fails to address the significant environmental impacts of the Project in its entirety and excludes federal agencies with true expertise including the Federal Highway Administration and the U.S. Environmental Protection Agency.

I ask you to do what is right – to ask New Jersey to go back to the drawing board for all the reasons I have mentioned above. At the very least, the USCG should first require a full environmental impact statement, following past precedent.

Sincerely,



Mayor Ravi S. Bhalla

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[i] Cortright, Joe. "Reducing congestion: Katy didn't." *City Observatory*, 15 Dec. 2015.

[ii] Duranton, Gilles, & Turner, Matthew. "The Fundamental Law of Road Congestion: Evidence from US Cities." *National Bureau of Economic Research*, Working Paper 15376, 2009.

STEVEN M. FULOP
MAYOR OF JERSEY CITY

CITY OF JERSEY CITY
OFFICE OF THE MAYOR

CITY HALL | 280 GROVE STREET | JERSEY CITY, NJ 07302
P: 201 547 5500 | F: 201 547 5442

July 12, 2024

Donna A. Fischer
Commander, First Coast Guard District
Bridge Program Manager
Battery Park Building
1 South Street
New York, NY 10004

SMB-D1Boston-Bridges-PublicNotices@uscg.mil

Comments Regarding the Environmental Assessment for D01-209-2024 Newark Bay Hudson County Extension

Dear Commander Fischer,

As Mayor of the City of Jersey City, I have been committed to advancing and supporting projects that enhance the health, safety, and well-being of our residents now and into the future. My administration has worked tirelessly to address past injustices in the built environment by radically reimagining public spaces, streets, and transportation services to better serve historically disadvantaged communities and overcome barriers such as the New Jersey Turnpike Extension that were constructed between and through these communities.

I am writing to express on behalf of Jersey City the disappointment in the process undertaken to date by the New Jersey Turnpike Authority (NJTA) in its approach to developing alternatives and assessing the impact of the replacement of the Newark Bay-Hudson County Extension (NB-HCE) on vulnerable communities. The Environmental Assessment is fundamentally flawed by failing to consider the cumulative impacts of the entire 8.1-mile, $10.7 billion program – effects that largely fall on Jersey City. It is clear that NJTA does not intend to pursue the expansion between Interchanges 14 to 14A as an isolated, independent project. Design choices made as part of the first phase will have downstream impacts on the design of future phases, at which point it will be too late to change course.

According to 40 CFR §1501.3(b), an agency must examine whether a project is connected with other projects or actions and, if it is, look at the totality of the "connected actions" to determine whether they would have a significant environmental impact and require an EIS. Actions are connected if they "cannot or will not proceed unless other actions are taken previously or simultaneously" or are interdependent parts of a larger action and depend on the larger action for their justification as described in 40 CFR § 1501.3(b)(2).

STEVEN M. FULOP
MAYOR OF JERSEY CITY

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The Bridge replacement is integrally connected to the expansion of the entire NBHCE. NJTA is seeking permits for the entire Project and its planning and budget documents consider increasing the capacity of the entire NBHCE as one interconnected project. If the Bridge replacement were completed, it would create a situation where the four eastbound lanes of the Bridge would feed into two remaining lanes, creating significant traffic congestion.

The City of Jersey City urges the U.S. Coast Guard to require that NJTA prepare a full Environmental Impact Statement that considers the cumulative impacts of the entire 8.1-mile, $10.7 billion program and includes evaluation of true alternatives that are community-driven as opposed to variations on the status quo. The alternatives explored as part of the Environmental Assessment do not adequately consider the full range of possibilities for meeting the stated need of improving the long-term integrity of the structures and improving mobility between the ports, nor do they reflect the direction of the Federal government to invest in alternatives that reconnect and restore communities. Furthermore, the evaluation of environmental impacts fails to acknowledge the harm that the existing Turnpike Extension has inflicted on historically disadvantaged communities, which already suffer cumulative health burdens related to transportation and related infrastructure. It is for these reasons that the Jersey City Council has unanimously passed resolutions in opposition to this project.

Moreover, on January 18, 2023, the City of Jersey City joined EmpowerNJ and the Turnpike Trap Coalition ("TTC") in a letter to the USCG regarding NJTA's argument for Independent Utility Authority. The letter explained why i) a full EIS is required for the Project; ii) the Bridge should not be considered an independent project; iii) a full EIS is required even if the Bridge is wrongly considered a stand-alone project, and iv) the FHWA should be a cooperating agency in the environmental review of the Project. The letter requested a meeting with USCG, access to NJTA's filings and notifications of all NJTA filings and planned or completed actions by the USCG. USCG never responded to the letter. The comments by EmpowerNJ and the TTC further detail the impacts of this project on Jersey City and we incorporate by reference all comments.

The Bipartisan Infrastructure Law has recognized that too often in our nation's history, transportation infrastructure has divided neighborhoods and cut off communities from opportunity. Billions of dollars are now being invested in the Reconnecting Communities and Thriving Communities programs with the explicit purpose of funding construction and planning for transformative community-led solutions, including;

- capping interstates with parks
- filling in sunken highways to reclaim the land for housing
- converting inhospitable transportation facilities to tree-lined Complete Streets, and
- creating new crossings through public transportation, bridges, tunnels and trails.

These are just some of the approaches that are intended to help revitalize communities, provide access to jobs and opportunity, and reduce pollution – all compatible with New Jersey Turnpike Authority's stated goals for the NB-HCE program of projects, but none of which were evaluated as an alternative to

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the status quo or widening. While NJTA does not intend to use Federal funding for the proposed projects, the City nonetheless believes it is appropriate to look to the policy goals and processes of the Federal government when planning an infrastructure project of this scale and conducting an Environmental Impact Statement to comply with the National Environmental Policy Act (NEPA).

Furthermore, Jersey City asserts that NJTA's failure to obtain broad public input during the development of the Project violated New Jersey Executive Order 172 ("EO 172"), which carries with it the force of law. EO 172 recognizes "the vital importance of public input" and the need "to assure that potential adverse effects and local concerns relating to any proposed project on these highways have been fully considered in the development of such project." EO 172 requires public input during the "project development process for highway projects." As described in the body of this letter, this lack of public input has resulted in flawed analyses and insufficient consideration of viable alternatives. Jersey City asks for meaningful, collaborative engagement with its communities most impacted by the proposed project, not simply information sessions or public hearings that do not truly meet the intent of the public engagement requirements of NEPA and EO 172.

Environmental Justice and Health Concerns

Through the Federal government's Justice40 Initiative and other efforts to ensure that a greater percentage of benefits of infrastructure investments flow to disadvantaged communities that are marginalized by underinvestment and overburdened by pollution, tools like the Environmental Protection Agency's Environmental Justice Screen (EJScreen) have been developed to provide a nationally consistent dataset and approach for combining environmental and demographic socioeconomic indicators. Tools like these are used by EPA and other governmental entities when evaluating and prioritizing projects for funding, and as such, represent a reliable source of data for considering potential concerns and impacts related to any infrastructure project. EJScreen provides data at the census block level for several socioeconomic and demographics factors and environmental justice indicators. These are reported as percentiles in comparison to the US population and state population. The EPA has identified the 80th percentile as a suggested initial starting point. In other words, an area with any of the 13 EJ Indexes at or above the 80th percentile nationally should be considered as a potential candidate for further review.

When using EJScreen to evaluate the vulnerability and burdens already faced by people living in census block groups within ¼ mile of the I-78 Turnpike Extension in Jersey City, approximately 50 census block groups totaling approximately 27,000 residents, 10,000 households, and 9 schools were identified, of which 72% are people of color, 77% are renters, 43% speak a language other than English at home, and 32% are low income. This is confirmed through an independent analysis conducted in 2023 by Jersey City Division of Transportation Planning through its *JC On the Move* study. As part of the study, the Equity and Environmental Justice Analysis found that most census tracts within a quarter mile of the NJ Turnpike extension are considered as having high or very high concentrations of historically underserved populations, especially those tracts in the southeastern portion of the City.

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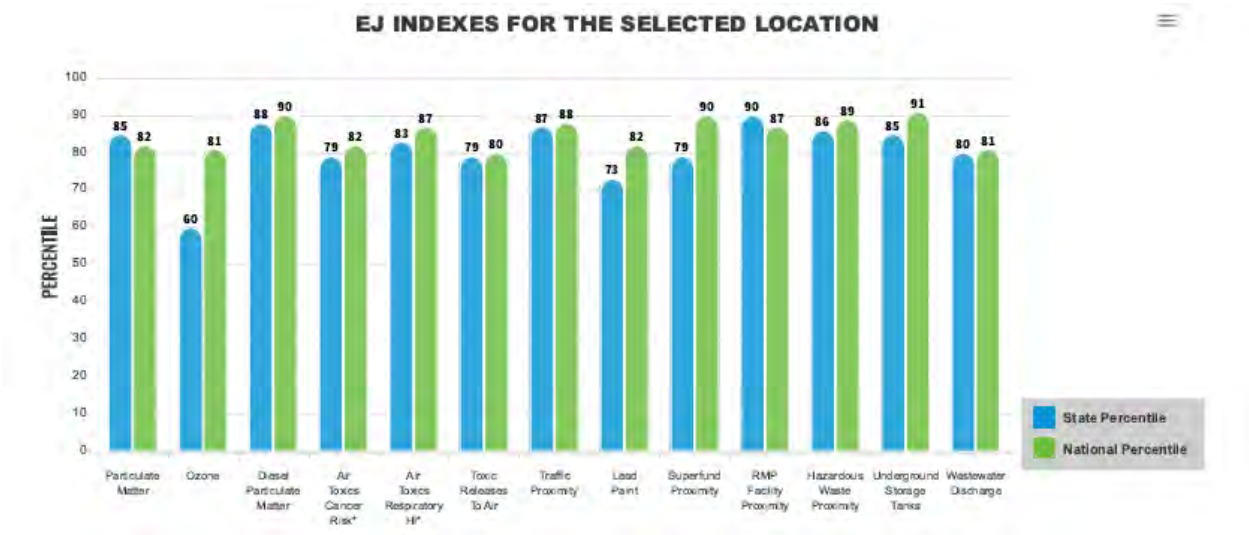
Together, these census block groups fall above average compared to the rest of New Jersey and the United States on all 13 environmental justice indicators, with all indicators falling above the EPA's 80th percentile threshold on either the state or United States comparative. The table below highlights the most relevant indicators related to transportation infrastructure, illustrating the burden the surrounding community already faces due to legacy infrastructure like the I-78 Turnpike Extension. Of particular note is the especially high comparative index levels of Diesel Particulate Matter, which the National Toxicology Program, the U.S. Environmental Protection Agency, and the National Institute of Occupational Safety and Health, have concluded is likely carcinogenic and has other health impacts.

Environmental Justice Indicator	Percentile in State	Percentile in USA
Particulate Matter (2.5)	85th	82nd
Diesel Particulate Matter	88th	90th
Air Toxics Cancer Risk	79th	82nd
Air Toxics Respiratory HI	83rd	87th
Traffic Proximity	87th	88th
Ozone	60th	81st

The chart on the following page from EPA's EJScreen tool demonstrates that the census block groups within ¼ mile of the NJ Turnpike Extension are already above the 80th percentile threshold on a wide range of environmental health factors, meaning that these communities have been shouldering the burden of harmful infrastructure of multiple types for decades. It is unjust to consider this condition as the baseline from which to compare the impacts of the proposed NB-HCE projects when completely different alternatives exist that could improve conditions from the baseline.



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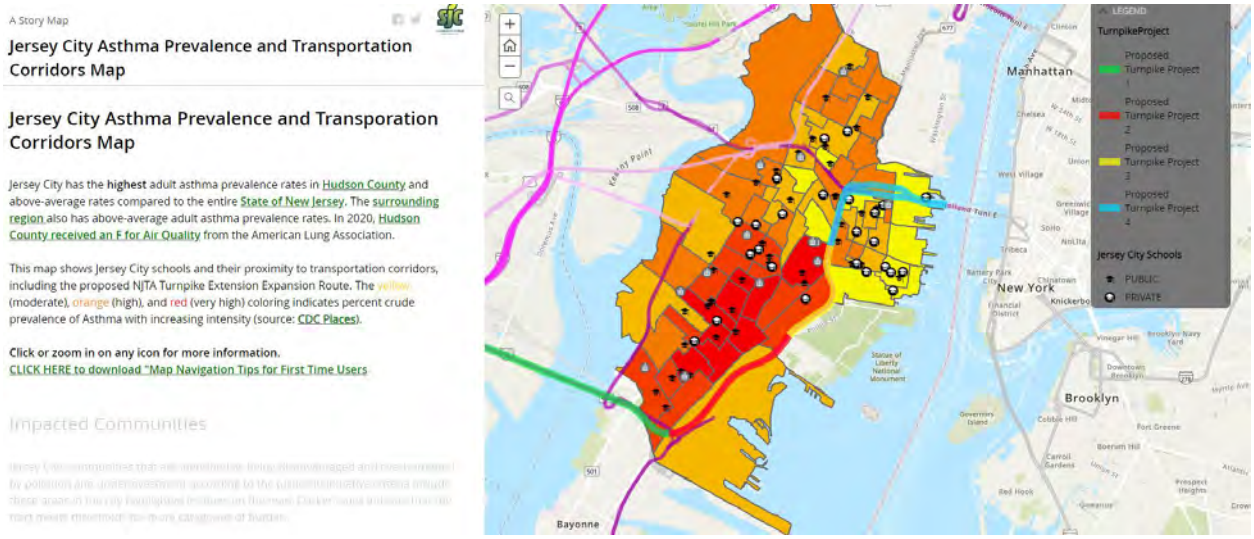
According to Sustainable Jersey City, a nonprofit organization that has partnered with universities and Jersey City's Department of Health & Human Services to engage in air quality and urban heat island monitoring, Jersey City has the highest adult asthma prevalence rates in Hudson County and above-average rates compared to the entire state. In 2020, Hudson County received an F for Air Quality from the American Lung Association. The map below shows higher asthma prevalence in the same census tracts scoring high on the EJ indexes above, further underscoring the health disparities faced by communities along the Turnpike Extension.



It is cars and trucks that account for approximately 40% of New Jersey's greenhouse gas emissions and emit particulate matter and other toxic pollutants, which cause respiratory and heart disease, among other health problems. Even electric vehicles have been found to contribute particulate matter due to the higher weight of the vehicles resulting in faster breakdown of tires. As demonstrated by the environmental justice data cited in this letter, overburdened communities are those that will continue to suffer the most harm from the NBHCE expansion.

Traffic and Transportation

The methodology employed by NJTA to forecast traffic and congestion is flawed and outdated, leading to proposed solutions that promulgate adverse outcomes contributing to the global climate crisis, overreliance on automobiles and polluting fuels, increasing traffic fatalities, and declining public health. This traditional approach leads to the choice to expand infrastructure to accommodate the forecasted increases in traffic, which then becomes a self-perpetuating cycle of inducing more vehicular travel and increasing congestion. Known as induced demand, the phenomenon by which increasing roadway capacity tends to encourage additional and longer driving trips than would otherwise occur, this effect has been cited in numerous studies and is summarized in a 2024 paper by the Victoria Transport Policy

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Institute.[1] Among the findings are: that congestion relief benefits are typically depleted within 5 years; that conventional modeling and analysis frequently exaggerate project benefits and underestimate long-term environmental costs; and that strategies that encourage more efficient use of existing capacity can provide greater social benefits. Using the SHIFT calculator developed by the Rocky Mountain Institute that was cited in this paper, the 16 additional lane miles proposed as the preferred alternative for this project are estimated to induce another 79 to 118 million vehicle miles traveled per year, producing emissions equivalent to an additional 9,400 passenger cars and light trucks.[2] As such, the approach employed by NJTA can be counterproductive and unsustainable in the long term.

In NJTA's own analysis as part of the Environmental Assessment, congestion is only modeled through the year 2050 for a project that is planned to be opened in 2031, and before even accounting for the completion of the remainder of the NB-HCE program. In other words, attainment of the project's goals may only exist for a short fraction of the 100+ life span of the structure. As Jersey City experiences today, it is not sustainable to support increasing vehicular traffic to the Holland Tunnel into New York City or through the limited capacity of Jersey City's street network. This project is not isolated; it is part of a system. An analysis conducted by a traffic engineering consultant for Jersey City in 2021 after the opening of the Jersey Avenue Bridge found that over 25% of AM peak hour vehicles exiting the Turnpike Extension in Jersey City were pass-through trips with the Holland Tunnel as the ultimate destination, likely attempting to bypass the congestion on the Turnpike Extension on the approach to the Holland Tunnel. By inducing and accommodating increased vehicular traffic on the Turnpike Extension, Jersey City's local streets and neighborhoods will face even greater levels of pass-through traffic, exacerbating pollution, noise, traffic violence, and impacts to local circulation.

Instead, a more effective strategy is to invest in methods that proactively manage congestion. Several U.S. States and State DOTs, including in Washington, Minnesota, Colorado, and California, are leading the nation in this more proactive approach with the understanding that infrastructure projects have the potential to impact the level of traffic as measured by vehicle miles traveled (VMT). Under this model, projects are selected that promote cleaner, more sustainable modes of transportation to meet regional freight and individual mobility needs. This approach demonstrates a shift from merely accommodating forecasted congestion to actively managing and reducing VMT through strategic planning and investment in sustainable transportation infrastructure. By focusing on reducing VMT, these states aim to achieve significant environmental benefits, enhance public health, and create more livable urban environments.

Similarly, Jersey City has committed to goals to reduce VMT (*Climate Action Plan*) and automobile dependence (*Master Plan Vision*), which are being advanced through land use policies, reductions and eliminations of parking requirements, investments in microtransit and active travel modes, and more.

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[1] Litman, Todd. "Generated Traffic and Induced Travel: Implications for Transport Planning." Victoria Transport Policy Institute. March 8, 2024. https://www.vtpi.org/gentraf.pdf

[2] SHIFT (State Highway Induced Frequency of Travel) Calculator. Rocky Mountain Institute. Accessed June 13, 2024. https://shift.rmi.org/

STEVEN M. FULOP
MAYOR OF JERSEY CITY

CITY OF JERSEY CITY
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CITY HALL | 280 GROVE STREET | JERSEY CITY, NJ 07302
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While the Environmental Assessment cites Jersey City's rapid population and employment growth between 2010 and 2020 and anticipated future growth, it fails to acknowledge that Jersey City has experienced this 18% population growth without an increase in commute trips to work by car, truck, or van according to the U.S. Census American Community Survey (ACS) data. Rather, Jersey City has seen a 33% increase in subway (PATH), 157% increase in light rail (NJT HBLR), 114% increase in bicycling, and significant increase in working from home over this time period, with even more significant increases in working from home between 2020 and 2022. Furthermore, the impacts on regional travel related to New York City's congestion pricing plan have not been considered in projections and could reasonably be expected to impact travel on this corridor. Jersey City urges the NJTA to consider alternatives that align with Jersey City's approach to sustainable development and meet objectives for infrastructure that improves the environment and public health.

The Environmental Assessment fails to address the environmental impacts of increased traffic at NBHCE exits 14B and 14C, on the access roads leading to the Holland Tunnel and on local streets in Jersey City, and the congestion that will be created during the many years between the completion of the Bridge and the expansion of the remainder of the NBHCE when the four lanes on the Bridge will feed into the two existing lanes. The Environmental Assessment should be rejected given these limitations in the analysis.

Safety

NJTA states that one of the purposes of the Proposed Action is to improve motorist and worker safety on the section of the NB-HCE between Interchanges 14 and 14A. The project will incorporate traffic and work-zone safety measures to protect the safe movement of travelers and workers during construction. It also incorporates safety improvements to the design of access and egress points from the Turnpike based on updated standards. Jersey City agrees with the need to address these safety issues but believes that other aspects of the project will exacerbate other types of safety issues on the Turnpike Extension as well as the local surface streets where access and egress ramps are provided. Specifically, Jersey City has concerns about designing highways based on the limited hours of anticipated peak hour congestion, which results in overbuilt highways that induce additional traffic volume and encourage speeding outside of peak hours due to providing excessive lanes and lane widths.

Jersey City has committed to Vision Zero with a goal of achieving zero traffic fatalities and serious injuries on our streets. In the Jersey City Vision Zero Action Plan, a comprehensive crash analysis was conducted that informed the development of the High-Injury Network, the 16% of road miles where over 80% of fatal crashes have occurred. Using crash data from 2008-2017, the I-78 Turnpike Extension was identified as part of this High-Injury Network in Jersey City. In 2022, 3 of the 5 fatalities caused by traffic crashes that occurred within Jersey City limits occurred on the Turnpike Extension. During this same year, no fatal crashes occurred on City streets. However, NJTA did not include this year in its crash analysis, instead only using 2018 and 2019. Moreover, NJTA cites the pandemic as a reason to not consider 2020 and 2021 data in its crash analysis. While it is true that driving habits were significantly different during this time period, it can nonetheless be informative about where vulnerabilities in the

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system exist. In Jersey City's case, total fatalities in 2020 were the same as 2017, and in 2021 they were the same level as experienced in 2010, so we do not believe it is necessary to completely discount these years of data.

In NJTA's limited analysis of crashes in 2018 and 2019, it was found that most crashes resulted in no apparent injury and no fatalities were reported. This supports NJTA's conclusion that most crash factors were related to stop-and-go conditions in congested areas and unsafe merging and lane changes in areas where heavy merging is present, as vehicles in these conditions would not typically be moving fast enough to be involved in a serious or fatal crash. Jersey City does not agree that adding capacity by increasing the number of lanes is the right solution to reducing the incidents of these minor crashes, and instead, it needlessly increases the risk of higher speed and more serious crashes. As described elsewhere in this letter, alternatives to meeting capacity demands can be evaluated that actually contribute to improved safety, such as dedicated public transit.

Over the past several years, Jersey City has seen multiple fatal crashes on surface streets in proximity to highway access ramps, where the street design encourages faster speeds. Therefore, it is not only the Turnpike structure itself that impacts traffic safety in Jersey City, as the access streets leading to and from its ramps are typically wide and multi-lane, encouraging faster speeds and making crossing difficult in spaces shared by pedestrians and cyclists. NJTA's preferred alternative would not address this condition and may exacerbate it by inducing additional traffic volume and higher speeds.

Threatened and Endangered Species and Open Space

NJTA has not adequately considered and addressed the impact of the Turnpike Extension on existing and planned open spaces within proximity of the highway. According to a preliminary study conducted for NJTA by the consulting firm Jacobs, seven Jersey City parks would be affected by the Turnpike Extension, including Liberty State Park. The Jacobs study identified that the Turnpike Extension also potentially threatens endangered species, identifying that "threatened and endangered species are known to occur in Newark Bay and the wetland areas associated with Rutkowski Park in Bayonne and Liberty State Park and Liberty National Golf Course in Jersey City. These species are migratory and wading birds including herons, egrets, and the Peregrine falcon. Two federally listed species, the short-nosed sturgeon and the Atlantic sturgeon, are known to occur in the Hudson River." Jacobs notes that "Hudson County is densely developed with little available land for compensatory mitigation for the loss of parkland."

Moreover, Jersey City already has a shortage of open space in comparison to national benchmarks, with the land beneath and around the Turnpike acting as a physical barrier to accessing existing and future open spaces and greenways. The North Jersey Transportation Planning Authority's Morris Canal Greenway Plan calls for a 111-mile bicycle and pedestrian path connecting Phillipsburg with Jersey City. The segment in Jersey City runs in parallel to much of the Turnpike Extension along the Bayonne border and north through Greenville to the edge of the Downtown area. Critically, a key portion of the Morris Canal Greenway that would connect environmental justice communities in Bergen-Lafayette to the Grand Jersey Redevelopment Plan Area and Hudson River Waterfront via an off-street path would need

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to cross the Turnpike Extension in the area of Pacific Avenue. It is our understanding that changes to access ramps as part of future phases of this interconnected project would directly impact the area in the vicinity of this connection.

In addition to the Morris Canal Greenway, the Jersey City Greenway Connectivity Plan calls for development of the Mill Creek Greenway, which would follow the Turnpike Extension north and provide a key connection between two east-west greenways, the Bergen Arches and Sixth Street Embankment.

Because the EA was limited to the Bridge replacement, the impacts to air and water quality of the existing and planned open space and greenways in the vicinity of the Turnpike Extension were not considered which is in violation of NEPA requirements.

Alternatives

The NJTA, as a turnpike authority, has evaluated alternatives that exclusively focus on rebuilding the turnpike structure in a manner largely consistent with the existing condition as a highway. Given its limited direct jurisdiction in matters related to regional mobility, NJTA has chosen the path of attempting to solve a complex regional mobility challenge using a very blunt approach – replacing the existing highway with added lanes and lane widths. Instead, the NJTA and the State of New Jersey could undertake a much more collaborative approach to solving these complex challenges, one that brings other agencies and partners to the table to expand the alternatives available to include a variety of other modes, technologies, and transportation demand management (TDM) strategies that have been proven more effective in moving people and goods in a more sustainable manner over the long term. The NEPA process calls for engagement early in the planning process, in part to provide an opportunity to consider meaningful alternatives. 40 CFR §1501.5 (f) requires federal agencies to "involve the public and local governments to the extent practicable in preparing environmental assessments." USCG regulations regarding applications for bridge permits require the District Commander to ascertain "the views of local authorities and interested parties" when a bridge permit application is received as described in 33 CFR §115.60(a).

The NEPA process undertaken to date by NJTA has not afforded the impacted communities or potential partnering agencies the opportunity to collaborate on a more strategic investment in sustainable, cost-effective, and adaptable approach to transportation infrastructure. Such alternatives could include enhancing capacity through expanding public transportation, providing dedicated space to prioritize transit movement, freight priority lanes during peak freight times, adaptive traffic signals that adjust based on real-time freight traffic, dynamic tolling to encourage trucks to use the route at certain hours, working with ports on staggered scheduling, shifting more freight delivery by truck to alternatives like rail, and more. Accompanying these operational and technological improvements could be a significant effort to incentivize alternative travel, such as by working with employers to subsidize commuter transit passes, encouraging work from home or staggered schedules, and other tactics. The actual design of the turnpike structure itself can also consider more bold and innovative alternatives that would support Jersey City's goals for greenways and recreational open space, active transportation, placemaking and

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other aspects that draw communities together rather than discouraging them from crossing physical boundaries.

As illustrated in these comments, NJTA has not satisfactorily considered alternatives that reduce the burden on vulnerable communities in the face of multiple environmental and public health crises, nor have they satisfactorily engaged the impacted communities. Sharing plans that have already identified a preferred alternative before even engaging meaningfully with the community is not engagement, it is a check-the-box effort that fails to meet the intent of the NEPA process. Jersey City requests that the U.S. Coast Guard require NJTA to meaningfully explore additional alternatives and prepare a full Environmental Impact Statement that considers the cumulative impacts of the entire 8.1-mile, $10.7 billion program.

While the NJTA contends that the proposed design will not affect the community character, it is important to acknowledge that the original construction of the Turnpike Extension divided communities and separated residents from the Hudson River waterfront. In the ensuing time, Liberty State Park, Hudson River Waterfront Walkway, and the Morris Canal Greenway have been developed. Residents are not able to fully access and enjoy these amenities as the Turnpike Extension stands as a barrier to safe, direct access for pedestrians and cyclists. The widening of the highway and construction of new ramps will exacerbate this historic injustice.

Sincerely,

Steven Fulop
Mayor

MICHAEL J. SILVA
COUNCIL MEMBER - EAST WARD

CITY HALL ROOM 304
920 BROAD STREET
NEWARK, NEW JERSEY 07102
(973) 733-3665

Donna A. Fischer
Commander, First Coast Guard District
Bridge Program Manager
Battery Park Building
1 South Street
New York, NY 10004

July 24,2024

Dear Commander Fischer,

I'm contacting you to express my support for the New Jersey Turnpike Authority's Newark Bay-Hudson County Extension Improvements Program. As East Ward councilman and the Chair of the Environmental Committee, the health and safety of my community is my highest priority. Safe, modern, and resilient infrastructure is crucial to the social and economic well-being of our city and its residents, many of whom rely on the Newark Bay-Hudson County Extension to commute to work, visit families and friends, and more. The Newark Bay Bridge was built in 1956 and it needs to be replaced. It requires constant repair work to keep it safe, which causes delays, congestion, and trucks using local roads. None of this is beneficial to the residents of the East Ward or the City of Newark. I commend the New Jersey Turnpike Authority for prioritizing the replacement of the bridges, particularly the Newark Bay Bridge, and developing a plan to do so in a way that does not create additional disruptions, congestion, or safety concerns.

The City of Newark is continuing its renaissance, and therefore it is imperative that our infrastructure can support our current and future growth. This is one of the primary objectives of this safety and modernization Program. It will provide the needed capacity to support Newark's employment, retail, and housing growth as well as the expansion of our port facilities, which play a vital role in the City's and State's economy.

Newark is also in the midst of a significant redevelopment effort of which infrastructure and climate resilience are key components. The rebuilding of the Newark Bay Bridge aligns perfectly with the Newark360 Master Plan as this project addresses the urgent threat of climate change by raising the bridges to accommodate sea level rise. Additionally, it includes modern stormwater treatment systems and retention basins to better manage the stormwater that runs off the Extension into the combined sewer systems. The Program will help reduce local flooding and the levels of pollutants found in

stormwater runoff. These solutions complement and enhance the City's work to improve its infrastructure and prepare for the adverse impacts of climate change.

Another cornerstone of our economic development effort is employment and small business opportunities. A Program of this magnitude will offer Newark residents tens of thousands of union and community jobs as well as small business contracting opportunities. In addition, many small businesses in my ward will benefit from the Program by providing contractors and laborers meals, supplies, and other goods and services as the project moves forward. As the draft NEPA Environmental Assessment found, the first project alone will generate $2.8 billion in economic activity, $2 billion in labor wages, and 25,000 jobs.

For many of the traveling public, the Newark Bay Bridge in the East Ward is their first introduction to the City of Newark, and it should reflect the resilience, sustainability, and beauty of our community. I look forward to welcoming two modern, future-proofed bridges and the associated improvements to the Newark Bay-Hudson County Extension. The hardworking residents of the East Ward and the City of Newark deserve safe and sustainable infrastructure.

Sincerely,

Michael J. Silva

East Ward Councilman

Always For the East Ward

MS/fs

NEW JERSEY TURNPIKE AUTHORITY

NEWARK BAY-HUDSON COUNTY EXTENSION INTERCHANGE 14 TO INTERCHANGE 14A/ NEWARK BAY BRIDGE REPLACEMENT AND ASSOCIATED IMPROVEMENTS

ATTACHMENT 2: AGENCIES/TRIBAL ORGANIZATIONS COMMENT LETTERS

APRIL 18, 2025

From:	SMB-D1Boston-Bridges-PublicNotices
To:	Leoce, Donna D CIV (USA)
Subject:	FW: [Non-DoD Source] Fwd: D01-PN-209 Newark Bay
Date:	Thursday, May 23, 2024 9:10:54 AM
Attachments:	D01-PN-209_Newark_Bay_Newark_Bay_Extension-w_Encl.pdf

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From: Edith Carson-Supino - NOAA Federal <edith.carson-supino@noaa.gov>
Sent: Thursday, May 9, 2024 9:38 AM
To: SMB-D1Boston-Bridges-PublicNotices <SMB-D1Boston-Bridges-PublicNotices@uscg.mil>
Cc: Leoce, Donna D CIV (USA) <Donna.D.Leoce@uscg.mil>
Subject: [Non-DoD Source] Fwd: D01-PN-209 Newark Bay

Hello,

We received your email on May 8, 2024, regarding the proposed replacement of the Newark Bay-Hudson County extension between interchanges 14 and 14A (extension) including the Vincent R. Casciano Memorial, Newark Bay Bridge across Newark Bay, mile 3.8, between Newark, Essex County and Bayonne, Hudson County, New Jersey (attached). Please note that you can also look up species presence in your project area by using our Mapper: http://noaa.maps.arcgis.com/apps/webappviewer/index.html?id=1bc332edc5204e03b250ac11f9914a27

We offer the following comments.

Endangered Species Act

Atlantic Sturgeon
Atlantic sturgeon could be present in the waters of Newark Bay and its adjacent bays and tributaries. The New York Bight, Chesapeake Bay, Carolina, and South Atlantic Distinct Population Segments (DPS) of Atlantic sturgeon are endangered; the Gulf of Maine DPS is threatened. Adult and subadult Atlantic sturgeon originating from any of these DPSs could occur in the proposed project area. As young remain in their natal river/estuary until approximately age 2, and early life stages are not tolerant of saline waters, no eggs, larvae, or juvenile Atlantic sturgeon will occur within Newark Bay and its adjacent bays and tributaries.

Shortnose Sturgeon
Shortnose sturgeon could be present in the Newark Bay and could occur in its adjacent bays and tributaries. Shortnose sturgeon are listed as endangered throughout their range. As early life stages are not tolerant of saline water, no eggs, larvae, or juvenile shortnose sturgeon will occur within the saline waters of Newark Bay and its adjacent bays and tributaries.

As project details develop, we recommend you consider the following effects of the project on Atlantic and shortnose sturgeon:

- For any impacts to habitat or conditions that temporarily render affected water bodies unsuitable for the above-mentioned species, consider the use of timing restrictions for in-water work.
- For activities that increase levels of suspended sediment, consider the use of silt management and/or soil erosion best practices (i.e., silt curtains and/or cofferdams).
- For activities that may affect underwater noise levels, consider the use of cushion blocks and other noise attenuating tools to avoid reaching noise levels that will cause injury or behavioral disturbance to

sturgeon - see the table below for more information regarding noise criteria for injury/behavioral disturbance in sturgeon.

Organism	Injury	Behavioral Modification
Sturgeon	206 dB re 1 µPaPeak and 187 dB cSEL	150 dB re 1 µPaRMS

Depending on the amount and duration of work that takes place in the water, listed species of sturgeon may occur within the vicinity of your proposed project. The federal action agency will be responsible for determining whether the proposed action may affect listed species. If they determine that the proposed action may affect a listed species, they should submit their determination of effects, along with justification and a request for concurrence to the attention of the Section 7 Coordinator, nmfs.gar.esa.section7@noaa.gov. Please be aware that we have recently provided on our website guidance and tools to assist action agencies with their description of the action and analysis of effects to support their determination. See - https://www.fisheries.noaa.gov/new-england-mid-atlantic/consultations/section-7-consultations-greater-atlantic-region. After receiving a complete, accurate comprehensive request for consultation, in accordance to the guidance and instructions on our website, we would then be able to conduct a consultation under section 7 of the ESA. Should project plans change or new information become available that changes the basis for this determination, further coordination should be pursued. If you have any questions regarding these comments, please contact me (978-282-8490; Edith.Carson-Supino@noaa.gov).

Magnuson-Stevens Fishery Conservation and Management Act - Essential Fish Habitat

Recent changes to the Corps of Engineers' Nationwide Permits has removed the requirement that NMFS be contacted for information on essential fish habitat and that applicants provide evidence of the contact and our resources. You should now access the information on your own from our websites. The Habitat and Ecosystem Services Division's website is: https://www.fisheries.noaa.gov/region/new-england-mid-atlantic#habitat. Information on essential fish habitat can be found there.

Thank you,

Edith

Edith Carson-Supino, M.Sc (she/her/hers)
Section 7 Fish Biologist, Greater Atlantic Regional Fisheries Office
NOAA Fisheries | U.S. Department of Commerce
Office: (978) 282-8490
For ESA Section 7 guidance please see:
https://www.fisheries.noaa.gov/new-england-mid-atlantic/consultations/section-7-consultations-greater-atlantic-region

---------- Forwarded message ---------
From: **SMB-D1Boston-Bridges-PublicNotices** <SMB-D1Boston-Bridges-PublicNotices@uscg.mil>
Date: Wed, May 8, 2024 at 2:22 PM

Subject: D01-PN-209 Newark Bay
To:

All Interested Parties:

A U.S. Coast Guard **bridge permit application** and a draft National Environmental Policy Act Environmental Assessment from the **New Jersey Turnpike Authority (NJTA)** has been received by the Commander, First Coast Guard District for approval of the location and plans for the replacement of the **Newark Bay-Hudson County Extension between interchanges 14 and 14A, including the Vincent R. Casciano Memorial.** The proposed replacement of the **Newark Bay Bridge across Newark Bay, Mile 3.8, is between Newark, Essex County and Bayonne, Hudson County, New Jersey.**

Further, the Department of the Army (USACE) has received an application from the NJTA for **section 408 permission** for certain work at or near the Newark Bay Federal Channel. The bridge's clearances will remain unchanged. The vertical clearance remains 135 feet at Mean High Water (MHW) (Datum NAV88) and the navigational channel's horizontal clearance will remain 500 feet and 611.65 feet between fenders.

PUBLIC NOTICE-D01-209-2024-Newark Bay-Newark Bay Bridge dated, May 9, 2024, has been published on the USCG Navigation Center website at http://www.navcen.uscg.gov/?pageName=pnBridges&Active=1&region=1.

The public notice contains a detailed description of the proposed bridge project and includes location maps and bridge drawings with navigational clearances and USACE drawings. The public notice may additionally be obtained by email request to: SM-D1Boston-Bridges-PublicNotices@uscg.mil.

Interested parties are requested to express their views, in writing, on the proposed bridge project including its possible impacts to the environment and navigation. Comments will be received for the record at the email address noted above or to Donna.D.Leoce@uscg.mil **through June 11, 2024.**

Translated copies of this public notice into Spanish, Portuguese, Polish, Hindi, Tagalog, and Arabic have additionally been posted on the USCG Navigational Center's website. http://www.navcen.uscg.gov/?

pageName=pnBridges&Active=1&region=1

REGION 2
NEW YORK, N.Y. 10007

June 11, 2024

Donna A. Fisher
U.S. Coast Guard
Battery Park Bldg., 1 South Street
New York, NY 10004

RE: Proposed Replacement of the New Jersey Turnpike 14 to 14A Interchanges and Newark Bay Bridge at Mile 3.8, Newark Bay, New Jersey

Dear Ms. Donna A. Fisher:

In accordance with the National Environmental Policy Act (NEPA) and the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR 1500-1509), the U.S. Environmental Protection Agency (EPA) has reviewed the Draft Environmental Assessment (EA) prepared by the New Jersey Turnpike Authority (NJTA) on behalf of the U.S. Coast Guard (USCG).

EPA understands the purpose and need of the project is to replace transportation infrastructure at the end of its useful life and reduce congestion. The EA's intent is to address potential environmental impacts from the proposed action, which includes adjustments to interchange alignment, realignment of the east and westbound approaches, and replacing the existing Newark Bay Bridge with two parallel bridges. The EA also discusses a No Action Alternative and introduces seven (7) other alternatives but eliminates them from further analysis primarily because of failure to meet the stated purpose and need.

From our review, we are providing detailed comments for USCG and NJTA to consider prior to the release of the Final EA. EPA's primary concerns focus on the potential disproportionate impacts to minority and low-income populations and, the scope of the affected communities' participation in the development of the project and associated mitigation options.

Thank you for the opportunity to provide comments on this EA. EPA looks forward to the receipt and review of the Final EA. We are committed to continuing to work with your team throughout the NEPA process and in the future, especially as full projects come to fruition. Should you have questions on our comments or related to this project, please contact Guy Burke at 212-637-3635 or Burke.Guy@epa.gov.

Sincerely,

Mark Austin

Mark Austin, Supervisor
Environmental Review Section

EPA Comments

Proposed Replacement of the New Jersey Turnpike 14 to 14A Interchanges and Newark Bay Bridge at Mile 3.8, Newark Bay, New Jersey

June 11, 2024

Air Quality

- The project area is located in the New York-N. New Jersey-Long Island, NY-NJ-CT non-attainment area, which is classified as severe for the 2008 ozone standard. The VOC and NOx de minimis thresholds for severe non-attainment areas are 25 tons per year (see 40 CFR Part 93.153). Table 3.8-2 of the EA incorrectly cites de minimis thresholds of 50 tons per year.
    - The analysis of construction-related emissions shows that the estimated annual NOx emissions from the project exceed the appropriate de minimis threshold, therefore a General Conformity Determination is required. Please note that construction emissions from applicable all years should be calculated as part of the determination. If needed, you may contact Dan Birkett (birkett.daniel@epa.gov) at EPA Region 2 for questions and guidance about preparing the Conformity Determination.
- EPA acknowledges the project construction emissions (other than NOx) are estimated to be below de minimis levels, however, the potential exists for impacts to overburdened communities during the construction timeframe. The staggered construction timeline means that construction will take place over approximately 5 years and while the magnitude of the impacts may be lessened with this approach, the duration of potential effects should be considered when determining the activity's potential for impact on the nearby community and sensitive receptors such as the Woodrow Wilson Elementary School.
    - In order to support the lead agencies' conclusion that there are no adverse impacts to air quality during construction, particularly to minority and low-income populations, EPA suggests that the lead agencies:
        1) Evaluate construction emissions on a local scale to evaluate the potential for impacts to already overburdened communities and sensitive receptors. EPA suggests a hot-spot emissions analysis would be an appropriate tool for this evaluation.
        2) Include a discussion on how the magnitude of that impact will change over the course of the construction time period, and whether the cumulative exposure has the potential to exacerbate existing burdens or potential impacts.
        3) Include and describe how other construction projects located in close geographic proximity may or may not contribute the impacts of the local air quality (other segments of Newark Bay-Hudson County Extension (NB-HCE) improvements program).
- EPA recognizes that it is predicted that there will be expected exceedances of Annual PM2.5 with the recently passed standard. With the new, lower annual PM2.5 NAAQS of 9 μg/m3 in mind, there are values reported in tables 3.8-7 and 3.8-8 that would be above this standard. While this new NAAQS will have to be met moving forward, EPA has not yet completed the formal designation process for identifying nonattainment areas under the new standard. Therefore, EPA has analyzed

this EA for compliance with CAA conformity requirements with respect to the PM standard(s) for which the area is currently in a maintenance status (1997 and 2006 PM2.5 NAAQS). This allows for EPA's continued approval of the values reported relating to air quality impacts. However, due to the lower standard for PM2.5 and the elevated levels of PM2.5 expected to be seen as a result of construction, EPA recommends that additional air quality mitigation efforts be pursued to further combat any adverse air quality impacts and to help attain the new standard in the future.

- For clarity, EPA suggests the EA provide an explanation of why the maximum modeled concentrations for CO and PM2.5 in 2050, tables 3.8-7 and 3.8-8 respectively, are similar in the No Action and Proposed Action scenarios. EPA recommends including a discussion highlighting the major factors contributing to the concentrations of pollutants for the two alternatives.
- We'd like to note that hot spot analyses are still required per 93.109(e) because the project lies in a CO and PM2.5 maintenance area. If you have any further questions regarding the modeling requirements as described in 93.109(e), please contact Lily Black (Black.lily@epa.gov).
- EPA recommends the EA or air quality appendix include a more thorough explanation of how the hot spot analysis receptors were placed along the grid.

Environmental Justice

- A report of the Federal Interagency Working Group on Environmental Justice & NEPA Committee, Promising practices for EJ Methodologies in NEPA Reviews,[1] provides methodologies gleaned from current agency practices to both consider environmental justice concerns during environmental analyses and encourage effective participation by communities with environmental justice concerns. Specifically, EPA would like to highlight the following:
  - When developing the baseline characterization of the affected environment, agencies should consider 1) exposure pathways and 2) direct, indirect and cumulative ecological, aesthetic, historic, cultural, economic, social, or health impacts.
  - Agencies should be mindful that minority and low-income populations may be differently affected by past, present, or reasonably foreseeable future impacts than the general population.
  - Non-chemical stressors can include current health status (e.g. pre-existing health conditions) and past exposure histories, and social factors such as community property values, sources of income, level of income, and standard of living.
- Per the USCG Commandant Instruction M26475.1D (NEPA Implementing Procedures and Policy for Considering Environmental Impacts), all USCG actions are required to be consistent with the DOT Order 5610.1C. DOT Order 5610.1C states that all relevant environmental reviews, authorizations, and consultations should be integrated into the NEPA process. Two such directives are Executive Order 12898 - Federal Actions to Address Environmental Justice in Minority Populations and Low-

[1] https://www.epa.gov/environmentaljustice/ej-iwg-promising-practices-ej-methodologies-nepa-reviews

Income Populations[2] and Executive Order 14096 - Revitalizing Our Nation's Commitment to Environmental Justice for All.[3]

  - Additionally, under Executive Order 14096, environmental justice is now evaluated based simply on disproportionate and adverse impacts. The Fact Sheet that accompanied the E.O. indicates that "The Executive Order uses the term 'disproportionate and adverse' as a simpler, modernized version of the phrase 'disproportionately high and adverse' used in Executive Order 12898. Those phrases have the same meaning but removing the word 'high' eliminates potential misunderstanding that agencies should only be considering large disproportionate effects." EPA recommends the lead agencies revise the EA to reflect this guidance.

- The EA's air quality analysis with respect to EJ communities, found in section 3.4.5.1, considers only regional air quality and comparisons to the NAAQS and de minimis thresholds to support the conclusion that there would be no disproportionately high and adverse human health or environmental effects on minority populations, low-income populations, or overburdened communities. In considering impacts, the lead agencies must recognize and acknowledge that compliance with the National Ambient Air Quality Standards (NAAQS) or de minimis thresholds does not equate to no potential impacts and localized harm to human health and the environment. EPA acknowledges the use of a hot-spot analysis for the consideration of localized impacts to air pollution in 2050. However, EPA encourages NJTA to incorporate an analysis of the localized impacts of air quality during construction years into the potential impacts on environmental justice communities.

In order to rigorously support a conclusion that there are no significant or disproportionate adverse impacts to minority populations and low-income populations, EPA recommends the EA include:

1) The existing burdens faced by the affected communities (direct, indirect and cumulative ecological, aesthetic, historic, cultural, economic, social, or health impacts);
2) An evaluation of how the projects impacts may contribute to the existing burdens. This includes how the local air quality will be impacted during construction in areas of EJ concern;
3) The efforts to meaningful engage the affected communities; and
4) How community feedback has been incorporated into the design of the project and mitigation options.

- To the degree that significance must be determined for potential impacts, EPA suggests that the lead agencies incorporate the changes in the NEPA Phase II regulations to go into effect July 1, 2024[4] and consider context and intensity. This entails focusing on various factors related to an impact's severity as they pertain to the community's affected interests and locality.

Mitigation in EJ Communities

[2] https://www.federalregister.gov/d/94-3685
[3] https://www.federalregister.gov/d/2023-08955
[4] Phase II NEPA Implementing Regulations Revisions https://www.federalregister.gov/d/2024-08792

- In the event that disproportionate and adverse impacts to minority and low-income populations are anticipated, then avoidance, minimization, and mitigation measures should be developed. The measures should be developed in coordination with the impacted communities in order to address specific identified needs.
    - EPA encourages the lead agencies to incorporate the guidance from CEQ's Appropriate Use of Mitigation and Monitoring and Clarifying the Use of Mitigated Findings of No Significant Impacts (January 14, 2011).[5]
- EPA acknowledges that the EA does propose noise and air quality best management practices for the mitigation of construction phase impacts (as stated in table ES-4). In order to determine whether potential impacts are adequately mitigated, especially if additional mitigation measures are intended to be developed during final design or collaboration with the communities, potential mitigation options should be clearly described in the final EA or, at minimum, the draft Finding of No Significant Impact (FONSI) along with the steps the lead agencies intend to tend to ensure mitigation commitments are implemented.
- While some noise impacts are mitigated according to Federal Highway Admiration's noise abatement criteria, it is important that the lead agencies involve potentially affected minority and low-income populations as agencies develop and implement mitigation and monitoring measures. Examples of mitigation measures may include:
    - Vegetative noise and air pollution barriers;
    - Community center investments and improvements;
    - Greenspace revitalization and / or expansion;
    - Local scale electric and public transit infrastructure investment;
    - Commitments to monitoring noise and air quality before, during, and after construction;
    - Providing additional residential scale noise shielding or air purifiers if noise or air quality impacts are identified.
- The Promising Practices for EJ Methodologies in NEPA Reviews Report recommends developing an adaptive management plan and conducting implementation and effectiveness monitoring when mitigation measures are proposed to address impacts to minority and low-income populations. By using effectiveness monitoring, an agency and community can learn if the mitigation measures are providing the predicted outcomes. An adaptive management plan can provide agencies with a means for taking corrective action if mitigation implementation or effectiveness monitoring indicates the measures are not achieving the intended outcomes. Additionally, if the lead agencies intend to prepare a mitigated FONSI, the FONSI should include a monitoring and compliance plan consistent with 40 CFR 1505.3(c).[4] For additional information on the elements of the mitigation and compliance plan see 40 CFR 1505.3(d).[4]
- EPA also recommends the EA include outreach / communication plans for the periods during and after construction. Communication plans should include measures for identifying stakeholders,

[5] https://ceq.doe.gov/docs/ceq-regulations-and-guidance/Mitigation_and_Monitoring_Guidance_14Jan2011.pdf

providing accessible method of communication, and providing tools for stakeholders to reach out to the lead agency with any questions or concerns regarding the project.

- EPA suggests the EA include commitments to performing pre-construction surveys on the homes in the vicinity of construction zones to ensure a mechanism to address potential residential property impacts during the project construction.

Cumulative Impacts

- EPA acknowledges that this project is a part of the larger NB-HCE Improvements Program but can be considered a discrete action from the other planned projects due to its independent utility. EPA also acknowledges the definition of cumulative effects included in section 3.1 of the EA.
- EPA understands that the traffic and air quality modeling incorporates the projects listed in Appendix B. However, it is unclear if these projects and other reasonably foreseeable actions (federal and non-federal) have been considered for each resource area. EPA recommends the lead agencies revise the EA to either include a discussion of the cumulative impacts of concurrent and reasonably foreseeable projects in each respective resource category, or in a dedicated cumulative impacts chapter/section. EPA recommends that the lead agencies include a table in the main body of the EA which lists reasonably foreseeable projects which are expected to occur between planning and construction completion along with their respective construction timelines.
- EPA recommends the EA include a discussion on potential impacts of concurrent construction or dredging projects located in close proximity.
- Appendix B states that the Port Authority of New York and New Jersey Port Master Plan was incorporated into the NJTPA traffic model but that the potential port expansion projects are not included in the model. Given that the 2050 air quality and level of service modeling relies on the results of the NJTPA traffic model, EPA recommends that the EA address the potential impact of the port expansion projects on projected level of service and local air quality in minority and low-income communities.
- For additional information and resources for developing the cumulative impacts analysis, EPA recommends the lead agencies refer to CEQ's cumulative effects guidance, Considering Cumulative Effects Under NEPA.[6]

Superfund/Hazardous Materials

- EPA understands that hazardous materials will be removed in accordance with state and federal regulations. To provide a better understanding of potential impacts, EPA recommends the EA describe how the demolition debris will be stored, transported and disposed during each phase of the project.

[6] https://ceq.doe.gov/publications/cumulative_effects.html

Below comments were provided by EPA R2's Superfund Program

- The NEPA document should clarify if dredging in Newark Bay is anticipated to facilitate work vessel access for the construction of the new bridge or demolition of the existing bridge.
- The Draft EA Report indicates that cofferdams will be constructed for the new bridge foundations, such that removal of contaminated sediments and foundation construction would be conducted within the cofferdams to prevent impacts to Newark Bay. EPA suggests the NEPA document describe the design elements included to prevent scour and erosion, which can resuspend contaminated sediments into the water column and expose biota and people to contaminants, from occurring near the cofferdams and new bridge piers and adjacent to potential scour protection structures (e.g., rip rap around pier footings) and future fender systems (both during construction and in the post-construction period).
- EPA recommends NJTA develop a comprehensive resuspension control plan to monitor the water column and lay out a decision process/means and methods for potential corrective action to mitigate sediment resuspension during construction (including resuspension caused by work vessel traffic), if required.
- The Draft EA Report notes environmental concerns for the existing bridge demolition with regard to lead paint, asbestos-containing materials, and PCB electrical equipment. EPA recommends that the EA outline how the foundations of the existing bridge will be demolished to describe how the contaminated sediment will be contained and managed during the process.
- It is possible that EPA's future remedy (not yet selected) for the Newark Bay Study Area will require construction activity proximal to the existing/new bridge alignment, to remediate comparatively elevated areas of contamination in surface sediment. EPA strongly recommends the document include a discussion of the potential impacts and required coordination of sediment dredging and subaqueous cap construction in the vicinity of the new bridges.

Wetlands

Below comments were provided by EPA R2's Water Division

- The document should provide the wetland impacts for the alternatives that were eventually dismissed in reaching the Proposed Action.
- The document should discuss overall alternatives to minimize wetland impacts for the Proposed Action.
- The document should better characterize the proposed permanent wetland impacts associated with the Proposed Action, particularly the fill associated with "permanent access & maintenance." This fill accounts for 9.72 acres of the proposed permanent impacts. The document should provide more specifics regarding the purpose for this fill and measures taken to minimize impacts.
- More detail should be provided regarding the 26.28 acres of temporary wetland impacts. This should include measures taken to minimize these impacts and the specific restoration measures to

be taken after their removal. A discussion of the regrading, planting and monitoring activities associated with post-removal of these impacts should be included.

Other Comments

- EPA appreciates the inclusion of the mitigation summary matrix table ES-4.
- EPA acknowledges that public meetings have occurred in Newark and Bayonne (as of 5/29/2024), however, the NEPA document should highlight the level of involvement the potentially impacted communities have had in the planning and mitigation development prior to the 2024 public meetings. Additionally, the comments received during the 2024 public meetings should be included in the EA along with NJTA's responses to those comments.
- EPA recommends the EA make clear whether the adverse water quality impacts associated with construction would be mitigated to below significant levels through the measures outlined in the document (work time restrictions, soil erosion and sediment control plans, turbidity barriers, bubble curtains, etc.)

United States Department of the Interior

FISH AND WILDLIFE SERVICE
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In Reply Refer To:
2023-0039248

June 11, 2024

Donna A. Fisher
Bridge Program Manager
U.S. Department of Homeland Security
U.S. Coast Guard
Battery Park Building
1 South Street
New York, New York 10004-1466

Dear Ms. Fisher:

The U.S. Fish and Wildlife Service's (Service) New Jersey Field Office has reviewed the public notice for a Bridge Permit and Draft Environmental Assessment (DEA) prepared by the U.S. Coast Guard (USCG) for the New Jersey Turnpike Authority's (NJTA) proposed replacement of the Newark Bay-Hudson County Extension Interchange 14 to Interchange 14A/Newark Bay Bridge Replacement and Associated Improvements project. The project is located within Newark, Essex County and Bayonne and Jersey City in Hudson County. The proposed project will replace existing structures, including the Newark Bay Bridge with two parallel spans, increase the number of travel lanes in each direction from two to four, provide left shoulder areas, and modify/improve ramp merges and lanes. The project will involve property acquisitions, impacts to watercourses and wetlands, tree clearing, stormwater management, and other related construction.

AUTHORITIES

The following comments are provided pursuant to the Bald and Golden Eagle Protection Act (54 Stat. 250, as amended, 16 U.S.C. 668a-d) (BGEPA); the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq*.); Executive Order (EO) 13186, Responsibilities of Federal Agencies to Protect Migratory Birds (January 10, 2001; 66 FR 3853); the Fish and Wildlife Coordination Act (48 Stat. 401; 16 U.S.C. 661 *et seq*.); the Migratory Bird Treaty Act of 1918 (40. Stat 755, as amended; 16 U.S.C. Section 703-712) (MBTA); and the National Environmental Policy Act (83 Stat. 852, as amended; 42 U.S.C. 4321 *et seq*.) (NEPA). The following comments do not preclude additional comments on forthcoming phases of the project, including consultation on potential effects to federally listed species pursuant to Section 7(a)(2)

of the ESA.

FEDERALLY LISTED, PROPOSED, AND CANDIDATE SPECIES

The Service appreciates that the Service's Information for Planning and Consultation (IPaC) tool was used to obtain an official species list (dated April 2, 2024). As described within the list, the tricolored bat (*Perimyotis subflavus*, proposed endangered) and monarch butterfly (*Danaus plexippus*, candidate) are the only species to consider within the action area. The northern long-eared bat (*Myotis septentrionalis*, endangered) was also included on the list. However, northern long-eared bat does not need to be considered/evaluated pursuant to Section 7(a)(2) of ESA since the action area is within a portion of New Jersey that only needs to be considered/evaluated if wind turbine operations are proposed.

Tricolored bat

On September 14, 2022, the Service published a proposal in the *Federal Register* (FR) to list the tricolored bat as endangered under the ESA (FR Vol. 87 (177): 56381-56393). A final determination to either list the tricolored bat under the ESA or to withdraw the proposal is anticipated during Fiscal Year 2024.

In 2023, the tricolored bat was acoustically detected within 6.5 miles of the action area. It is a small insectivorous bat that typically overwinters in caves, abandoned mines and tunnels, and road-associated culverts (southern portion of the range). They spend the rest of the year in a wide variety of forested areas where they roost and forage, including adjacent and interspersed non-forested areas such as emergent wetlands and adjacent edges of agricultural fields, old fields, and pastures. This also includes forests and woodlots containing trees with potential roost substrate (*i.e.*, live and dead leaf clusters of live and recently deceased deciduous trees, Spanish moss (*Tillandsia usneoides*), and beard lichen (*Usnea trichodea*)), as well as linear features such as fencerows, riparian forests, and other wooded corridors. Tricolored bats will roost in a variety of tree species, especially oaks, and often select roosts in tall, large diameter trees, but will roost in smaller diameter trees when potential roost substrate is present (*e.g.*, 4-inch [10-centimeter]; Leput 2004). They may also roost in human-made structures, such as bridges and culverts, and occasionally in barns or the underside of open-sided shelters (*e.g.*, porches, pavilions).

This project is not likely to jeopardize the continued existence of the tricolored bat therefore, ESA Section 7(a)(4) conference is not required. Once a final rule to list the tricolored bat is published and goes into effect (typically 30–60 days after publication), Section 7(a)(2) requirements for consultation and Section 9 prohibitions against unpermitted "take" of the species will apply. However, informal Service review may be requested for actions that may affect a proposed species. The Service encourages that project impacts are analyzed to ensure that effects to proposed species are reviewed if/when they are officially listed. Given that construction is not proposed to begin until 2026, this will be beneficial to the USCG since it will help to prevent potential future delays or complications for project construction. Therefore, the Service recommends that the effects of the proposed project on tricolored bat and their habitat is analyzed and minimized.

Conservation measures the Service recommends to ensure the proposed action is not likely to adversely to affect the tricolored bat include:

1. Ensuring that the cutting or other means of knocking down, bringing down, or trimming of trees that contain suitable roosting substrate (*i.e.*, live and dead leaf clusters of live and recently deceased deciduous trees, Spanish moss (*Tillandsia usneoides*), and beard lichen (*Usnea trichodea*)) is avoided during the pup season from May 15 to July 31 (recommended from April 1 to September 30).

The Newark Bay Bridge and other structures within the action area may serve as a roosting location for tricolored bats. However, given the urbanization of the area and active use of the bridge/associated roadways this appears to be extremely unlikely to occur/is discountable.

Monarch butterfly

The monarch butterfly was designated a candidate for ESA listing in December 2020. Although candidate species receive no substantive or procedural protection under the ESA prior to listing, the Service encourages consideration of these species in project planning. The monarch butterfly range includes all of New Jersey, including small habitat patches within developed areas. The DEA explains that milkweed was found within one upland sample point within the action area. The Service encourages adherence to best management practices for avoiding impacts to the monarch and improving habitat where possible. The following is recommended:

1. Identifying presence of and avoiding impacts to suitable monarch butterfly habitat. If avoiding impacts to suitable monarch habitat is not possible, avoid impacts during times of year monarch's may be present from May 1 to September 30. Review the "Mowing and Management: Best Practices for Monarch's" handout at: *https://monarchjointventure.org/blog/revised-handout-mowing-and-management-best-practices-for-monarchs* to see if any other conservation measures are applicable to this project/can be implemented.

2. Review the conservation measures and descriptions included in Section VII of the "Monarch CCAA Application" that can be found at: *https://rightofway.erc.uic.edu/working-group-access/monarchccaatoolkit.* Although the Candidate Conservation Agreement for monarch butterfly is not applicable for this project, we recommend reviewing the application to help aid in the development of possible conservation measures.

3. Review the Services website at: *https://www.fws.gov/initiative/pollinators/monarchs,* New Jersey Department of Environmental Protection's (NJDEP) (2017) Monarch Butterfly Conservation Guide, and the Monarch Joint Venture website at: *https://monarchjointventure.org/mjvprograms/science/roadside-habitat-for-monarchs/best-management-practices-resources* for possible conservation measures to implement.

If future listing of the monarch butterfly occurs before or during project construction, the Service

may recommend additional conservation measures.

SPECIES UNDER REVIEW FOR LISTING AND PRIORITY AT-RISK SPECIES

The saltmarsh sparrow (*Ammospiza caudacuta*) is under review for Federal listing per the ESA and may be present within the salt marshes of the project area. It is also a Service identified priority at-risk species, indicating that its populations are declining and that they are "at-risk" of becoming candidates for ESA listing. It is a tidal marsh-obligate songbird that breeds in coastal states from Maine to Virginia (Hartley and Weldon 2020). Saltmarsh sparrows generally nest in high marsh areas just above the mean high-water line. They are most frequently sited and prefer habitats in salt marsh ecosystems where *Spartina* (usually *patens*) and *Distichlis spicata* are present (Hartely and Weldon 2020). Due to the historic loss and degradation of salt marsh habitat, especially high marsh, as well as accelerated sea level rise, saltmarsh sparrows have experienced an 87 percent population decline since 1998 (Hartley and Weldon 2020). Concentrated efforts are being made for the saltmarsh sparrow to preclude the need for listing and improve salt marsh habitat. The Atlantic Coast Joint Venture developed a Saltmarsh Sparrow Habitat Prioritization Tool to identify and rank salt marsh habitat patches within the species' breeding range. The salt marsh/tidal wetlands in the project area contain habitat patches within the species breeding range. The saltmarsh sparrow habitat prioritization tool is available at: *https://fws.maps.arcgis.com/apps/MapSeries/index.html?appid=1bc5b29be4ac43d8949b2941d2ce5174.*

Species under review for listing and Service priority at-risk species do not receive any protections under the ESA, and the Service has not yet determined if listing of the saltmarsh sparrow is warranted. A determination for ESA listing of the saltmarsh sparrow is anticipated in Fiscal Year 2024. The National Listing workplan for Fiscal Years 2024-2028 can be found at: *https://www.fws.gov/project/national-listing-workplan* for more information on species listing timelines. If saltmarsh sparrow is proposed for or listed pursuant to the ESA before or during construction, potential delays/additional consultations may be necessary. As such, the USCG may wish to analyze effects to them, to help avoid or minimize delays if they are listed before or during project construction.

The saltmarsh sparrow was observed adjacent to the proposed project at Richard A. Rutkowski Park and also at other sites within 5 to 10 miles of the project area (ebird accessed 2024). Provided that the species has previously been observed in the vicinity and that potentially suitable salt marsh/tidal wetland habitat with *Spartina* is proposed to be permanently impacted, the Service recommends the following conservation measures:

1. As possible, avoid impacting high and adjacent low marsh areas that may contain suitable saltmarsh sparrow habitat.

2. If work in potentially suitable saltmarsh sparrow habitat cannot be avoided, utilize a time of year restriction within high and adjacent low marsh areas from May 1 to September 15, to avoid impacts during sensitive times of year when saltmarsh sparrows may be breeding, nesting, and have unfledged juveniles (Hartley and Weldon 2020; Service 2020). Saltmarsh sparrows typically nest in high marsh areas to avoid tidal flooding and

forage in the adjacent low marsh areas. The *Spartina* salt marsh/tidal wetlands located on the western portion of the Newark Bay Bridge is the area that appears most likely to contain habitat for this species.

3. Refer to the Atlantic Coast Joint Venture's Saltmarsh Sparrow Conservation Plan (Hartley and Weldon 2020). The document provides a description of saltmarsh sparrow and their habitat. We recommend reviewing this document and any other applicable information to confirm if suitable habitat is present and, if necessary, to develop additional conservation measures.

Additional conservation measures may be required if the species is listed in the future. The saltmarsh sparrow is also protected pursuant to the MBTA, and the measures described below are recommended for conserving the species.

MIGRATORY BIRD TREATY ACT

Migratory birds are a Federal trust responsibility and are afforded protection under the MBTA. Unlike the ESA, the MBTA does not currently have a regulation specific to the incidental take of migratory birds. Birds such as the peregrine falcon (*Falco peregrinus*), barn swallow (*Hirundo rustica*), and the saltmarsh sparrow (mentioned above) may utilize the structures and habitat within the project area for breeding, foraging, resting or other purposes. Notably, peregrine falcons have definitively been documented nesting on the Newark Bay Bridge. For all birds, nests, eggs, chicks, and adults that have recently molted are most at risk of being impacted by the proposed activities since they are unable or unlikely to fly away. As such, to ensure that future activities do not cause actions prohibited under the MBTA (such as the wounding, killing, trapping capturing, or collecting of migratory birds and their nests or eggs) without prior authorization by the Service, we recommend the creation of a migratory bird protection plan for the project.

The migratory bird protection plan should identify project areas that have the potential to adversely impact birds and explain how the NJTA plans to avoid actions prohibited by the MBTA during construction. At a minimum, the plan should involve:

1. Identifying the project areas that are likely to be inhabited by migratory birds and determining the times of year there may be nests, eggs, and flightless birds (*e.g.,* chicks, birds that recently molted). This is already known for some species in the project area, such as the peregrine falcons that nest on the Newark Bay Bridge. The structures, wetlands, and trees within the project area may also contain habitat for nesting birds. Tools such as ebird; the Migratory Birds section of the Service requested official species list; NJDEP landscape shapefiles; communications with the NJDEP; and previous documentation/studies of the area may also be helpful to accomplish this goal (ebird accessed 2024; NJDEP accessed 2024; Service accessed 2024). The DEA does evaluate potential affects to migratory birds and this step may have already been completed for the project.

2. For work anticipated to occur within the areas identified above and during times of year that nests, eggs, and flightless birds may be present (most likely March 15 to September 15, depending on the species): the Service recommends that a person(s) knowledgeable and capable of bird identification visually inspects the identified areas for the presence of nests, eggs, and flightless birds no more than five days prior to project activities commencing. For visual inspections of areas where peregrine falcons are/may occur, the breeding period of March 1 to July 31 should be utilized. Please ensure that the plan considers the difficulty of detecting species that may be present in that area.

   When discussing impacts to terrestrial vegetation and wildlife (including birds) the DEA explains that "marsh vegetation would be removed outside of the breeding window for these species in New Jersey (March through August) to eliminate the potential for nesting during the active season if work cannot abide by breeding season timing restrictions for migratory bird species. Based on this analysis, pursuant to the Migratory Bird Treaty Act, the Proposed Action will not result in a take of migratory birds or the parts, nests, or eggs of such bird." This measure will be especially helpful for the conservation of birds, such as the saltmarsh sparrow. While the Service appreciates this measure and agrees that it will be helpful to reduce the possibility of actions prohibited under the MBTA, we recommend additional measures including:

   - Expanding the breeding window referenced to be inclusive of March 15 to September 15 to protect species such as the saltmarsh sparrow.
   - Continuing to visually inspect the wetland areas (as explained above), regardless of if the vegetation is removed as bird nesting in the area remains possible. Visual inspections should be relatively brief if vegetation is already removed.
   - Visually inspecting structures proposed for construction, prior to it occurring to ensure that active nests will not be destroyed.

3. If nests, eggs, and flightless birds are present, the Service recommends avoiding work that could cause actions prohibited under the MBTA (such as the wounding, killing, trapping, capturing, or collecting of migratory birds and their nests or eggs) without prior authorization by the Service. An example of a prohibited activity would be removing or relocating the peregrine falcon nest while it is being used or permanently impacting a wetland that contains an active nest. Destruction of inactive nests (contains no eggs or chicks and is no longer being used by birds for breeding) is not prohibited under the MBTA, provided that no possession occurs during the destruction. More information about bird nests and the MBTA can be found at the Service's website (Accessed 2024b).

4. Regardless of time of year, if native migratory birds are present at the time of the proposed construction, the Service recommends providing an opportunity for those birds to leave the area before construction occurs. This will help to ensure that birds are not incidentally wounded or killed by the proposed action.

For future activities that cannot avoid actions prohibited by the MBTA, project proponents should contact the Service for further information on how to proceed. If a migratory bird

protection plan is developed, the Service requests to review it in coordination with the NJDEP to ensure it will achieve conservation results. The Service appreciates that the NJTA has already coordinated with the NJDEP regarding the nesting peregrine falcons.

In addition to the issues described above, the proposed project includes installations that may introduce new lighting into areas where birds may be present. As such, the Service recommends that the NJTA uses (as applicable) lighting that reduces adverse effects to migratory birds at night. We recommend that these measures are incorporated into the future version of the Environmental Assessment. For more information, please refer to Enclosure A - Beneficial Practices to Reduce the Potential Impact of Lighting on Migratory Birds.

BALD AND GOLDEN EAGLE PROTECTION ACT

As explained in the DEA, bald eagles (*Haliaeetus leucocephalus*) have been documented nesting within 1.5 miles north of the project area. Additionally, bald eagles likely forage in the project area. Bald eagles are protected by the BGEPA and impacts from the proposed project may require the NJTA to apply for a permit from the Service if nesting is observed within 660 feet of the proposed activities. The Service recommends using the Northeast Bald Eagle Project Screening Form to determine if further review by the Service is required for bald eagles in the future (available at: *https://www.fws.gov/sites/default/files/documents/northeast-bald-eagle-project-screening-form-2021-12-01.pdf).* Please review the Service's Eagle Management Program website (*https://www.fws.gov/program/eagle-management)* for additional information and appropriate contacts for questions or concerns. Unlike birds protected solely under the MBTA, removal of inactive bald eagle nests would still require approvals/permits pursuant to the BGEPA. Additionally, please be aware that the bald eagle is listed as endangered (breeding season) and threatened (non-breeding season) under New Jersey's Endangered and Nongame Species Conservation Act of 1973 (New Jersey Statutes Annotated 23:2A-1 to 23:2A-1:16). As such, when the proposed work proceeds in the future, the NJDEP's Endangered and Nongame Species Program may need to be consulted to ensure compliance with the New Jersey Endangered Species Conservation Act of 1973. Information about bald eagles in New Jersey can be found at: *https://dep.nj.gov/wp-content/uploads/njfw/baldeagle.pdf.*

GENERAL COMMENTS

Executive Summary

The Executive Summary of the DEA, on page xvii, explains that the Service is a cooperating agency for the project. While the Service will review the project for the Federal trust resources we are concerned about, we have not elected to be and are not a cooperating agency pursuant to the NEPA. Please correct this throughout the DEA and in all future versions.

Wetland and Watercourse Mitigation

The DEA explains that the proposed project will permanently impact 3.808 acres of tidal waters, 2.025 acres of tidal wetlands, and 9.118 acres of nontidal freshwater wetlands. Mitigation for these impacts includes the restoration of 0.817 acres of tidal open water through the removal of

the existing bridge piers and either purchasing mitigation credits from an existing bank within Watershed Management Area 5 and 7 or the development of a permittee-responsible mitigation project. If mitigation bank credits are not able to be purchased and permittee-responsible mitigation is proposed, the Service requests the opportunity to review the mitigation plan.

The Service appreciates the opportunity to review the USCG's public notice for a bridge permit and DEA. We look forward to the opportunity to work with the USCG in the future. For further assistance or questions, please contact Michael Ciappi at michael_ciappi@fws.gov.

Sincerely,

Eric Schrading
Field Supervisor

Enclosures:

Enclosure A – Beneficial Practices to Reduce the Potential Impact of Lighting on Migratory Birds

cc:
Ross Conover, USFWS
Donna Leoce, USCG
Rosita Miranda, USACE

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Enclosure A

Beneficial Practices to Reduce the Potential Impact of Lighting on Migratory Birds

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Migratory Bird Program
https://www.fws.gov/program/migratory-birds

May 12, 2023

Subject: Beneficial practices to reduce the potential impact of lighting on migratory birds

To Whom It May Concern:

The enclosed document identifies beneficial practices to reduce the potential adverse effects of artificial light at night on migratory birds. The U.S. Fish and Wildlife Service (Service) is the Federal agency delegated with the primary responsibility for managing migratory birds. Our authority derives from the Migratory Bird Treaty Act of 1918, as amended (MBTA; 16 U.S.C. 703 et seq.), which implements treaties with Canada, Mexico, Japan, and the Russian Federation. Migratory bird in 50 CFR 10.12 means "any bird, whatever its origin and whether or not raised in captivity, which belongs to a species listed in 50 CFR 10.13, or which is a mutation or a hybrid of any such species, including any part, nest, or egg of any such bird, or any product, whether or not manufactured, which consists, or is composed in whole or part, of any such bird or any part, nest, or egg thereof." The list of protected birds is maintained in regulation at 50 CFR 10.13 and includes over 1,000 species.

The Service interprets MBTA to prohibit incidental take of migratory birds and will enforce the statute accordingly (see https://www.fws.gov/policy-library/do225). Incidental take means the taking or killing of migratory birds that results from, but is not the purpose of, an activity. The Service recognizes that a wide range of activities may result in incidental take of migratory birds. Pursuing enforcement for all these activities would not be an effective or judicious use of our law enforcement resources. For that reason, the Service will focus our enforcement efforts on specific types of activities that both foreseeably cause incidental take and where the proponent fails to implement known beneficial practices to avoid or minimize incidental take. Our intention through this policy is to apply a transparent and consistent approach to managing and prioritizing our enforcement of incidental take, taking into account the case law applicable in a given jurisdiction and the facts and circumstances of each case.

a. The following types of conduct are not a priority for enforcement:
    (1) A member of the general public conducting otherwise legal activities that incidentally take migratory birds;
    (2) A Federal agency conducting activities in accordance with a signed memorandum of understanding with the Service developed under Executive Order 13186 for the conservation of migratory birds; or
    (3) A public- or private-sector entity conducting activities in accordance with applicable beneficial practices for avoiding and minimizing incidental take.

b. The Service prioritizes the following types of conduct for enforcement:
    (1) Incidental take that is the result of an otherwise illegal activity; or
    (2) Incidental take that:
        (i) results from activities by a public- or private-sector entity that are otherwise legal;
        (ii) is foreseeable; and
        (iii) occurs where known general or activity-specific beneficial practices were not implemented.

To better protect migratory bird populations and provide more certainty for the regulated public, the Service seeks to address human-caused mortality by providing information on beneficial practices to avoid and minimize the incidental injury and killing of migratory birds. Beneficial practice means an action implemented to avoid or minimize the incidental take of migratory birds. We also refer to beneficial practices as best management practices, conservation measures, best practices, mitigation measures, etc.

Artificial light at night can attract and disorient migratory birds, leading to exhaustion and collisions with humanmade structures such as buildings and communications towers. Under certain circumstances (*e.g.*, low cloud ceiling, precipitation, high migration passage rate), artificial light at night may contribute to mass mortality of nocturnally migrating birds. This risk may be significantly reduced or eliminated through informed design and operation of artificial lighting. Effective interventions include modifying lighting's angle/direction, timing, and color/wavelength. Please use the attached Service-provided beneficial practices as your guide for reducing risk of incidental take from lighting.

Attachment:
Incidental Take Beneficial Practices: Lighting

PROTECT OUR NIGHT SKIES

Using Bird-Conscious Lighting

Why We Should Protect Our Night Skies

The night sky is a resource that all people and wildlife, including birds, share. The cycle of day and night is important for the natural rhythms of all living things, promoting natural behavior, health, and well-being. For example, a dark sky is important for billions of birds to properly navigate their nighttime migrations. Artificial lighting at night (lighting), meaning light from sources created by people, may be helpful for security and increasing visibility when it is used well, to the extent it is needed, and when it illuminates only what is intended. However, lighting can attract large numbers of night-migrating birds from as far as 5 kilometers away. Birds can become entrapped in these areas of bright lights, circling endlessly, depleting energy stores needed for migration, and colliding with buildings and infrastructure. This phenomenon can be exaggerated on nights with low-cloud ceilings or foggy weather, when birds tend to migrate at lower altitudes and light reflecting on clouds is disorienting. Multiple mass-mortality events involving hundreds of birds have been documented associated with lighting at substations and other towers, buildings, and construction sites on foggy nights during migration.

Bird-conscious lighting is using lighting only where and when it is necessary and illuminating only the intended area. When lighting is necessary, the direction of the light, how long the light is on, the color of the light, and restricting light to the minimum required for safety can all help reduce lighting's negative effects. Below are voluntary approaches to reduce lighting, and we recommend special attention to reduce lighting on foggy nights at substations and other towers, buildings, and construction sites.

Spotlight on Practical and Easy Solutions

Use this step-by-step guide to adopt bird-conscious lighting and make our skies safer for birds.

Turn It Off

- If the lighting is not needed, consider turning it off permanently or see "Timing" below.
- Birds are at greater risk from lighting during spring and fall migration on cloudy nights. Consider if lighting can be temporarily turned off on cloudy nights April-May and August-October.
- If birds become entrapped in an area of bright light that cannot be turned off permanently, turning lights off for 15 to 20 minutes can allow birds to escape the disorienting light and return to normal behavior. If you are unsure whether birds are or will be entrapped, plan regular breaks in the lighting or implement timers (see below) to allow an opportunity for birds to escape.

Migrating birds become disoriented by lights and drawn into brightly lit areas where they can easily collide with structures, injuring or killing them.

To the left, you see an example of a shielded light, using amber light, which is less impactful to birds.

U.S. FISH & WILDLIFE SERVICE

Turning Lights Off

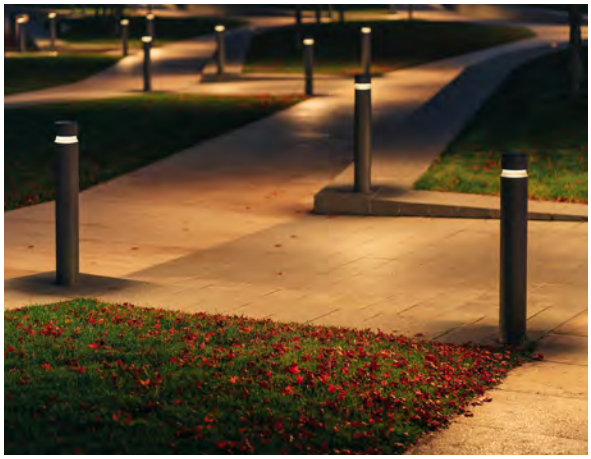
Always In Fashion!

Timing

- Limit lighting to necessary times only.
- Use timers, dimmers, or motion sensors to turn lights on and off automatically and as needed.

Direction

- Turn off lights that face up into the sky or lights that illuminate the surrounding landscape.
- Avoid upward light scatter by shielding, selecting, or positioning lights where light is not emitted above the horizontal plane.
- Keep lighting as low to ground as possible, only illuminating necessary structures.



Illuminate paths as close to the ground as possible with shielded amber or red lights.

Color and Brightness

- Use amber, or "warmer", light that is less harmful for most species.
    - Warmer colors have longer wavelengths (≥560 nm) and lower correlated color temperatures (CCT ≤ 3000 Kelvin degrees)
- Avoid using blue, white, or "cooler", light that is least favorable for birds and other wildlife.
    - Cooler colors have short wavelengths (<560 nm) and higher correlated color temperatures (CCT >3000 Kelvin degrees)
- Keep light as dim as possible or is necessary.

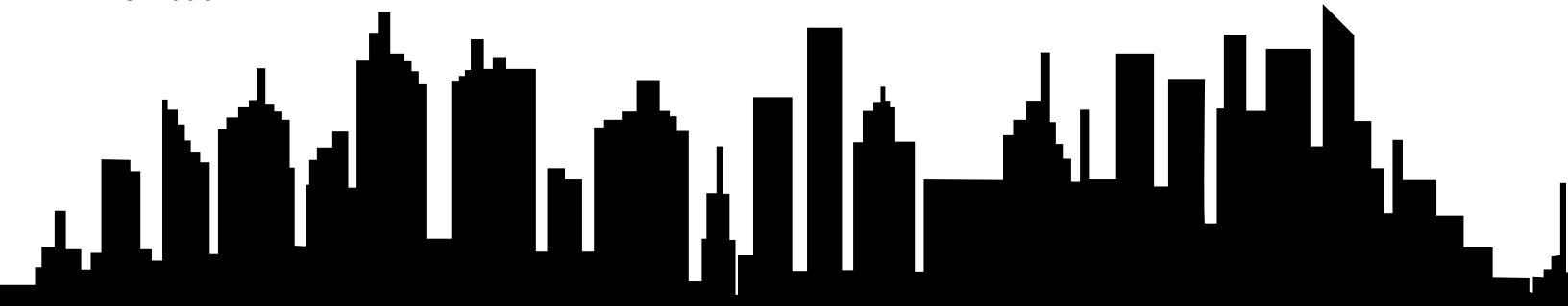
Benefits Of Bird-Conscious Lighting

- Immediately effective
- Saves money through less infrastructure and lower energy consumption
- Increases visibility of night skies
- Helps preserve natural cycles important to the health of people, birds, and other wildlife

Additional Resources To Help You Preserve The Night Sky

- Learn when seasonal lighting restrictions can be most helpful to migrating birds: https://birdcast.info/
- More information about requirements to light tall structures is here: https://www.faa.gov/faq/what-are-requirements-aircraft-warning-lights-tall-structures, and Communication Tower lighting recommendations are here: https://www.fws.gov/sites/default/files/documents/usfws-communication-tower-guidance.pdf
- Illuminating Engineering Society. 2020. Lighting Practice: Environmental Considerations for Outdoor Lighting, An American National Standard. Illuminating Engineering Society, 120 Wall Street, New York, New York 10005.
- Guide for parking lot lighting: ParkingLotLightingGuide.pdf (rpi.edu)
- States with laws to reduce light pollution: https://www.ncsl.org/environment-and-natural-resources/states-shut-out-light-pollution
- Night sky friendly products (*these products can be considered bird-conscious when the voluntary approaches described above are used)*: https://www.darksky.org/our-work/lighting/lighting-for-industry/fsa/fsa-products/

Questions? Please contact your local Ecological Services Field Office or Regional Migratory Birds office for more information.



Using timers to turn lights off in office buildings is an effective and easy solution to keeping our night skies dark.

HOW TO IMPROVE YOUR LIGHTS

1. To adopt bird-conscious lighting, first evaluate individual or groups of lights wherever they occur, for example: buildings, parking lots, roadways, walkways, nighttime projects and construction, towers, and any supporting infrastructure. Evaluate lights for whether they are required, useful, or aesthetic. If you are in the design phase of the project, consider the questions below for outdoor and indoor lighting; if your project is already constructed, visit lit areas at nighttime and include visible indoor lighting in the evaluation. Below is an example data sheet for conducting an evaluation.

Location	Interior or Exterior	# of lights	Required or Useful (Y or N)	Aesthetic (Y or N)	Illuminating more than intended area (Y or N)	Steady burning (Y or N)	Color	Direction

2. Review the results of the evaluation using the if/then table below, create an action plan, and then implement the action plan.

If:	and:	then you should:
lighting is not required, useful, or aesthetic		turn the lighting off
lighting is required or useful	illuminating more than the intended area	physically adjust, shield, or lower exterior lighting and block interior lighting with blinds to only illuminate desired areas or switch to lower intensity or dimmer lighting
lighting is required or useful	steady-burning	use timers, dimmers, or motion sensors to turn lighting on/off as needed and turn lights off during spring and fall migration
lighting is required or useful	a 'colder' color (e.g., blue or white)	switch to warmer amber lighting (wavelength > 560 nm, color temperature < 3000 K)
lighting is required or useful	pointing upward (i.e., uplighting)	turn the lighting off during spring and fall migration or if this is not feasible, turn it off intermittently and during bad weather/low cloud ceiling
lighting is not required or useful but is aesthetic		discuss with the people using the lighting whether it can be turned off when not in use or made unnecessary by shifting activity from night to day

HPO Project # 21-1041-14,-15
HPO-F2024-037

State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
COMMUNITY INVESTMENT AND ECONOMIC REVITALIZATION
HISTORIC PRESERVATION OFFICE
501 East State Street
P.O. Box 420, Mail Code 501-04B
Trenton, New Jersey 08625-0420
Tel. (609) 940-4312 • Fax (609) 984-0578
www.nj.gov/dep

PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lt. Governor

SHAWN M. LaTOURETTE
Commissioner

June 13, 2024

Donna D. Leoce
First Coast Guard District
Battery Park Building
One South Street
New York, NY 10004-1466
Via email: Donna.D.Leoce@uscg.mil

Dear Ms. Leoce,

As Deputy State Historic Preservation Officer for New Jersey, in accordance with 36 CFR 800: Protection of Historic Properties, as published in the Federal Register on December 12, 2000 (65 FR 777698-77739) and as amended on July 6, 2004 (69 FR 40544-40555), I am providing **Continuing Consultation Comments** for the following proposed project:

Essex County, City of Newark
Hudson County, Cities of Bayonne
NJTA Newark Bay – Hudson County Extension (NB-HCE) Project
PUBLIC NOTICE-D01-209-2024-Newark Bay-Newark Bay Bridge
United States Coast Guard (USCG)

The United States Coast Guard (USCG) has requested consultation comments on the replacement of the New Jersey Turnpike Authority's (NJTA) replacement of the Vincent R. Casciano Memorial Bridge (Newark Bay Bridge over Newark Bay) as part of the Newark Bay-Hudson County Extension between interchanges 14 and 14A.

The project's area of potential effects (APE) contains the Newark Bay Bridge (SI&A # N020010) which is eligible for inclusion on the New Jersey and National Registers of Historic Places (SHPO Opinion 5/18/2023).

800.14 Federal Agency Program Alternatives

Pursuant to 36 C.F.R. Part 800.14, the USGC has identified that the development of a programmatic agreement (PA) is the appropriate treatment option for resolving the undertaking's *adverse effects* on historic properties. In consequence, the HPO looks forward to additional

consultation developing the PA in consultation with any consulting parties that may wish to participate. Please be aware, a program of mitigation has been developed in consultation with NJTA within the attached NJDEP permit (Permit # 0000-23-0012.2 LUP230001). Consultation with consulting parties pursuant to Section 106 of the National Historic Preservation Act may identify additional mitigation as part of the development for the PA.

Additional Comments

Thank you again for providing this opportunity for review and comment on the potential for this project to affect historic properties. The HPO looks forward to additional consultation developing the PA in consultation with consulting parties and implementing the PA. Please reference the HPO project number **21-1041** in any future calls, emails, submission or written correspondence to help expedite your review and response. If you have any questions, please feel free to contact **Jennifer Leynes** of my staff at jennifer.leynes@dep.nj.gov regarding historic architecture or **Vincent Maresca** of my staff at vincent.maresca@dep.nj.gov with questions regarding archaeology.

Sincerely,

Katherine J. Marcopul

Katherine J. Marcopul
Deputy State Historic
Preservation Officer

cc (via email): Matthew Resnick, NJDEP-Division of Land Resource Protection
David Pepe, NJDEP-Office of Permit Coordination and Environmental Review
Lisa Navarro, NJTA

Attachment

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
GREATER ATLANTIC REGIONAL FISHERIES OFFICE
55 Great Republic Drive
Gloucester, MA 01930

July 19, 2024

Donna Leoce
U.S. Coast Guard
D1 Bridge Branch
Battery Park Bldg.
1 South Street, Rm 303
New York, NY 10004

RE: Replacement of Interchanges 14 to 14A and Newark Bay Bridge at Mile 3.8, Newark Bay;

Dear Ms. Leoce:

We have reviewed Public Notice D01-209-2024 for a U.S. Coast Guard (USCG) bridge permit application and a draft Environmental Assessment (dEA) for the replacement of the New Jersey Turnpike Hudson County Extension Interchanges 14 to 14A and the Newark Bay Bridge (NBB) across Newark Bay at Mile 3.8. The project is located in the City of Newark, Essex County, New Jersey and the City of Bayonne, Hudson County, New Jersey. The New Jersey Turnpike Authority (NJTA) prepared the dEA pursuant to the National Environmental Policy Act (NEPA) to analyze the potential environmental, cultural, and socioeconomic effects associated with the proposed activities. The U.S. Department of Homeland Security's USCG is the lead federal agency responsible for NEPA compliance and the NJTA is the non-federal representative. While our regulations also allow a federal agency (i.e., USCG) to designate a non-federal representative (i.e., NJTA) to conduct the required consultation under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) through written notice of such designation to us, the USCG remains ultimately responsible for compliance with sections 305(b)(2) and 305(b)(4)(B) of the MSA. To date, the essential fish habitat (EFH) consultation under the MSA has not been requested by either the USCG or the NJTA. As a result, we recommend that the USGC hold any decision on the authorization of the proposed project in abeyance until this consultation with us is completed.

Project Description
The proposed action includes the replacement of all roadway bridges and viaducts, including the NBB, while widening the roadway between Interchanges 14 and 14A from the existing two-way traffic lanes in each direction to carry four travel lanes in each direction. The existing NBB will be replaced with two bridges; one bridge carrying four travel lanes in the eastbound direction and the other bridge carrying four travel lanes in the westbound direction. The horizontal navigational clearance of 550-feet and vertical clearance of 135-feet Mean High Water (MHW) remain unchanged.

Approximately 15.823 acres of temporary impacts to EFH are proposed in tidal waters and wetlands, split between 10.374 acres of subtidal shallows and open waters and 5.449 acres of tidal wetlands due to construction access, staging, placement of cofferdams, and the construction

of a trestle. Permanent impacts to EFH include approximately 5.853 acres of tidal waters and wetlands, split between of 2.045 acres of subtidal shallows and open waters and 3.808 acres of tidal wetlands, and resulting from bridge piers footings and fenders, and permanent access underneath the bridge structure for maintenance, inspections and security. The removal of the existing NBB bridge footings will result in the gain of 0.817 acres of tidal waters, and 0.034 acres of tidal wetlands, for a net permanent habitat loss of 5.002 acres of intertidal and subtidal bay bottom. Following construction, temporarily impacted tidal wetlands will be graded to appropriate elevations, replanted with native salt marsh species and subjected to permit-mandated monitoring to ensure restoration success. Mitigation is proposed at a 3:1 ratio for the permanent losses of salt marsh. However, a plan for mitigation is currently lacking from the EFH assessment. Additionally, proposed impacts are currently assumed and may change once all habitats are properly delineated and included in detailed construction plans. Therefore, EFH consultation has not been initiated at this time.

In November 2023, you requested our participation as a cooperating agency on the NEPA process for this project. We requested additional information on the proposed action and the details of your request prior accepting your invitation. As a result, we did not formally accept your invitation until May 30, 2024. Cooperating agencies, due to their jurisdiction by law or special expertise with respect to any environmental issue, should be involved in the NEPA process at the earliest practicable time to allow for meaningful coordination and input into the development of the draft NEPA documents. In this instance, we did not receive a copy of the dEA for review and comment prior to its publication. In addition, the dEA states that "the Authority will perform its formal consultation with NMFS during its regulatory review of the Bridge Permit Application, pursuant to the Magnuson-Stevens Act Provisions for Federal Agency Consultation with the Secretary (50 CFR Part 600.920)." Although an EFH assessment, dated January 2024, was included in Appendix F-4 of the dEA, we have not yet received a request to initiate consultation with us under the MSA and the information contained within the Public Notice and dEA are not sufficient for the initiation of the consultation.

To initiate consultation, a revised EFH assessment that includes all of the mandatory components outlined in 50 CFR 600.920 (e)(2), must be provided to us. In accordance the EFH regulations, the EFH assessment should be provided to us at least 60 days before a final decision on an action is made, or at least 90 days if the action would result in substantial adverse impacts, regardless of whether it is contained in the dEA or a stand-alone document.

We offer the following technical assistance comments under the MSA and the Fish and Wildlife Coordination Act (FWCA) to assist you in the development of the EFH assessment as well as the final EA. As always, we are available to discuss this project, needed information and analysis, and the EFH consultation with you or your staff if you have any questions or require clarification on our comments.

Magnuson Stevens Fisheries Conservation and Management Act

The project area has been designated as EFH under the MSA for a number of federally managed species including winter flounder (*Pseudopleuronectes americanus*), windowpane (*Scophthalmus aquosus*), Atlantic sea herring (*Clupea harengus*), bluefish (*Pomatomus*

saltatrix), Atlantic butterfish (*Peprilus triacanthus*), summer flounder (*Paralichthys dentatus*), several species of skates, and others. The Newark Bay is also a migratory corridor for anadromous fish such as American shad (*Alosa sapidissima*), alewife (*Alosa pseudoharengus*), and blueback herring (*Alosa aestivalis*) that spawn in the freshwater portions of the Passaic and Hackensack Rivers.

The MSA and the FWCA require federal agencies to consult with one another on projects such as this that may adversely affect EFH and other aquatic resources. In turn, we must provide recommendations to conserve EFH. These recommendations may include measures to avoid, minimize, mitigate, or otherwise offset adverse effects on EFH resulting from actions or proposed actions authorized, funded, or undertaken by that agency. This process is guided by the requirements of our EFH regulation at 50 CFR 600.905, which mandates the preparation of EFH assessments and generally outlines each agency's obligations in this consultation procedure.

The EFH assessment in the dEA provides sufficient information on the potential project effects on EFH, such as sediment and noise generating activities from demolition, and construction. We appreciate that NJTA intends to implement best management practices for this project, including:

- constructing and demolishing bridge piers within cofferdams to reduce sediment and contaminant resuspension
- vibratory pile-driving of sheetpile cofferdams and use of turbidity booms and/or air bubble curtains to minimize noise generation and sediment resuspension and escapement
- installation of trestle piers within casings using compressed air to reduce noise transmission to surrounding waters

We also appreciate that the NJTA intends to incorporate seasonal timing restrictions to minimize impacts during construction to avoid sensitive life stages. Such timing restrictions include January 1 to June 30 to minimize turbidity-related impacts to winter flounder spawning in the project area and anadromous fish migration through Newark Bay. Our primary concerns with the proposed project and the EFH assessment are related to the lack of plans for compensatory mitigation for the permanent impacts to EFH, including wetlands in the project area and the uncertainty regarding the areal extent of the impacts to wetlands and open water habitats.

Wetlands

Tidal wetlands are essential for healthy fisheries, coastlines, and communities, and are an integral part of our economy and culture. Wetlands also provide essential food, refuge, and nursery habitat for federally managed and NOAA Trust species, including striped bass, alewife and blueback herring. Salt marshes provide habitat for fiddler crabs and other intertidal benthic species, and provide foraging grounds for wading birds, shorebirds, waterfowl, estuarine fishes, and blue crabs. Estuarine marsh grasses provide many ecological functions to the wetland and the adjacent waters, including a source of organic nutrients, stability of the sediments, and absorption of contaminants. The shallows provide nursery habitat for many species of fish including winter flounder and summer flounder. The primary production in wetlands forms the base of the food web that supports invertebrates and forage fish that are then prey species for larger fish such as bluefish. Surface water retention and detention and ground water recharge

provides flood control services to the surrounding community. Wetlands may help to moderate global climate change through carbon storage in wetland plant communities and soil.

Wetlands in the project area perform many important ecological functions including water storage, nutrient cycling and primary production, sediment retention, water filtration or purification, and groundwater recharge. The loss of wetlands as a result of this project could therefore adversely affect resources of concern to us through the loss of nursery, forage, and refuge habitat, the reduction of prey species and primary production, as well as water quality degradation from the reduction in sediment retention and pollution filtration. Vegetated wetlands are also considered to be special aquatic sites under the Clean Water Act. Because of their ecological value, impacts on these special aquatic sites should be avoided and minimized. While we appreciate that temporary impacted wetlands will be restored to existing conditions, we are concerned that details on compensatory mitigation for the permanent loss of wetlands is lacking.

Compensatory Mitigation
Compensatory mitigation should be provided for unavoidable adverse effects to wetlands and other aquatic habitats. As this time, project impacts are currently unclear due to the lack of construction plans. While your office has assumed compensatory mitigation needs for the permanent loss of wetlands, mitigation may also be warranted for impacts to other habitats (e.g., mudflats) once construction details are finalized. Although the EFH assessment worksheet included in the EFH Appendix F-4 of the dEA mentions the purchase of credits at the mitigation bank, the specific bank was not identified and it is not clear if there are credits available at the existing banks whose service area includes the project site. As the project moves forward, a mitigation plan should be developed in accordance with the federal final mitigation rules published in the Federal Register on April 10, 2008 (33 CFR Chapter 2 Part 332.4 (b)) and provided to us for review. The plan should explain how the proposed compensatory mitigation will offset the impacts to shallow open-water habitat, wetlands, and EFH. It should also include performance measures, success criteria, and a long-term monitoring and maintenance plan. The site protection mechanism and long-term land steward should also be identified. We are happy to work with your office for any questions related to the development of this plan.

Initial Recommendations
Because we have not yet received a complete EFH assessment, including construction plans and a mitigation plan, we offer the following comments to help guide project development and assist you in the preparation of a revised EFH assessment so that consultation with us under the MSA can be initiated:

- Submit project construction plans for our review and comment that depict all of the work proposed and the habitats affected. This should include:
    - Existing and proposed site conditions with contours (e.g., MHW, MLW) based on a geo-referenced tidal datum along with information regarding water depths, and existing tidal wetland delineations in the project vicinity.
    - The location of construction activities (e.g., cofferdams, trestle).
    - Cross sections.
    - Planting plan(s) for temporarily disturbed areas.

- Develop a compensatory mitigation plan in accordance with the 2008 Federal Mitigation Rule as well as the NOAA Mitigation Policy for Trust Resources for the permanent loss of habitats (e.g., wetlands)
    - Incorporate performance measures and success criteria.
    - Incorporate monitoring of tidal evidence (e.g., tidal gauge) to ensure the marsh plain surface is inundated and drained as designed.
    - Develop a monitoring, maintenance, and adaptive management plan for the project to document success, identify if corrective actions are needed, and to maintain the integrity and health of the restoration project.
    - Monitor the project area for a minimum of five years.
    - Provide us with a copy of the annual monitoring reports.

Endangered Species Act

Endangered species under the jurisdiction of NOAA Fisheries may be present in the project area. The federal action agency is responsible for determining whether the proposed action may affect these species. If you determine that the proposed action may affect a listed species, your determination of effects along with justification and a request for concurrence should be submitted to the Section 7 Program email account at nmfs.gar.esa.section7@noaa.gov. Guidance and tools to assist you in your effects determination are available on our website at: https://www.fisheries.noaa.gov/new-england-mid-atlantic/consultations/section-7-consultations-greater-atlantic-region. Please contact Edith Carson-Supino of our Protected Resources Division (Edith.Carson-Supino@noaa.gov) if you have any questions or to discuss your project and obligations under Section 7 of the Endangered Species Act.

Conclusion

We look forward to continued coordination with you as project plans are developed and the revised EFH assessment is provided. If you have any questions or need additional information, please do not hesitate to contact Jessie Murray in our Highlands, New Jersey field office at Jessie.Murray@noaa.gov or 732-872-3116.

Sincerely,

Karen M. Greene
Mid-Atlantic Branch Chief
Habitat and Ecosystem Services Division

cc:

GARFO PRD – E. Carson-Supino
ACOE New York District – S. Ryba, R. Miranda
NJDEP – G. Nickerson, K. Davis
USFWS – R. Conover
USEPA – M. Finocchiaro

Howe, Christine L VOL (USA)

From: Laserfiche Notification <donotreply@laserfiche.com>
Sent: Wednesday, July 31, 2024 4:05 PM
To: SMB-D1Boston-Bridges-PublicNotices
Subject: [Non-DoD Source] Section 106 Consultation - Public Notice D-01-209A-2024 Newark Bay Bridge

This email is in response to Public Notice D-01-209A-2024 Newark Bay Bridge. The project is out of the Shawnee Tribe's area of interest. If you have any questions, you may contact me via email at Section106@shawnee-tribe.com.

Thank you for giving us the opportunity to comment on this project.

Sincerely,

Erin Paden
TRIBAL HISTORIC PRESERVATION SPECIALIST
Office: (918) 542-2441, x140
Email: epaden@shawnee-tribe.com
29 S Hwy 69A
Miami, OK 74354
shawnee-tribe.com

NEW JERSEY TURNPIKE AUTHORITY

NEWARK BAY-HUDSON COUNTY EXTENSION INTERCHANGE 14 TO INTERCHANGE 14A/ NEWARK BAY BRIDGE REPLACEMENT AND ASSOCIATED IMPROVEMENTS

ATTACHMENT 3: NON-GOVERNMENTAL ORGANIZATIONS COMMENT LETTERS

APRIL 18, 2025

Howe, Christine L VOL (USA)

From: Tim Nikonorov <noreply@adv.actionnetwork.org>
Sent: Monday, June 24, 2024 3:17 PM
To: Leoce, Donna D CIV (USA)
Subject: [Non-DoD Source] Opposition to the proposed Newark Bay-Hudson County Extension Widening from exit 14 to 14A

Ms. Donna Leoce,

The Tri-State Transportation Campaign strongly opposes the $11 billion plan to widen the I-78 New Jersey Turnpike. We are a non-profit advocacy and policy organization that is dedicated to fighting for improved mobility, accessibility, affordability, and sustainability in New York, New Jersey, and Connecticut.

The proposed widening of the I-78 Turnpike Extension, which would see the construction of two bridges over the Hackensack River and tear down the Newark Bay Bridge, would not address the issue of congestion; rather, it would encourage more people to travel via highway. Residents who once avoided the traffic-filled highway will be inclined to start using it once more space is available, and gridlock will soon resume at a larger scale. The increased number of vehicles will further pollute the air in Bayonne and the Greenville neighborhood of Jersey City, both of which contain a disproportionate amount of low-income residents that already suffer the adverse health effects of living near a highway—noise and air pollution have been proven to negatively impact school performance and increase asthma rates. A turnpike widening project would not only impact these local communities but also compound Manhattan's pollution problem further since the highway would still bottleneck into the Holland Tunnel, which means that congestion and pollution going into Manhattan would only grow as highway width increases. Other options to invest in could be considered, some of which were provided by the project's engineers, such as repairing the Newark Bay Bridge for just $260 million, rather than the $11 the expansion would cost.

Additionally, we are concerned with the total lack of public input into the Turnpike project: New Jerseyans had no say in how to move forward or adequate knowledge of what the alternative options were. The Jersey City government, including the city council and Mayor Fulop, have been vocally outspoken against the project. Furthermore, after five years of planning in secret,

the New Jersey Turnpike Committee only ever had two public info sessions about the project—neither of which had an opportunity for public comment.

New Jersey residents, many of whom rely on public transit, will soon be forced to pay an increase of 15% in fare. Seeing so much time, money, and prioritization given to counterproductive highway expansions when New Jersey's transit system faces a funding crisis is disheartening. Rather than encourage more residents to use cars and pollute the environment, New Jersey should provide the resources that would allow people to take full advantage of what could be an excellent public transportation system.

The people of New Jersey, especially the residents of Bayonne and Greenville, deserve to live in less polluted and safer communities. Therefore, we must stop the widening of the NJ Turnpike.

Tim
New York

From: Stephanie Chernyavsky
To: Leoce, Donna D CIV (USA)
Subject: [Non-DoD Source] Opposition to the proposed Newark Bay-Hudson County Extension Widening from exit 14 to 14A
Date: Wednesday, June 26, 2024 2:53:19 PM

Ms. Donna Leoce,

The summer fellows of The Tri-State Transportation Campaign strongly oppose the $11 billion plan to widen the I-78 New Jersey Turnpike. We are part of a non-profit advocacy and policy organization that is dedicated to fighting for improved mobility, accessibility, affordability, and sustainability in New York, New Jersey, and Connecticut.

New Jersey is a state in which a large proportion of residents rely on public transportation. Devoting $11 billion to the expansion of a highway, which would not even properly solve the issue of congestion, shows that priorities for funding are entirely in the wrong place. New Jersey Transit is severely lacking in funds, and its frequent and long delays—especially over the past month—mean that many riders have little choice but to arrive at work, school, or anywhere else they need to go up to an hour and a half late. NJ Transit's looming deficit has also led commuters to face unjust fare hikes. The $11 billion for this project would provide the much-needed infrastructural maintenance and upgrades to deal with the countless hours of delays NJ Transit riders frequently deal with.

Although some claim that the expansion would reduce traffic, it would only lead to more cars on the road. Burdening the residents of Hudson County, many of whom rely on New Jersey Transit for their work commutes and other essential trips, with increased traffic from turnpike expansion only adds to the woes of residents. They will not only have to fund the unnecessary infrastructure with their tax money but also deal with increased emissions coming from the highway on top of the fare hikes placed on them by NJT.

New Jersey residents deserve functioning and reliable public transportation without the burden of improvement costs being placed on them. Using such a large sum of money for highway infrastructure is a poor investment when so many struggle with a deteriorating transit system. For these reasons, we urge the New Jersey Turnpike Commission to cease with their plans to expand the New Jersey Turnpike.

Stephanie
New York

Howe, Christine L VOL (USA)

From: Sean Mohen <noreply@adv.actionnetwork.org>
Sent: Monday, July 8, 2024 2:04 PM
To: SMB-D1Boston-Bridges-PublicNotices
Subject: [Non-DoD Source] PUBLIC NOTICE D01-209-2024 PROPOSED REPLACEMENT OF THE NEWARK BAY-HUDSON COUNTY EXTENSION BETWEEN INTERCHANGES 14 AND 14A (EXTENSION) INCLUDING THE VINCENT R. CASCIANO MEMORIAL, NEWARK BAY BRIDGE (NBB) ACROSS NEWARK BAY, MILE 3.8, BETW...

US Coast Guard Donna Fisher,

Hello.
This is a public comment in response to Public Notice D01-209-2024 on the proposed replacement of the Newark Bay-Hudson County Extension between interchanges 14 and 14A.

The environmental impacts of the proposed NJ Turnpike expansion are numerous and catastrophic.

I am asking the USCG to reject the Environmental Assessment prepared by the NJ Turnpike Authority and require the preparation of a full environmental impact statement for the Newark Bay Bridge that takes into account NJTA's plan to demolish and expand the entire Turnpike extension between Newark and Jersey City. The project will have substantial negative impacts on our communities for generations to come.

The EA erroneously only addresses the Bridge replacement when it is just one segment of NJTA's plan to demolish and expand the entire 8.1 mile segment of the Turnpike from Newark to the Holland Tunnel. The environmental impact of the entire project must be considered.

The project will increase the number of motor vehicles on the Turnpike and our local streets, as well as overall vehicle miles traveled (VMT). Because of induced demand, the new expanded Turnpike will quickly fill to capacity. Even with the Bridge replacement being wrongly considered as an isolated project, the NJTA's own report says that traffic will increase as a result of the bridge expansion. This is reason enough to require a full Environmental Impact Statement. These increased vehicle volumes will increase greenhouse gasses as well as ozone, nitrogen oxides and harmful particulate matter, making our air quality far worse – with Environmental Justice (EJ) communities being the most affected. Poor air quality has been empirically linked to asthma rates and worsened cognitive performance. Environment

justice was not properly considered in the EA, which asserts there are no EJ communities near the Bridge, but 72% of the census tracts closest to the NB-HCE are EJ communities, which will be disproportionately harmed by the project.

To make matters worse, the EA does not address at all the increased traffic on local streets and greater backups at the Holland Tunnel, which the project will cause. The NJTA's projected 32% increase in traffic is grossly understated because it does not account for induced demand throughout the larger roadway network.

The EA does not consider the traffic congestion and air quality impacts of construction during the many years between the completion of the Bridge and the expansion of the remainder of the extension when the four lanes on the Bridge will feed into the two existing lanes on the extension.

The NJTA's project will require dredging highly contaminated areas of Newark Bay, which will disturb a slew of some of the most toxic chemicals in the world. This fact alone requires the preparation of a full EIS.

The NJTA and the USCG have refused to allow any formal, on-the-record input from the public or elected officials. To date, only two public events have been held regarding the project, neither of which allowed public questions or comments.

No alternatives were seriously considered by the NJTA, including investing in public transportation and keeping the bridge in good repair at a fraction of the cost of tearing it down and building two new bridges. The EA fails to mention an internal NJTA report showing that the bridge can be safely maintained for decades.

Additionally, the USCG failed to involve the Federal Highway Administration (FHWA), which unlike the USCG has the needed expertise to evaluate a highway expansion. NJTA rejected the alternative of replacing the existing bridge with a single bridge with three lanes in each direction, showing that the NJTA's primary goals are highway expansion and increased tolls. The FHWA should have been consulted about the numerous traffic issues raised by the project.

Sean Mohen
Executive Director
Tri-County Sustainability
Burlington | Camden | Gloucester

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CHRISTIAN HARTMAN
Senior Vice President

WILLIAM R. HEALEY
Special Advisor to the President

July 10, 2024

Ms. Donna A. Fisher, Bridge Program Manager
U.S. Coast Guard
Office of the Commander
First Coast Guard District
Battery Park Bldg.
1 South Street
New York, NY 10004-1466

RE: Support for the NJ Turnpike Authority Environmental Assessment for the Newark Bay Bridge Project

Dear Ms. Fisher:

We would like to express our support for the environmental assessment recently delivered to the United States Coast Guard via your First District Office.

The New Jersey Alliance for Action is a non-partisan and non-profit association representing thousands of business, labor, government, utility, education, professional and other New Jersey leaders. Our mission is to improve New Jersey's economy through the promotion of environmentally friendly capital construction and infrastructure investment.

The Newark Bay Extension (NBE) of the NJ Turnpike is nearly 70 years old. It is at the end of its planned life. The enhanced capacity of a new Newark Bay Extension is necessary to allow for the already approved as well as the continued growth of both commercial and residential development in Hudson County. Hudson is the state's fastest growing county. This capacity will allow for the smoother flow of traffic than exists currently on local streets. Nearly 80% of the NBE traffic stays in Hudson County.

The NBE Project will not affect community character. In fact, it will enhance it by lessening impact on local streets. The Project is estimated to create over 25,000 jobs during its construction period.

Finally, the NBE Project will support the thriving ports of the region, as well as associated warehousing and distribution supply chain activities of the area. They are a major economic factor in both Hudson and Essex Counties.

Thank you for the opportunity to offer supportive comments on the environmental assessment for the Newark Bay Extension Project.

Sincerely,

Gerald T. Keenan
President

Howe, Christine L VOL (USA)

From: Debra Italiano <noreply@adv.actionnetwork.org>
Sent: Wednesday, July 10, 2024 9:05 AM
To: SMB-D1Boston-Bridges-PublicNotices
Subject: [Non-DoD Source] Opposition to the proposed Newark Bay-Hudson County Extension Widening from exit 14 to 14A

US Coast Guard,

To Whom This May Concern

I am writing to you on behalf of both my citywide organization Sustainable Jersey City and as a Downtown resident living not far from the Holland Tunnel.
I strongly oppose the proposal to spend over $6 billion to replace the current NB-HCE bridge with two new bridges instead of repairing the existing bridge and extending its lifetime for 40 years for just $260 million. This project will only bring more pollution, more congestion, and more crashes to the region, and the money could be spent more effectively and have much less environmental impact if invested in mass transit instead.

I ask for a halt to this project and full regional study of post-pandemic traffic data that includes both the Turnpike Extension, local, and regional roadways. Impact on local roadways are not considered. Partial and outdated data from 2021 should not be used to improperly segment phase 1 from the full planned extension and surrounding network of roadways. I ask that the study considers induced demand and studies much more efficient and sustainable mass transit including light rail expansion, running existing buses and trains at higher frequency, expanded bus lane hours, and freight rail alternatives such as expanded rail service directly to the ports and the long-planned Cross Harbor Freight Rail plan instead.

Nearly all of the census tracts in Jersey City, Newark, and Bayonne are environmental justice communities and are already overburdened and full consideration of unequal impacts to schools and already high asthma rates should be considered before adding *any* additional air pollution to the region.

See this "Asthma Alley" Map of Jersey City my organization developed (Source data - CDC / NJ DOH - DEP Healthy Community Planning initiative) showing current and proposed transportation corridors and populations of public housing and schools in harms way (this is an Environmental Justice issue)

https://drive.google.com/file/d/1EA3iHnnOI2m8_vbf2Fg7w5OUxoeYGHoR/view?usp=drivesdk (link)

Respectfully,
Debra Italiano
President
Sustainable Jersey City
www.SustainableJC.org

Debra
New Jersey

11 July 2024

Lackawanna Coalition

To: United States Coast Guard
Att'n.: Donna Fisher
SMB-D1Boston-Bridges-PublicNotices@uscg.mil

Re: PUBLIC NOTICE D01-209-2024

Proposed replacement of the Newark Bay-Hudson County extension between Interchanges 14 and 14a (extension) including the Vincent R. Casciano Memorial, Newark Bay Bridge (NBB) across Newark Bay, mile 3.8, between Newark, Essex County and Bayonne, Hudson County, New Jersey

$10.7 billion. That is a lot of money, and we need to be sure that it is carefully spent. The current proposal involves replacing bridges and widening a highway entrance to a 2-lane tunnel—a tunnel that is not proposed to be expanded at all. This seems to be a great way to get a lot of vehicles—be they cleaner electric vehicles, older internal combustion vehicles, or dirty diesel buses and trucks—into a massive traffic jam in an environmental justice community. We are submitting these comments in response to Public Notice D01-209-2024 on the proposed replacement of the Newark Bay-Hudson County Extension between interchanges 14 and 14A.

A Full, Objective EIS Is Necessary—No Cynical Segmenting!

We ask the U.S. Coast Guard to reject the Environmental Assessment (EA) prepared by the NJ Turnpike Authority (which clearly is not inherently objective) and require the preparation of a full environmental impact statement for the Newark Bay Bridge. The new plan must include consideration of the Authority's complete plan—the intent to demolish and expand the *entire* Turnpike extension between Newark and Jersey City. Segmenting big plans is a strategy too often used to avoid discussing after-project reality. We see it with pipelines, with highways, with anything that risks approaching limits for extra regulation or higher standards. Please do not use that cynical strategy—or fall into the trap set by an agency that is doing so.

The NJ Turnpike Authority (NJTA) has created an EA that erroneously addresses only the Bridge replacement, ignoring the fact that it is just one single segment of NJTA's plan to demolish and expand the entire 8.1-mile segment of the Turnpike, from Newark to the Holland Tunnel. These projects may be constructed sequentially, but once complete, the entire project will have an environmental impact that is much greater than any one segment taken alone.

Induced Demand—This project brings traffic and pollution.

As we know, just as in the film Field of Dreams, "If you build it, they will come." In this case, though, "they" bring congestion, pollution, and respiratory illness to environmental justice communities, not fantasy baseball. With an increased number of motor vehicles on the Turnpike and local streets, with more vehicle miles traveled (VMT) and the inherent induced demand, the expanded Turnpike would quickly fill to capacity—and then some. With a Holland Tunnel that remains at 2 lanes, the new traffic would have nowhere to go: gridlock, traffic jams at the tunnel entrance backing up into local roads.

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Even considering the Bridge replacement in isolation, as misguided as that is, *the NJTA's own report* acknowledges that traffic will increase as a result of the bridge expansion. This is reason enough to stop and conduct a full, impartial Environmental Impact Statement. These increased vehicle volumes will increase greenhouse gasses, ozone, nitrogen oxides, and harmful particulate matter, seriously worsening air quality, with Environmental Justice (EJ) communities the most affected. This means increased rates of asthma and other respiratory diseases as well as worsened cognitive performance. The very flawed EA asserts that there are no EJ communities near the Bridge, but 72% of the census tracts closest to the project are EJ communities and will be disproportionately harmed by the project. Again, there is enough information to stop and require a full Environmental Impact Statement, or simply drop the project.

To make matters worse, the EA does not address at all the increased traffic on local streets and greater backups at the Holland Tunnel, which the project will cause. The NJTA's projected 32% increase in traffic is grossly understated because it does not account for induced demand throughout the larger roadway network. Furthermore, the EA does not consider the traffic congestion and air quality impacts of construction during the many years between the completion of the Bridge and the expansion of the remainder of the extension when the four lanes on the Bridge will feed into the two existing lanes on the extension.

More Problems: dredging, little public input, no alternatives considered

The NJTA's project would require dredging highly contaminated areas of Newark Bay, thus disturbing some of the most toxic chemicals in the world. This fact alone requires the preparation of a full EIS.

What further problems local residents might bring to light are so far unknown. The NJTA and the USCG have refused to allow any formal, on-the-record input from the public or elected officials. To date, only two public events have been held regarding the project, neither of which allowed public questions or comments. Local residents are the experts in their local environment. When Rebuild by Design came to the Meadowlands, a Citizens Advisory Group was asked to highlight areas prone to flooding—that team respected local knowledge. Why does this team so carefully avoid hearing from local residents and officials?

In addition, no project of this magnitude should be considered without thoughts of other options. Yet no alternatives were seriously considered by the NJTA. With a price tag of more than $10 billion, it is incumbent on the proposers to consider if they are getting the most value for our public dollars (and whether state or federal money, those dollars came from We the People.) Has anyone seriously looked at what would be possible by investing in public transportation and keeping the bridge in good repair? This could be done at a cost just 1/30 of the cost of tearing it down and building two new bridges. This is an expansion project, not a safety project: an internal NJTA report showing that the bridge can be safely maintained for decades seems to have been deliberately overlooked in the preparation of this Environmental Assessment.

This is not a maritime project

Additionally, the USCG failed to involve the Federal Highway Administration (FHWA), which has the needed expertise to evaluate a highway expansion, something that the USCG lacks. NJTA rejected the alternative of replacing the existing bridge with a single bridge with three lanes in each direction, which indicates that the NJTA's primary goals are highway expansion and increased tolls—not a benefit to the residents of the EJ communities lining the route. The FHWA should have been consulted about the numerous traffic issues raised by the project. In addition, with a project with as large an environmental impact as this would have, the Environmental Protection Agency should have been consulted.

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In conclusion

Our conclusion is simple:

1. Get busy on the state-of-good-repair project of maintaining the current roadway.
2. Look at an alternative plan for public transportation—buses, light rail, freight rail, passenger rail—to serve that traffic that already exists and might increase over time even without the induced demand from extra highway lanes; and
3. Focus on minimizing, not maximizing, air pollution that would adversely and disproportionately affect EJ communities. NJ Transit could do a lot with even half of the $10.7 billion set to be spent on this extravagant, unnecessary project.*This ability itself is a check on frivolous appeals, as attorneys wanting to be paid for their work will not take a contingency OPRA case without a good chance of having their fees covered in the settlement—that check is eliminated in this bill.

Sally Jane Gellert
Chairperson

July 11, 2024

To: United States Coast Guard
Attn: Donna Fisher
SMB-D1Boston-Bridges-PublicNotices@uscg.mil

Re: PUBLIC NOTICE D01-209-2024
PROPOSED REPLACEMENT OF THE NEWARK BAY-HUDSON COUNTY EXTENSION BETWEEN INTERCHANGES 14 AND 14A (EXTENSION) INCLUDING THE VINCENT R. CASCIANO MEMORIAL, NEWARK BAY BRIDGE (NBB) ACROSS NEWARK BAY, MILE 3.8, BETWEEN NEWARK, ESSEX COUNTY AND BAYONNE, HUDSON COUNTY, NEW JERSEY

Dear Commander Fisher,

These comments are submitted on behalf of the 60 organizations ("Commenters"), including many of the most important and respected transportation, environmental, environmental justice, community, health, and labor groups in New Jersey and New York, regarding the draft Environmental Assessment (EA) prepared by the New Jersey Turnpike Authority ("NJTA") in connection with its plan to demolish, replace and expand the Newark Bay Bridge (the "Bridge"). The replacement and expansion of the Bridge is the first phase of NJTA's plan to tear down, replace and expand the entire 8.1-mile Newark Bay Hudson County Extension of the New Jersey Turnpike ("NB-HCE") at a 2022 projected cost of $10.7 billion (the "Project" or "NB-HCE Expansion").

The United States Coast Guard ("USCG") has tentatively agreed to take the unprecedented action of issuing a Finding of No Significant Impact ("FONSI") for a major highway expansion and bridge replacement project in lieu of requiring an environmental impact statement ("EIS"). EISs have been required for every major bridge and highway project around the country. In the New York City metropolitan area, EISs were in the recent past prepared for the replacements of the Tappan Zee, Goethals and Kosciuszko Bridges. Because the replacement and expansion of the Bridge (the "Bridge Expansion") will have substantial environmental impacts for generations, an EIS is required.

Alternatively, at a minimum, USCG should reject the clearly deficient EA. The EA fails to consider, among many other things, how the Bridge Expansion will impact traffic throughout Jersey City and the environmental justice communities bordering the NB-HCE. The refusal to allow input from the public and local officials and consider reasonable alternatives also violated NEPA regulations and New Jersey law.

The Bridge Expansion will double the size of a highway in a densely populated urban area, be constructed in highly contaminated areas impacted by two nearby Superfund sites and increase diesel truck travel by up to 38%. The notion that none of this will cause any substantial environmental impacts flies in the face of reason, experience, common sense, the facts, and the law.

I. Summary of Comments

The National Environmental Policy Act ("NEPA") requires federal agencies to prepare an EIS where a project is likely to have significant environmental effects. 40 CFR §1501.3(a).[1] If a proposed action is "not likely to have significant effects on the environment, it may prepare an environmental assessment." §1501.3 (a). In determining whether an EIS must be prepared, an agency must examine whether a project is connected with other projects or actions and, if it is, look at the totality of the "connected actions" to determine whether they would have a significant environmental impact and require an EIS. 40 CFR §1501.3(b).

An EIS is required for the entire NB-HCE Expansion. The EA wrongly treats the Bridge Expansion as a stand-alone project and fails to consider the cumulative impacts of the entire NB-HCE Expansion. The Bridge is a segment of the 8.1-mile NB-HCE, which begins at the Newark entrance to the Bridge, runs through Bayonne and Jersey City, and ends at the Holland Tunnel access roads. As NJTA has acknowledged, the Bridge Expansion is the first phase of its NB-HCE Expansion. The Bridge Expansion makes no sense as a stand-alone project. It would leave the four eastbound lanes of the Bridge permanently merging into two lanes, creating monumental traffic congestion in perpetuity.

The NB-HCE Expansion will have undeniable environmental impacts for generations by, among other things, dramatically increasing diesel truck travel and vehicle miles traveled (VMT), which in turn will mean more greenhouse gas emissions (GHGs), more toxic pollutants, and worse health outcomes. Like so many other urban highway projects, overburdened communities will suffer the most harm from the NB-HCE Expansion. More than 70% of the census tracts closest to the NB-HCE are environmental justice communities.

The NB-HCE Expansion will also have potential environmental impacts on i) community resources and demographics; ii) wetlands; iii) threatened and endangered species; iv) flood hazard areas; v) open space and parklands; vi) noise; vii) cultural resources; and viii) aquatic resources, none of which were considered or fully considered in the EA because it only focused on the Bridge Expansion. These impacts must be considered in an EIS.

An EIS is also required if the Bridge Expansion is wrongly considered a stand-alone project. USCG's Environmental Planning Implementing Procedures provide that project, which are "highly controversial" or will affect "environmentally sensitive areas," normally require an EIS. The Project and the Bridge Expansion have been highly controversial from the outset and generated enormous and widespread opposition. The Jersey City and Hoboken City Councils have unanimously passed resolutions opposing it, citing among other things the environmental impact it would have. The Mayors of Newark, Jersey City and Hoboken oppose the Project and numerous editorials and op-eds have decried it. Jersey City residents have rallied to oppose NJTA's plans.

The Bridge Expansion will also be constructed in undeniably "environmentally sensitive areas" – highly contaminated areas of Newark Bay impacted by two nearby and notorious Superfund sites, Diamond Alkali and Pierson's Creek. The dredging of Newark Bay will disturb a stew of hazardous

[1] The NEPA regulations were amended effective July 1, 2024. While USCG is only legally bound to comply with the pre-existing regulations cited herein in addressing the EA, there is no reason why USCG should not in its discretion follow the updated and strengthened regulations.

substances. The EA provides no reason for USCG not to follow its normal practice of preparing an EIS for projects such as the Bridge Expansion and there is every reason to follow it for the reasons set forth herein.

The failure to require an EIS and the issuance of a FONSI would also conflict with long-standing practices by USCG and other federal agencies. USCG, the Federal Highway Administration (FHWA) and the Environmental Protection Agency (EPA) have uniformly required EISs on bridge and highway projects of the magnitude of the Bridge Expansion. We are unaware of any instance where they have not done so.

Even assuming that an EIS is not required and the Bridge Expansion is wrongly considered in isolation, the EA fails to comply with NEPA and NEPA regulations and procedures and must be rejected.

An agency preparing an EA has an obligation to take a hard look at all direct, indirect, and cumulative effects or impacts of the proposed action. No matter how great the perceived benefits, NEPA does not allow an agency to issue a "finding of no significant impact" if adverse impacts are not identified or remain unmitigated. The EA is deficient in the following resects:

1. The EA fails to examine the environmental impact on local streets in Jersey City and in Lower Manhattan. The EA and Traffic Analysis Report ("TA"), appendix B to the EA, address – albeit erroneously and incompletely – the effects the Bridge Expansion would have on Bridge traffic and at the toll plazas at exits 14 and 14A. Inexplicably, they do not consider the impacts at toll plazas 14B and 14C, on local streets in Jersey City, at the entrance to the Holland Tunnel, and in Lower Manhattan.

2. The TA, on which the EA is based, grossly understates the amount of new traffic the Bridge Expansion will generate. Induced demand is a fundamental principle of highway engineering and planning. Traffic studies and experience universally show that when highways are widened, particularly in urban areas, they soon fill to capacity, increasing the number of vehicles using the highway and only providing temporary reduction in traffic congestion. Yet the term induced demand is not mentioned in the EA or TA and many of the factors that cause induced demand are not considered in the EA or TA. The EA and TA fail to explain why urban highways all over the country quickly fill to capacity when expanded, but this phenomenon would miraculously not occur when the lanes on the Bridge are doubled.

3. The TA uses stale data and makes unsupported assumptions regarding future traffic patterns. The TA looked at traffic data for 2019 and 2021, which showed a "severe" drop in rush hour traffic because of the COVID-19 pandemic. NJTA then "assumed [the drop] not to be long lasting and thus no adjustments were made to future volume projections." It was improper to make that assumption when actual traffic data was available for 2022, 2023 and 2024 and there is substantial evidence and reporting that the pandemic has caused permanent changes in rush hour commuting.

4. The TA fails to consider traffic congestion resulting from choke points created by NJTA's phased, decades-long construction of the NB-HCE Expansion. The Project has four phases: phase 1 is the Bridge Expansion; phase 2 is the demolition, replacement, and expansion of the NB-HCE between Exits 14A and 14B; phase 3 is the demolition, replacement, and expansion of the NB-HCE between Exits 14B and 14C; and phase 4 is the demolition and replacement without widening of the ramps leading to the Holland Tunnel access roads. After the completion of phase 1 and before the completion of phase 2, four lanes on the Bridge will feed into the two existing eastbound lanes. After the completion of phase

2 and before the completion of phase 3, three lanes of traffic will have to funnel into two lanes. The EA does not consider the monumental congestion these choke points will create.

5. Buried in the TA is data showing that the Bridge Expansion will cause an increase in diesel truck traffic during rush hours of between 23.2% and 38.5% when compared to a no-action alternative. Diesel trucks are the primary source of numerous toxic pollutants including particulate matter known as PM 2.5, which are associated with cancer, heart and lung disease, asthma, and respiratory issues. NJTA has not done a needed hot-spot analysis along the truck routes leading to the NB-HCE, has not acknowledged that the huge jump in truck traffic will have substantial environmental impacts, and is not providing any mitigation measures to address those impacts, each of which violates NEPA.

6. The EA's environmental justice ("EJ") analysis is facially deficient. Its study area only consisted of "the portions of Newark, Bayonne, and Jersey City within approximately 0.25 mile (1,320 feet) of the NB-HCE between Interchanges 14 and 14A." (EA 39). There will be increased traffic along the entire NB-HCE as even the TA finds. The vast majority of census blocks that border the NB-HCE are EJ communities and will be impacted by the Bridge Expansion. NJTA did not consult with those communities (or any other members of the public) or look at the impacts on those communities as NEPA requires.

7. The EA fails to consider or arbitrarily rejected alternatives for the Bridge Expansion that would reduce traffic congestion and ensure the integrity and safety of the Bridge – the stated goals of the Bridge Expansion. It did not consider funding public transportation projects, which unlike the Bridge Expansion, would reduce traffic congestion and improve the quality of life and health of New Jersey residents.

Improving bus service could solve the congestion problems on the NB-HCE. During the morning rush hour, 32 times more bus passengers use the Lincoln Tunnel than the Holland Tunnel. It does not take a highway engineer or an urban planner to see that before planning to spend $10.7 billion on an unpopular and controversial highway expansion project, NJTA should have considered ways to increase the number of bus passengers at the Holland Tunnel.

The EA fails to consider building a new four lane bridge and arbitrarily rejected the alternative of replacing the existing bridge with a new six lane bridge. Building one six lane bridge, instead of two, would substantially reduce the environmental impact of the Bridge Expansion, save billions of dollars, reduce construction time by years and meet all of NJTA's safety concerns and longevity requirements. The EA nevertheless rejected this alternative because it supposedly would be insufficient to handle one hour of rush hour traffic going eastbound on weekdays. The EA failed to consider a host of ways to remedy this relatively minor issue such as lane reversible, shoulder use, and variable tolling.

The EA also fails to consider Incentivizing off-hour pickup and deliveries or staggered port deliveries and pickups as a way to dissipate rush hour traffic. New York City announced such a program this year in which it seeks to add 5,000 off-hour delivery locations by 2040 and shift 62,000 trucks away from peak hours through various incentives that would cost a minute amount compared to spending $10.7 billion on the Project.

The EA also rejected the no-action alternative of keeping the Bridge in safe repair by falsely asserting that the Bridge could not be maintained even with extensive repairs and maintenance. A study NJTA commissioned, the July 17, 2020 Needs Assessment and Alternative Study prepared by Jacobs ("Jacobs Study"), found that the existing Bridge can be safely maintained for 40 years at a cost of $260

million. By way of comparison, in 2022, NJTA projected that the Bridge Expansion would cost more than $6 billion.

8. NJTA and USCG have violated NEPA and USCG regulations and New Jersey law, Executive Order 172, by not obtaining public input when developing plans for the Bridge Expansion and drafting the EA. 40 CFR §1501.5(f) requires federal agencies to "involve the public, State, Tribal, and local governments, relevant agencies, and any applicants, to the extent practicable in preparing environmental assessments." USCG regulations regarding applications for bridge permits require the District Commander to ascertain "the views of local authorities and other interested parties" when a bridge permit application is received. 33 CFR §115.60(a). USCG's Procedures also state that a project proponent "must, whenever feasible, provide an opportunity for public input in the drafting of the EA." (Page 3-28). None of this happened. USCG and NJTA have refused to allow public input in the drafting of the EA without providing any reason why it was not "feasible" to do so; USCG refused multiple requests to meet with or even speak with interested stakeholders, including some Commenters; and NJTA refused to allow any public input into the development of its plans in violation of EO 172.

9. USCG and NJTA also violated the NEPA and USCG regulations by refusing input from or even meeting with Jersey City local officials. While one of NJTA's justifications for the Bridge Expansion is to accommodate expected population and economic growth in Jersey City, USCG and NJTA refused to consider or address Jersey City's concerns that the Bridge Expansion and the Project would be an economic detriment and an environmental disaster.

10. USCG has not involved FHWA and EPA in the environmental review process. Federal regulations provide that any federal agency with special expertise may be a cooperating agency in an environmental review. FHWA has unique and specialized knowledge about traffic impacts and potential alternatives for addressing traffic congestion. The EPA has unique expertise regarding air quality and hazardous substances, issues which should be at the heart of the environmental review of the Bridge Expansion. FWHA and EPA have routinely been involved in the environmental review of projects similar to the Bridge Expansion as lead or cooperating agencies.

USCG must also do a thorough and independent review of the EA and that review cannot be done without FHWA and EPA. It would be an abuse of discretion and conflict with long-standing practices not to involve these agencies here.

II. The Commenters

Commenters are among the most important and respected transportation, environmental, environmental justice, community, health, and labor groups in New Jersey and New York. They include:

EmpowerNJ. EmpowerNJ is a coalition of 140 environmental, civic, faith, and progressive organizations that advocates for prohibiting new fossil fuel projects and reducing greenhouse gas emissions in New Jersey. It regularly participates in judicial, administrative, and legislative proceedings in New Jersey.

Hudson County Complete Streets. HCCS's mission is to improve connectivity and transportation equity in Hudson County by advocating for safe streets, pedestrian and cycling infrastructure, and access to transit in each community. HCCS believes a more connected Hudson County that is safe for pedestrians,

cyclists, scooters, skaters, people in wheelchairs, and other vulnerable road users will promote the health and well-being of our more than 750,000 residents by providing people of all ages and abilities with more mobility options.

Tri-State Transportation Campaign. TSTC İs dedicated to promoting sustainable transportation, equitable planning policies and practices, and strong communities in the New York City metro area. Since it was founded in 1993, TSTC has become a leading voice in the region for transportation and land use policy reform.

Turnpike Trap Coalition. TTC is a coalition of grassroots organizations from around New Jersey standing together to stop the proposed widening of the Newark Bay Hudson County Extension of the New Jersey Turnpike.

Food & Water Watch. Food & Water Watch fights for safe food, clean water, and a livable climate. It has two million supporters and more than 2,000 members and supporters in New Jersey who live within one mile of the NB-HCE and/or recreate on Newark Bay.

Environment New Jersey. Environment New Jersey advocates for clean air, clean water, clean energy, wildlife and open spaces, and a livable climate on behalf of our more than 80,000 citizen members and activists across the State. It has supported a fix-it-first approach to highway infrastructure for decades and opposed highway expansions by NJDOT and NJTA, most successfully in stopping the wasteful proposal to build Route 92 in Central Jersey.

Clean Water Action. Clean Water Action seeks clean, safe and affordable solutions to water, waste, toxics and energy issues that address public health, environmental, consumer and community problems. Since 1982, Clean Water Action has staffed and operated offices throughout New Jersey with 1 million nationwide and 150,000 New Jersey members.

BlueWaveNJ. BWNJ is a grassroots, progressive organization seeking solutions through community. Its working groups, conferences, marches, and special events have mobilized voters and coalitions to demand positive change from legislators at the state and federal level in such critical areas as health care, the economy, marriage equality, the environment, education, electoral reform and sensible gun control.

Delaware Riverkeeper Network. DRN is the premier organization working to protect and restore the Delaware River Watershed.

Don't Gas the Meadowlands. Don't Gas the Meadowlands advocates for reducing air pollution and GHG emissions in New Jersey, focusing on projects in the northeastern part of the State.

New Jersey Policy Perspective. NJPP is an influential nonpartisan think tank that drives policy change to advance economic, social, and racial justice through evidence-based, independent research, analysis, and strategic communications.

Riders Alliance. Riders Alliance is a New York based organization that advocates for public transit and a more equitable and sustainable future.

Transportation Alternatives. TA works toward transforming our streets into safe, sustainable, and equitable places to walk, bike, take transit, gather, and thrive.

League of Women Voters of New Jersey. LWV's work includes protecting voting rights; promoting open, transparent, and accountable government statewide; and protecting our planet from the physical, economic and public health effects of climate change while also providing pathways to economic prosperity.

BikeJC. BikeJC **is** a volunteer-led nonprofit organization advocating for better, safer, more accessible, and more equitable biking in Jersey City. It organizes group rides and educational events, focused on biking as transportation.

SafeStreetsJC. SafeStreetsJC works towards Vision Zero in Jersey City, advocating for cleaner air, safer streets, and investments in mass transit.

Weequahic Park Association. WPA is a 30-year-old Olmsted Park Conservancy dedicated to the restoration, preservation and enrichment of Newark's Weequahic Park. WPA champions environmental stewardship through nature-based solutions so that community members can connect with nature, find solace, and experience the enduring beauty of the Park for generations to come.

NY/NJ Baykeeper. NY/NJ Baykeeper is the citizen guardian of the NY-NJ Harbor Estuary, working since 1989 to protect, preserve, and restore the waterways and habitats of the Estuary.

Friends of Liberty State Park. FLSP's mission is to protect and improve Liberty State Park ("LSP '') for the benefit of the quality of life of urban residents in crowded, congested, concrete, polluted and noisy Hudson County. It opposes plans, which will bring more traffic into and around LSP. LSP borders the NB-HCE.

New Jersey Bike & Walk Coalition. New Jersey Bike & Walk Coalition is a statewide advocacy organization for biking and walking and promoting equitable, sustainable active transportation as key components of our transportation system.

New Jersey Environmental Lobby. NJEL is an independent, non-partisan organization that engages in advocacy to protect New Jersey's natural resources and the quality of life of its residents. NJEL focuses its efforts on legislation and regulations for clean air, clean water, protection from toxins, and sustainable land use.

New Jersey State Nurses Association. NJSNA represents the interests of the state's 110,000 registered nurses, advances the profession of nursing and advocates on behalf of nurses and consumers.

The Alliance of Nurses for Healthy Environments. ANHE is a national nursing organization focused solely on the intersection of health and the environment. Its mission is to promote healthy people and healthy environments by educating and leading the nursing profession, advancing research, incorporating evidence-based practice, and influencing policy.

Association of New Jersey Environmental Commissions. ANJEC helps New Jersey environmental commissions, individuals, and local and state agencies to preserve, protect, and restore natural resources and promote healthy communities.

Make the Road New Jersey. Make the Road New Jersey builds the power of immigrant, working-class and Latinx communities to achieve dignity and respect through community organizing, high-quality legal services, policy innovation and transformative education. Its legal services, health outreach and educational programming reach more than 100,000 low-income immigrants and people of color with critical, life sustaining and educational services.

New Jersey Working Family Alliance. NJWFA is a grassroots independent political organization. It fights for a government that represents the needs and values of working families, elects candidates and organizes campaigns to advance progressive policies, and is building a movement of working families to build a New Jersey for the many, not the few.

Action Together New Jersey. ATNJ was founded in 2016 and led the greatest expansion of vote by mail in the state's history with independent voter data analysis providing unbiased insight into voting patterns and turnout.

New Jersey Association of Railroad Passengers ("NJ-ARP") is the leading consumer rail passenger organization within New Jersey. NJ-ARP was established in 1980 by concerned New Jersey residents who wanted a greater voice in deciding their future transit. It testifies at hearings held by New Jersey Transit, PATH, Amtrak, PATCO, and other governmental agencies and has been on the forefront in advocating efficient intermodal transportation solutions using rail, light rail, ferry, bus, and bicycle.

Other Commenters are **350NJ-Rockland, Bergen County Complete Streets, Bike Hoboken, Bike North Bergen, Bike&Walk Montclair, Coalition to Ban Unsafe Oil Trains, David Pringle Associates LLC, DivestNJ, Effective Transit Alliance, Embankment Preservation Coalition, Forest Watch NJ. Friends of Van Vorst Park, Inc, GreenFaith, Harismus Cove Association, Historic Paulus Hook Association, Jersey City Heights Neighborhood Association, Journal Square Community Association, Merchantville Democratic Committee, Metuchen-Edison-Piscataway Branch - NJ NAACP, Montclair Climate Action, NJ State Industrial Union Council, Open Plans, North Jersey DSA, Our Revolution New Jersey, People over Pipelines, Progressive Democrats of America -New Jersey Chapter, SOMA Action, South Jersey Progressive Democrats, The Wei LLC, Union County Connects, Unitarian Universalist FaithAction NJ, and Waterspirit.**

III. Background

In 2020, NJTA approved a ten-year capital plan, which included the NB-HCE Expansion. The Project has four phases: phase 1 is the Bridge Expansion; phase 2 is the demolition, replacement, and expansion of the NB-HCE between Exits 14A and 14B; phase 3 is the demolition, replacement, and expansion of the NB-HCE between Exits 14B and 14C; and phase 4 is the demolition and replacement without widening of the ramps leading to the Holland Tunnel access roads. As Appendix B to the EA states, the Bridge replacement is part of a long-term Program by NJTA to improve the entire NB-HCE. (TA 1).

The NB-HCE Expansion was budgeted to cost $4.3 billion in the 2020 Capital plan with the Bridge Expansion projected to cost $3.0 billion, 70% of the total cost of the Project.[2] In 2022, EmpowerNJ discovered that NJTA's cost projections bore no relationship to reality. Buried in the NJTA annual 2023 budget was a line item that the Project would cost $10,695,591,000. After news broke that the Project would cost $10.7 billion, $6.4 billion more than NJTA had publicly projected just two years earlier, NJTA attributed the increase to inflation and supply chain issues. Obviously, those issues alone could not have caused a $6.4 billion cost increase. (Exhibit 1).[3]

Meanwhile, the Turnpike Trap Coalition ("TTC") learned that NJTA submitted a Bridge Application and Independent Utility Assessment ("IUA") asking USCG to consider the Bridge as a "stand alone" project with "independent utility" and to issue a FONSI.

[2] https://www.njta.com/media/5832/2020_njtalongrangecapitalplan_v1-as-approved-may-2020.pdf
[3] Exhibit references are to the exhibits submitted with these comments.

On January 18, 2023, EmpowerNJ, TTC, and the City of Jersey City wrote to the USCG regarding the IUA. The letter explained why i) a full EIS is required for the Project, not the EA sought by NJTA.; ii) the Bridge should not be considered an independent project; iii) a full EIS is required even if the Bridge is wrongly considered a stand-alone project; and iv) the FHWA should be a cooperating agency in the environmental review of the Project. The letter requested a meeting with USCG, access to NJTA's filings and notifications of all NJTA filings and planned or completed actions by the USCG. (Exhibit 1). USCG never responded to the letter.

On January 5, 2024, EmpowerNJ and TTC wrote another letter to the USCG renewing the requests for a meeting and notice of NJTA filings. (Exhibit 2). The letter also explained how NJTA's positions supporting the issuance of a FONSI are diametrically opposed to those NJTA and its parent, the State of New Jersey, have taken regarding New York's congestion pricing plan. On June 12, 2023, Governor Murphy wrote to the FHWA with contributions from NJTA and other State agencies. (Exhibit 3). The letter states that because of congestion pricing, "New Jersey roads will be adversely impacted, our vulnerable communities exposed to more congestion and air quality issues and our state services will be further strained." NJTA went on to say that the congestion pricing plan "may disincentivize transit use and would in fact increase Vehicle Miles Traveled on the New Jersey side of the river, the exact opposite of one of the program's stated goals." It also cited the need for a "fine-grained analysis" of how congestion pricing would affect local neighborhoods. It points out one in four children in Newark has asthma (three times the national average) and that congestion pricing conflicts with President Biden's Justice40 commitments and Governor Murphy's E.O. 23 on environmental justice. Without a hint of irony, NJTA also complained about "the lack of public outreach" and the need for public hearings as part of the development of the EA for the program. These are the very reasons why an EIS is also required here and the EA is fatally flawed.[4]

USCG Commander Fisher responded to the January 5, 2024 letter by email saying that USCG will be issuing a Public Notice regarding the Bridge Expansion and USCG will add "everyone on this email distribution to the Public Notice distribution list so that you all receive a copy directly." She added that EmpowerNJ and TTC could contact Ms. Donna Leoce, the assigned project officer, "with any questions or concerns you have." When EmpowerNJ followed up with Ms. Leoce, Ms. Leoce refused to meet or even discuss the concerns raised in the letters and wrote that she would forward the January 5, 2024 letter "to the NJTA to address your concerns." (Exhibit 4). NJTA never responded except to say that our concerns would be addressed in "due course." (Exhibit 7). Due course came and went without any further communication from NJTA.

On May 9, 2024, USCG issued a Notice (the "Notice") regarding the EA requiring comments to be submitted by June 13, 2024. The Notice states that USCG intends to issue a FONSI "unless significant impacts are revealed by this public notification and public information events." EmpowerNJ and TTC were not sent the Notice despite USCG's promise to do so. As described below, only one of the three

[4] Subsequently, New Jersey filed suit to stop the congestion pricing plan from proceeding on the grounds that FHWA's environmental assessment was inadequate and a FONSI should not be issued (the "Congestion Pricing Action").

public information events referenced in the Notice had been held and there NJTA had refused to allow public comments or take questions from the audience.

The Notice disturbingly suggests that USCG will not be examining numerous significant environmental impacts caused by increased traffic on the Bridge, the NB-HCE, and local streets. In the section of the Notice entitled "Solicitation of Comments," it asked "Mariners … to comment on the placement of a bridge protective system and other navigational safety issues," and "interested parties to comment upon impacts on minority and/or low-income populations, if any." It did not ask for, but said it would consider, "comments of an environmental nature such as those regarding wildlife refuges, waterfowl refuges, public parks, historic sites, wetlands, floodplain issues, air, water quality, etc." Notably absent from the Notice is the elephant in the room, the effect that doubling the size of a highway in a densely populated urban area will have on air quality, climate, and the quality of life.

On May 19, 2024, EmpowerNJ, TTC and the Tri-State Transportation Campaign wrote to USCG asking that time for comments be extended until 30 days after the NJTA holds its long promised public information sessions or by 60 days, whichever is later. (Exhibit 5). The letter gave five reasons for the request: i) the failure to hold the promised public information sessions, which the Notice states are a component of the environmental review process; ii) the Notice was not sent to interested parties as promised by USCG; iii) NJTA was limiting notice to the public and stakeholders about the EA and the comment period by removing any reference to the on-going environmental review from its main website; iv) the Notice states that the EA documents will be made available at library branches in Bayonne and Jersey City and the main public library in Newark when those documents were unavailable at those locations; and v) 30 days is an unrealistic and inadequate timeframe for stakeholders to thoughtfully and meaningfully submit comments regarding a complex, multibillion dollar project.

The USCG only granted an extension until July 13th, despite the fact that the Jersey City public information session was held on July 9, 2024, leaving insufficient time for Jersey City residents to obtain the information needed to submit comments to the EA.

IV. An EIS is Required

A. NEPA Standards Regarding When an EIS is Required

NEPA requires federal agencies to take environmental considerations into account "to the fullest extent possible." 42 U.S.C. §4332. Under NEPA's implementing regulations, federal agencies must prepare an EIS where a project is likely to have significant environmental effects. 40 CFR §1501.3(a). If a proposed action is "not likely to have significant effects" on the environment, it may prepare an environmental assessment." 40 CFR §1501.5.

In determining whether an EIS must be prepared, an agency must examine whether a project is connected with other projects or actions and, if it is, look at the totality of the "connected actions" to determine whether they would have a significant environmental impact and require an EIS. 40 CFR §1501.3(b). Actions are connected if they "cannot or will not proceed unless other actions are taken previously or simultaneously" or are "interdependent parts of a larger action and depend on the larger action for their justification." 40 CFR §1501.9(e)(1).

Each agency is required to list in its regulations the actions that normally do not have a significant effect on the human environment and therefore do not require preparation of an EIS. 40 CFR § 1501.4. The USCG's regulations do not identify any actions that would not require an EIS. 33 CFR §1 et seq. The Project is not among those that normally do not require an EIS under the US Army Corp of Engineers implementing NEPA regulations. 33 CFR §230.7.

B. <u>An EIS is Required for the Entire NB-HCE Expansion</u>

Because the Bridge Expansion is integrally connected to the expansion of the entire NB-HCE Expansion and that Project will have substantial environmental impacts for generations, an EIS must be prepared for the NB-HCE Expansion.

The Bridge is a segment of the 8.1-mile NB-HCE, which begins at the Newark entrance to the Bridge, runs through Bayonne and Jersey City, and ends at the Holland Tunnel access roads. As NJTA has acknowledged, the Bridge Expansion is the first phase of its NB-HCE Expansion. NJTA is seeking permits for the entire Project and its planning and budget documents, such as its 2023 annual budget, consider increasing the capacity of the entire NB-HCE as one interconnected project. (Exh.1).

Indeed, it would make no sense to increase the capacity of one segment of the NB-HCE, the Bridge, and not expand the other segments. That would cause the NB-HCE to look like a snake after a big meal. It would not reduce traffic congestion but make it worse. The four eastbound lanes of the Bridge would permanently feed into two lanes, creating monumental traffic congestion at that choke point in perpetuity.

The EA fails to consider, as it must, the cumulative impacts of the entire NB-HCE Expansion NEPA regulations define effects or impacts to include "cumulative effects which are effects on the environment that result from the incremental effects of the action when added to the effects of other past, present, and reasonably foreseeable actions." 40 CFR § 1508(1)(g). This requires the EA to examine all the impacts caused by the NB-HCE Expansion.

Similarly, the common action rule, also known as the rule against segmentation, prevents agencies from dividing one project into multiple individual actions each of which individually has an insignificant environmental impact, but which collectively have a substantial impact, thereby failing to address the true scope and impact of the activities that should be considered. It was improper for the EA to break up the NB-CBE Expansion into segments and not consider the overall impact of the Project.

There is no serious question that if the NB-CBE Expansion is considered in its entirety, it would generate significant environmental impacts and the need for an EIS. As detailed below, the Project would increase GHGs, foul the region's already poor air quality, increase the health risks of the region's residents, disproportionately harm vulnerable and minority communities, conflict with the federal climate and environmental justice goals and affect wetlands, the habitats of endangered species, and the limited parkland and open spaces Jersey City has.

The NB-HCE Expansion would impact New Jersey's ability to meet its climate and carbon reduction goals. Pursuant to the Global Warming Response Act, N.J.S.A. 26:2C-58[5] and Executive Order 274,[6] New Jersey's policy is to reduce GHGs by 80% from 2006 levels. NJDEP's latest Greenhouse Gas Inventory Report ("GGIR") shows that the transportation sector is by far the largest source of GHGs in the State, accounting for 37.3% of all emissions with almost all those emissions coming from private cars and trucks.[7] By way of comparison, the next largest source of GHGs in the State – electric generation – accounts 19.1 % of GHGs. Both the percentage and amount of GHGs are now likely to be higher than shown in the GGIR. The GIRR is based upon 2021 data when the Covid-19 pandemic was still suppressing vehicle use.

The NB-HCE Expansion will greatly and disproportionately affect disadvantaged communities. As described below in connection with the flawed EA, an agency must take a hard look at environmental justice impacts and a large majority of census tracts closest to the NB-HCE are EJ communities, which will be disproportionately harmed by the Project.

The Jacobs Study states that the NB-HCE Expansion will potentially cause significant environmental impacts on i) community resources and demographics (Environmental Justice/Title VI); ii) wetlands adjacent to the NB-HCE on both sides of Newark Bay; iii) threatened and endangered species; iv) flood hazard areas; v) open space and parklands; vi) noise; vii) cultural and community resources; and (viii) aquatic resources." (Exhibit 6, p. 3-2).

According to Jacobs**, "**threatened and endangered species are known to occur in Newark Bay and the wetland areas associated with Rutkowski Park in Bayonne and in Liberty State Park and Liberty National Golf Course in Jersey City. These species are migratory and wading birds including herons, egrets, and the Peregrine falcon. Two federally listed species, the short-nosed sturgeon and the Atlantic sturgeon, are known to occur in the Hudson River." (Page 3-12).

Jacobs also identified eight different parks that would be affected by the NB-CHE Expansion, seven in Jersey City and one in Bayonne. There is already a shortage of open and park space in Jersey City that the Project would make worse. Jacobs notes that "Hudson County is densely developed with little available land for compensatory mitigation for the loss of parkland. The study area also generally represents an environmental justice community for which access to open space and recreational resources is important and impacts to parkland are likely to be subject to public scrutiny and opposition." (Pages 3-20, 3-21).

Because the EA was limited to the Bridge Expansion, none of these impacts were considered in violation of NEPA requirements.

C. USCG's NEPA Implementing Procedures Call for an EIS

USCG's procedures require an EIS even if the Bridge Expansion is erroneously considered a stand-alone project. An agency's environmental review is deficient and subject to judicial reversal if it does not follow its own environmental review procedures. Coalition for Canyon Preservation v. Bowers, 632 F.2d

[5] N.J.S.A. 26:2C-58 requires the State to lower GHGs in accordance with the goals established by the United States Climate Alliance. One of those goals is to reduce GHG emissions at least 50-52% below 2005 levels by 2030.

[6] https://nj.gov/infobank/eo/056murphy/pdf/EO-274.pdf.

[7] https://dep.nj.gov/wp-content/uploads/ghg/2024-ghg-inventory-report.pdf, p.4

774, 786 (9th Cir. 1980) (enjoining highway construction project for failing to comply with an agency's policy and procedure manual).

USCG's Planning and Implementing Procedures for NEPA provide the following guidance regarding when to prepare an EIS:

> 2. Coast Guard Actions Normally Requiring EISs. Coast Guard actions normally requiring an EIS include, but are not limited to:
>
> a. Activities where the effects on the human environment are likely to be highly controversial in terms of environmental impacts or involve unique or unknown environmental risks;
>
> b. Construction projects that would have a significant effect on environmentally sensitive areas…. (Page 3-31).

The Bridge Expansion falls squarely within both standards. It has been highly controversial from the time it was announced and has generated enormous and wide-spread opposition.[8] The Jersey City and Hoboken City Councils have unanimously passed resolutions opposing it citing, among other things, the environmental impact it would have. Numerous editorials and op-eds have decried the Project. Jersey City residents have rallied to oppose the plan.[9]

The highly controversial nature of the Bridge Expansion is additionally shown by the breadth of organizations signing on to these comments. We further anticipate that governmental officials and numerous members of the public will be submitting comments objecting to the EA.

The Bridge Expansion will also occur in a highly contaminated area of Newark Bay impacted by two notorious Superfund sites, an undeniably "environmentally sensitive area," involving "unique or unknown environmental risks." As Appendix E-1 to the EA puts it:

> Newark Bay is impacted by two NPL "Superfund" sites, the Diamond Alkali Company and Pierson's Creek. Diamond Alkali operated on the bank of the Passaic River at 80 Lister Avenue in the Ironbound section of Newark approximately four miles up-river from the Newark Bay Bridge of the NB-HCE. The site operators manufactured numerous chemicals on the site, including 2,4,5-trichlorophenol, which is likely to contain dioxin as an impurity. The NPL includes the entire Newark Bay, the entire Passaic River up to the Dundee Dam in Clifton, and a portion of the Hackensack River to a location in the vicinity of Van Keuren Avenue in Jersey City. Pierson's Creek is in an industrial area of Newark and discharges to Newark Bay approximately 1.5 miles

[8] https://www.nj.com/news/2022/01/opposition-mounts-to-47b-plan-to-widen-the-highway-to-the-holland-tunnel.html;https://www.nj.com/news/2022/01/just-fix-nj-turnpike-extension-to-holland-tunnel-dont-spend-47b-to-widen-it-opponents-say.html

[9] https://www.nj.com/opinion/2022/06/the-4b-plan-to-choke-hudson-county-editorial.html; https://www.nj.com/opinion/2022/09/weinberg-widen-the-turnpike-thats-not-a-solution-opinion; htmlhttps://watch.ktwu.org/video/vo-bike-protest-1668454832/

downstream of its headwaters. Historically, there have been several sources of contamination to the creek, a main contributor being the Troy Chemical Corporation facility. (p 28).

On February 13, 2004, EPA entered an order adding Newark Bay to the Diamond Alkali Superfund Site, as the "Newark Bay Study Area of the Diamond Alkali Superfund Site." When the Army Corp of Engineers sought to deepen shipping channels through dredging and blasting of the harbor floor, an EIS was prepared for that project. Environmental groups then successfully sued the Corps when it failed to take a hard look at whether a supplemental EIS had to be prepared.[10]

Dredging will be required for constructing the foundations of the new bridges. (EA xxxiv, 159, 198). The EA states that the "contamination is generally due to extensive past and present industrial and manufacturing activities in the area surrounding the project. Sites include chromate sites, Superfund site-related issues, and presence of contaminated historic fill." (EA 146-7). Because of the proximity of the Bridge to the Superfund site, the Bridge replacement and Newark Bay remediation will have to be coordinated. (EA 157). The EA admits that the "existing NB-HCE right-of-way will be considered sensitive areas." (EA 159).

From an even larger group of contaminated sites, the EA identifies 22 contaminated sites as areas of "potential environmental concern." (EA 148-49). Appendix E-1 to the EA, the Hazardous Materials Survey Report, is more definitive, stating that these 22 sites are areas of environmental concern. It also recognizes the Project will not end with the Bridge Expansion and identifies 68 other sites of environmental concern along the NB-HCE corridor:

> Hazardous waste and contaminated materials are present virtually throughout the entire area near the NB-HCE corridor, as over 100 properties were identified as having environmental concerns within the Study Area(s) of the Program. Out of 154 properties, 90 properties are judged to be potential environmental constraints that may impact the NB-HCE right-of-way (ROW). The number of properties by Study Area considered as potential environmental constraints are as follows:
>
> - Project 1 – 22 properties.
> - Project 2 – 25 properties.
> - Project 3 – 21 properties.
> - Project 4 – 22 properties.

(EA, Appendix E-1, p.1).

In the area around the Bridge, there is an endless list of contaminants including petroleum hydrocarbons, polycyclic aromatic hydrocarbons (PAHs), metals, and extractable petroleum hydrocarbons, benzene, methyl t-butyl ether, total petroleum hydrocarbons, and light non-aqueous phase liquid [LNAPL]). (EA 154). These contaminants are among the most toxic in the world. The EA says this about the potential disturbance of contaminated materials:

[10] Natural Resources Defense Council v. US Army Corps of Engineers, 399 F. Supp. 2d 386, 411-12 (S.D.N.Y. 2005)

"During project construction, historic fill and otherwise contaminated soil and/or water could be encountered in places along the entirety of the project during clearing, excavation, grading, demolition, and the construction of piers and footings of the viaducts and bridges. Soil disturbance will also occur during construction of temporary and permanent access roads, construction staging areas, and stormwater basins. Construction activities within contaminated media (soil, sediment, groundwater) have the potential to cause contaminants to migrate both vertically and horizontally. Contaminant release and transport mechanisms during construction include contaminated soil transported as dust and volatilization of contaminants from the soil and groundwater matrices to the soil vapor phase, and existing soil vapor contaminants. The most likely route of exposure will be through breathing volatile/semi-volatile compounds or particulate-laden air released during demolition, excavation, and construction activities." (EA xxxii-xxxiii).[11]

There is no reason for USCG not to follow its normal procedures of requiring an EIS and there is every reason for USCG to do so for all the reasons set forth herein.

D. **<u>The Prior Practices of USCG and Other Federal Agencies Mandate an EIS</u>**

EISs have been prepared for every major bridge replacement project in the New York City area such as the replacement of the Tappan Zee Bridge,[12] the Goethals Bridge,[13] and the Kosciuszko Bridge.[14] When USCG has been the lead agency, it has uniformly prepared EISs whenever large new bridge projects are being undertaken such as the construction of bridges over the Mississippi River,[15] the Ohio River,[16] and the Raritan River.[17]

Other federal agencies, such as the FHWA, have required an EIS for large highway and bridge projects. These include to name a few of many: the Chesapeake Bay Crossing Study, which sought to decrease congestion at the Bay Bridge in Maryland; the Lafayette Regional Xpressway project in Louisiana; the I-495 and I-270 Managed Lanes Study in Maryland which proposed replacing an existing

[11] The EA claims that there will be no substantial environmental impact from dredging and the disturbance of hazardous waste because it will take "appropriate" preventive measures most of which are unspecified or not yet developed. These promised, unspecified mitigation measures not only do not overcome the presumption that an EIS is required under USCG Procedures, but rather support it.
[12] https://www.federalregister.gov/documents/2011/10/12/2011-26280/environmental-impact-statement-tappan-zee-hudson-river-crossing-project-rockland-and-westchesterr
[13] https://www.federalregister.gov/documents/2004/08/10/04-18205/draft-environmental-impact-statement-goethals-bridge-modernization-program
[14] https://www.dot.ny.gov/regional-offices/region11/projects/project-repository/kosciuszko/getdoc.html
[15] Citizens for Mass Transit v. Adams, 630 F.2d 309 (5th Cir. 1980) (USCG issued an environment assessment, received comments and held three public hearings and then prepared an EIS).
[16] Coalition for Responsible Regional Development v. Coleman, 430 F. Supp 13 (S.D. W.Va.), vacated on other grounds 518 F.2d 522 (4th Cir. 1975).
[17] Citizens' Committee for Environmental Protection v. USCG, 456 F. Supp. 101 (D.N.J. 1978).

bridge in an effort to decrease congestion; a bridge replacement project in Buffalo; and the addition of a vehicular travel lane near JFK airport.[18]

New Jersey made this same point in the Congestion Pricing Action, maintaining that large highway projects increase VMT, change traffic patterns, cause and increase air and noise pollution, and necessitate an EIS. Its Complaint states that "NEPA was enacted to address the impacts of large-scale federal highways … that could harm the environment and adversely affect local communities," and cites countless instances where highway projects required an EIS even when they were far, far smaller in scope and less consequential than the Project or the Bridge Expansion.[19]

The Bridge Expansion will profoundly impact traffic and pollution in the entire region for generations. We are unaware of any project of the magnitude of the Bridge Expansion that has not required an EIS. Doing so here would be wrong and unprecedented.

VII. The EA is Fatally Flawed

A. The Traffic Analysis Underlying the EA is Fundamentally and Fatally Flawed

The TA started from the premise that the eight lane Bridge Expansion is the "Initially Preferred Alternative for the NB-HCE program" (TA 41) and then reached the conclusions NJTA wanted it to come to. In doing so, the TA i) fails to consider the effect of the Bridge Expansion on NB-HCE exits, local streets and Lower Manhattan; ii) fails to consider induced demand and its significant environmental impacts; iii) uses stale data and makes unsupported assumptions regarding future traffic patterns; and iv) fails to consider traffic congestion caused by NJTA's phasing of the Project.

1. The TA Fails to Consider the Effect of the Bridge Expansion on NB-HCE Exits, Local Streets and Lower Manhattan

An environmental assessment must take a hard look at all potential environmental impacts. The TA addressed, albeit erroneously and incompletely, the effects that the Bridge Expansion would have on traffic at the toll plazas at exits 14 and 14A. (TA 1). Inexplicably, it did not consider the effect of the Bridge Expansion on the toll plazas at 14B and 14C, local streets in Jersey City, congestion at the Holland Tunnel approach, and traffic in Lower Manhattan.

The increased number of vehicles on the Bridge will not, of course, all exit at 14 and 14A. Most vehicles will continue on to Jersey City or go through the Holland Tunnel into Lower Manhattan. This traffic will place an additional burden on the local road system to handle more vehicles, which is one of the reasons Jersey City and Hoboken are so adamantly opposing the Project.

Jersey City's local streets are already utilized as a cut-through alternative to reach the Holland Tunnel due to the frequent congestion at the Holland Tunnel approach. An independent traffic study prepared for Jersey City in 2021 showed that roughly 25% of vehicles exiting the NB-HCE at the Jersey City

[18] See New Jersey's brief in support of its motion for summary judgment in the Congestion Pricing Action, pp.12-13.
[19] Complaint at paragraphs 5,7, 38, and 40.

Blvd/Liberty Light Rail and Columbus Drive exits in Jersey City during the weekday AM peak were pass-through trips. The Bridge expansion will further exacerbate traffic congestion in neighborhoods adjacent to NB-HCE exits and on local roads used to reach the entrance to the Holland Tunnel. (Exhibit 1).

The increased traffic in Jersey City and Lower Manhattan will indisputably have significant environmental impacts by increasing GHGs, VMT, and toxic air pollutants. The EA's failure to consider those impacts requires the rejection of the EA.

2. The TA Fails to Fully Consider Induced Demand and its Significant Environmental and Climate Impacts

a. Induced Demand is a Fundamental Principle of Highway Planning than Must be Considered in an Environmental Review

Induced demand is a fundamental principle of highway engineering. Traffic studies and experience universally shows that when highways are widened, particularly in urban areas, they quickly fill to capacity, increasing the number of vehicles using the highway and only providing temporary reduction in traffic congestion. Yet the term induced demand does not even appear in the EA or the TA and its impact has not been fully considered. The EA and TA fail to explain why urban highways all over the country quickly fill to capacity when expanded, but this phenomenon miraculously would not occur when the lanes on the Bridge are doubled.

Rocky Mountain Institute ("RMI") is a highly regarded firm dedicated to researching climate change and sustainability issues. The New Jersey Board of Public Utilities previously hired RMI to provide modeling and consulting services for New Jersey's 2019 State Energy Master Plan. RMI summarized the effects of highway expansions this way: "[R]oad expansion projects move us in the wrong direction, generating more traffic that increases climate pollution, worsens local air quality, and leads to more road crashes. Vulnerable and frontline communities bear a disproportionate burden from these impacts, including health effects from hazardous air pollutants."[20]

A recent report from the Victoria Transport Policy Institute lists 27 other studies of induced demand that found, among other things, that VMT increases in proportion to lane-mileage, any benefits from relieving traffic congestion generally vanishes after five years, and a 10% increase in lane miles increases VMT by 9% beyond natural growth.[21]

For decades, federal agencies have also advised that induced demand increases traffic and traffic congestion and must be accounted for in highway planning. The EPA's 2002 Guidebook on Induced Travel included studies showing that a 10% increase in highway capacity caused an immediate 3% to 5% increase in VMT in 1 to 2 years and a 5% to 9% increase in VMT over 10 to 20 years.[22] FWHA's Environmental Review Toolkit states it "is important for transportation analyses to consider the significance of induced

[20] https://rmi.org/if-you-build-it-the-cars-and-the-pollution-will-come/
[21] https://www.vtpi.org/gentraf.pdf
[22] https://dep.nj.gov/wp-content/uploads/ghg/2024-ghg-inventory-report.pdf

demand."[23] FHWA calculated that each mile of new highway lane increases capacity up to 2,850 vehicles/hour.[24]

There are countless case studies of highway widenings increasing vehicle use and not relieving congestion. After Los Angeles' I-405 freeway was expanded, after five years of construction and a cost of more than $1 billion, traffic is moving slower than before the widening.[25] When the Katy Freeway in Houston was widened to more than 20 lanes at a cost of $2.8 billion, congestion returned to previous levels within a few years, and became worse. A report found that between 1993 and 2017, 30,511 new freeway lane-miles of road were built in the largest 100 urbanized areas in the country, an increase in capacity that far outstripped the population growth in those regions over the same time. Traffic delays in those urbanized areas increased by 144 %.[26]

USCG previously recognized the need to study and independently consider induced demand. In 2011, the Port Authority of New York and New Jersey applied to the USCG to raise the nearby Bayonne Bridge. USCG directed the Port Authority to produce an induced demand study and then retained its own independent consultant, to "confirm the reasonableness and appropriateness" of the Port Authority's analysis. [27]

This is a far stronger case for fully and independently considering induced demand than the Bayonne Bridge raising, where induced demand was a secondary impact arising from more cargo ships reaching the port and lanes were not added to the bridge. Here, the impact is direct from doubling the number of lanes on the Bridge.

b. Traffic Generated by Induced Demand has Significant Environmental Impacts

The increase in VMT caused by induced demand will create particulate matter pollution, ground level ozone and toxic chemicals such oxides of nitrogen (NOx) and benzene that severely impact the health of New Jersey residents. The greater the VMT, the greater those health costs. Jersey City, Hudson County and the region already suffer disproportionately from bad air and the diseases, health related problems and the economic damage that bad air causes.

Particulate matter, known as PM 2.5, is a great risk to human health and one of the most dangerous environmental pollutants. It is associated with premature deaths, heart and lung disease, asthma, and respiratory issues, such as irritation of the airways, coughing or difficulty breathing. COVID-19 mortality rates are higher in areas with more particulate pollution than in areas with even slightly less. Particulates from vehicle use also react with sunlight to create ground-level ozone, informally known as smog. Vehicles are the largest cause of smog and nitrous oxide emissions. Smog causes respiratory

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[23] https://www.environment.fhwa.dot.gov/nepa/Travel_LandUse/travel_landUse_rpt.aspx#l2-4-6-Addressing-Land-Development-or-Redistribution-Effects Section 2.4.6.3

[24] https://www.fhwa.dot.gov/policyinformation/pubs/pl18027_traffic_data_pocket_guide.pdf

[25] http://media.metro.net/projects_studies/pm/images/pm_october_2013_i405_sepulveda_pass_improvements2.pdf;http://la.curbed.com/archives/2014/10/405_commutes_now_a_minute_worse_than_before_carpool_lane.php

[26] The Congestion Con, http://t4america.org/maps-tools/congestion-con/

[27] Coalition for Healthy Ports v. USCG, 2015 WL 7460018 (S.D.N.Y. 2015). In rejecting a subsequent challenge to the EA, the court found that USCG had taken the requisite "hard look" at induced demand.

diseases and premature death and is especially harmful to children, senior citizens, and people with asthma or allergies. In New Jersey, more than 600,000 adults and 167,000 children suffer from asthma. One in four children in Newark have asthma, three times the national average.

New Jersey already has some of the worst air in the country. All of New Jersey has been designated as nonattainment for federal ozone national ambient air quality standards, meaning that the *entire state* suffers from unhealthy air due to excess levels of ground-level ozone. The Project will make Hudson County's bad air worse and increase the health and economic problems its residents already suffer from.

As discussed above, the traffic generated by induced demand will, of course, also run counter to the climate goals of the United States and New Jersey. On January 9, 2023, the Council on Environmental Quality issued interim guidance, effective immediately, with respect to NEPA compliance. The guidance requires agencies to "quantify proposed actions, GHG emissions, place GHG emissions in appropriate context and disclose relevant GHG emissions and relevant climate impacts and identify alternatives and mitigation measures to avoid or reduce GHG emissions." Agencies should "mitigate GHG emissions associated with their proposed actions to the greatest extent possible" and conduct a "climate change" analysis in order "to evaluate reasonable alternatives and mitigation measures that could avoid or reduce potential climate change-related effects and help address mounting climate resilience and adaptation challenges."[28]

When, as here, induced demand is not properly considered, there cannot be a complete and accurate accounting of GHGs and the climate impacts of a project.

c. The EA Fails to Fully Consider Induced Demand

While not even mentioning the term induced demand or the principles underlying it, the TA calculates that there would be a 21.9% increase in vehicles on the NB-HCE resulting from the diversion of vehicles now using other existing routes into Jersey City and Bayonne. (TA 65). As demonstrated above, this number is grossly understated and is at odds with countless studies and the history of highway expansions. One reason for this is that it does not consider all the sources of induced demand.

FHWA's Environmental Toolkit found that "induced demand comes from a number of sources, including trips diverted from other routes, discretionary trips that might not have been made without the service improvement, and improved access to employment and other activity location choices."[29] Induced demand also results from persons using the expanded highway instead of using other modes of transportation such as public transportation.[30] While trip diversion was considered in the TA, none of the other factors causing induced demand were taken into account.

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[28] https://www.federalregister.gov/documents/2023/01/09/2023-00158/national-environmental-policy-act-guidance-on-consideration-of-greenhouse-gas-emissions-and-climate

[29] https://www.environment.fhwa.dot.gov/nepa/Travel_LandUse/travel_landUse_rpt.aspx#I2-4-6-Addressing-Land-Development-or-Redistribution-Effects Section 2.4.6.3

[30] https://www.vtpi.org/gentraf.pdf

The environmental impacts of the Bridge Expansion cannot be properly evaluated without taking a hard look at induced demand and the significant environmental impacts it will bring about. And those impacts will be substantial.[31]

3. The TA Used Stale Data and Made Unsupported Assumptions

The TA looked at traffic data from 2019 to 2021, which showed a "severe" drop in rush hour traffic during that time because of the COVID-19 pandemic and then "**assumed** [the drop] not to be long lasting and thus no adjustments were made to future volume projections." (TA 35).

The EA does not explain why more current data was not used when that data was available for 2022, 2023 and 2024. The use of stale data is grounds to invalidate an environmental review. Northern Plains Resource Council, Inc. v Surface Transp. Bd., 668 F.3d 1067, 1086-7 (9th Cir. 2011) ("In summary, the Board relied on stale data during the environment impact analysis process of TRRC III and failed to properly update the data with additional studies and surveys. We hold that such faulty reliance does not constitute the "hard look" required under NEPA.")

It is also apparent that work-from-home and hybrid work trends that began during the pandemic are not changing soon, if at all. While overall traffic volumes have returned or exceeded pre-pandemic levels, rush hour traffic has thinned out because of flexible work schedules and more remote work.

A study by a faculty member in the UNC Department of City and Regional Planning found that "traffic demand is spreading out" in the post Covid period as people are not traveling at traditional rush hour times as much as they were prior to the pandemic. The study went on to warn public agencies not "to overbuild infrastructure" and "to consider planning for lower-peak demand."

> Using pre-pandemic factors that are no longer correct could lead agencies to overbuild infrastructure, leading to increases in cost, greater climate impacts, and ultimately induce more driving due to more widely available infrastructure. Public agencies should carefully consider future expansion plans, and consider planning for lower peak demand than they might otherwise based on pre-pandemic data. Even if travel continues to increase post-pandemic, if that travel is distributed differently, additional roadway capacity may not be warranted.[32]

The sole source that NJTA cites for assuming that rush hour traffic is immutable is the Transportation Planning Authority Long-Range Plan (the "NJTPA Plan") (EA xvii).[33] The EA does not provide

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[31] RMI has developed a SHIFT (State Highway Induced Frequency of Travel) calculator to determine the added VMT and pollution caused by adding additional highway lanes. The portion of the NB-HCE between exits 14 and 14A is approximately four miles long. (EA 4) NJTA proposes adding four new highway lanes between those exits. Using RMI's SHIFT calculator those 16 additional lane miles are estimated to induce another 79 to 118 million vehicle miles traveled per year, producing emissions equivalent to an additional 9,400 passenger cars and light trucks. https://shift.rmi.org/

[32] https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0290534

[33] https://www.njtpa.org/Planning/Plans-Guidance/Plan-2050.aspx

a page reference for this because none exists. While the NJTPA Plan assumes that the region will largely recover to pre-pandemic "growth levels" after a five-to-ten-year setback (p. 4), no assumptions were made about whether the drop in rush hour will continue and whether people will continue to work from home. Indeed, in conflict with the EA, this statement is buried in the TA:

> Based on information obtained from the North Jersey Transportation Planning Authority (NJTPA), lasting changes in traffic forecasts due to the pandemic may not be fully understood for some time, until travel and work patterns settle into a recognizable post-pandemic pattern, which may not be known until the end of the current decade. (TA 43).

Notably, the NJTPA Plan strongly supports many of the points made in these comments. The Plan lists nine strategies to move the State "towards a more efficient and resilient transportation future," which include supporting and improving public transportation and active transportation such as bikeways and walkways. (pp 1, 8-10). Glaringly absent from those strategies is expanding highways generally or the NB-HCE specifically.

4. The TA Fails to Consider Traffic Congestion Caused by Choke Points NJTA Will Be Creating

The TA fails to consider traffic congestion resulting from choke points created by NJTA's phased, decades-long construction of the NB-HCE Expansion. As noted above, the Project has four phases: phase 1 is the Bridge Expansion; phase 2 includes the expansion of the NB-HCE between Exits 14A and 14B; phase 3 includes the expansion of the NB-HCE between Exits 14B and 14C; and phase 4 is the demolition and replacement, without widening, of the ramps leading to the Holland Tunnel access roads. After the completion of phase 1 and before the completion of phase 2, four lanes on the Bridge will feed into the two existing eastbound lanes. After the completion of phase 2 and before the completion of phase 3, three lanes of traffic will have to funnel into two lanes. The EA does not account for the monumental congestion these choke points will create.[34]

B. The EA Fails to Address the Impact from the Dramatic Increase in Diesel Truck Traffic Generated by the Bridge Expansion

Buried in the TA and undisclosed in the EA is data showing that the Bridge Expansion will cause an enormous increase in diesel trucks coming into and leaving the port. The TA projects that under the no-build alternative 457 trucks would be going eastbound and 362 trucks going westbound during a weekday am peak rush hour between exits 14 and 14A. (TA 57). With the Bridge Expansion, those numbers would jump to 563 trucks going eastbound and 450 trucks going westbound. (TA 60). This

[34] If one engages in the fiction that the Bridge Expansion is a stand-alone project and the remainder of the NB-HCE will not be expanded, the choke point where four lanes of Bridge traffic merges into two lanes of the existing NB-HCE would be permanent and potentially create forever traffic congestion.

constitutes a 23.2% increase in eastbound rush hour truck traffic and a 24.3% increase in westbound traffic solely due to the Bridge Expansion.

Even larger increases will occur in the afternoon peak rush hour. Under the no-action alternative, 135 trucks would be going eastbound and 156 trucks would be going westbound. (TA 57). With the Bridge Expansion, those numbers would jump to 187 trucks going eastbound and 196 trucks going westbound, constituting a 38.5% increase in eastbound rush hour truck traffic and a 25.6% increase in westbound traffic solely due to the Bridge Expansion. (TA 60).

Diesel trucks are the primary source of particulate matter, known as PM 2.5, one of the most dangerous environmental pollutants. It is associated with premature deaths, heart and lung disease, asthma, and respiratory issues. Vehicles generally, and diesel trucks especially, produce numerous other toxic pollutants. The EPA has identified nine compounds primarily resulting from mobile sources that are cancer risk indicators including e1,3-butadiene, acetaldehyde, acrolein, benzene, diesel particulate matter, ethylbenzene, formaldehyde, naphthalene, and polycyclic organic matter (POM). (EA 120). The EA also says in passing that FHWA guidance provides that projects that "[c}reate new capacity or add significant capacity to urban highways have the potential to create "meaningful differences" in cancer causing pollutants. (EA 120).

The EA then ignores that guidance. NJTA has not done a needed hot-spot analysis along the truck routes leading to the NB-HCE, has not acknowledged that the huge jump in truck traffic will have substantial environmental impacts, and has not provided any mitigation measures to address those impacts, all of which violates NEPA.

The EA tries to address this issue through sleight of hand. It maintains that no hot-spot analysis or mitigation is warranted because PM 2.5 emissions are not expected to create or contribute to new violations of clean air standards. (EA xxi).[35] In other words, the EA is saying to Hudson County residents, your air already is unhealthy so it does not matter if the Bridge Expansion makes it worse. Making the air worse leads to worse health outcomes.

The EA also claims that its modeling shows that there would be no insignificant difference in pollutants between the no-action alternative and the Bridge Expansion (EA 131) even though diesel truck traffic would increase up to 38%. This flies in the face of logic and FHWA guidance. It is also no doubt due to the study area not aligning with the areas where there will be the largest impact from the increased truck traffic – the roads between the port and the NB-HCE. As noted above, the hot-spot analysis was only done at locations near the NB-HCE. (Appendix C, p. 9).

An agency is under no obligation to accept, and must reject, assertions by a project sponsor that are questionable. The discrepancy between the TA's traffic forecast and its air quality modeling reinforces the need for USCG to engage FHWA and EPA to do an independent review of the impact of the increase in truck traffic, just as USCG did in the Bayonne Bridge raising project and in other environmental reviews.

C. The EA Fails to Properly Consider the Environmental Justice Impacts of the Bridge Expansion

[35] This is not to suggest that we agree or accept the representation in the EA that the Bridge Expansion is not expected to create or contribute to new violations of clean air standards. The EPA should be making that determination.

Executive orders, guidance from the Council on Environmental Quality and case law each require that environmental reviews consider environmental justice and take a hard look at the impact that a project would have on minority, low income and disadvantaged communities ("EJ Communities").

Executive Order 14008 directs that "[a]gencies shall make achieving environmental justice part of their missions'' and provides that it is the "policy of [this] Administration to secure environmental justice and spur economic opportunity for disadvantaged communities that have been historically marginalized and overburdened by pollution." Exec. Order No. 14008, 3 C.F.R. §477 (2022). That builds upon the long-standing requirements that "[t]o the greatest extent practicable and permitted by law . . . each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations[.]" Exec. Order No. 12,898, 3 C.F.R. § 859 (1995).

The Council on Environmental Quality's interim guidance affirmed that the "NEPA process calls for identifying potential environmental justice-related issues and meaningfully engaging with communities that proposed actions and reasonable alternatives (as well as the no-action alternative) may affect…. When assessing environmental justice considerations in NEPA analyses, agencies should use the scoping process to identify potentially affected communities and provide early notice of opportunities for public engagement."[36]

The EA's environmental justice analysis is facially deficient. Its study area only consisted of "the portions of Newark, Bayonne, and Jersey City within approximately 0.25 mile (1,320 feet) of the NB-HCE between Interchanges 14 and 14A." (EA 39).

Far more communities will be affected by the Bridge Expansion. There will be increased traffic along the entire NB-HCE, which will cause all EJ communities bordering the NB-HCE to be affected by the Bridge Expansion. Minorities make up 72.1% of the population in the 21 census tracts closest to the NB-HCE. Jersey City's recently completed *JC On The Move* study included an updated environmental justice analysis, which found that most census tracts within a quarter mile of the NB-HCE are considered as having high or very high concentrations of historically underserved populations, especially those tracts in the southeastern portion of the City.[37] The comments by the City of Jersey City further detail the unconsidered effects that the Project will have on disadvantaged communities. We incorporate by reference those comments with respect to environmental justice and all the rest of Jersey City's comments.

Simply put, the EA fails to consider the effect on the residents of the EJ Communities that border the NB-HCE, who will be disproportionately harmed by the increased traffic and pollution generated by the Bridge Expansion.

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[36] https://www.federalregister.gov/documents/2023/01/09/2023-00158/national-environmental-policy-act-guidance-on-consideration-of-greenhouse-gas-emissions-and-climate

[37] JC On the Move Final Report Appendix, https://jconthemove-jerseycity.hub.arcgis.com/pages/study-documents

D. USCG and NJTA Failed to Allow Input from the Public

USCG and NJTA wrongly failed to allow input from the public either directly or through their elected representatives about the Bridge Expansion or the Project.

Federal agencies must "[m]ake diligent efforts to involve the public in . . . implementing their NEPA procedures," 40 C.F.R. §1506.6(a), and "involve the public . . . to the extent practicable in preparing environmental assessments," 40 C.F.R. § 1501.5(e). Page 3-28 of USCG's Procedures also states:

> If a proposed action is unprecedented or one that normally requires an EIS or is closely similar to one that normally requires an EIS, the Proponent must, whenever feasible, provide an opportunity for public input in the drafting of the EA and make the DEA and draft FONSI available for public review, as described in 40 C.F.R. § 1501.4(e)(2).

USCG and NJTA have refused to allow public input in the drafting of the EA without providing any reason why it was not "feasible" to do so. As noted above, a January 18, 2023 letter from EmpowerNJ, TTC, and Jersey City asked USCG for a meeting to provide input regarding NJTA's request for a FONSI. (Exhibit 1). USCG did not respond. On January 5, 2024, EmpowerNJ and TTC again wrote to the USCG in renewing their requests for a meeting and notice of NJTA filings. USCG refused this request as well. (Exhibits 4- 7).

NJTA has refused to allow any meaningful public input regarding the Bridge Expansion. NJTA's only "engagement" with the public has been to hold "information sessions'' in Newark, Bayonne, and Jersey City, to explain what it has already decided to do – the very type of fatally flawed process that New Jersey argued in the Congestion Pricing Action is grounds to scuttle New York's congestion pricing plan. In those sessions, NJTA refused to allow any public comments or public questions. NJTA would only answer questions on a "one-to-one" basis, where there would be no record of the questions and answers, no accountability for the information (or misinformation) given, and no ability for the public to better inform itself from public questions and answers. The failure to make transcripts alone invalidates the environmental review process. Coalition for Canyon Preservation v. Bowers, supra, 632 F.2d at 786 ("Significantly, a verbatim transcript of the hearing is required for the purpose of informing decision-makers. No such transcript was made of the February 1975 hearing. Although a brief written summary of the hearing was prepared by one official, we cannot say that this shows 'substantial compliance' with the formal hearing requirements or provides decision-makers with an adequate record upon which to base their decisions. To hold otherwise would be to defeat the important objectives of … NEPA.")

The environmental review process was also fatally flawed by not allowing any input from New York residents and public officials. The Bridge expansion will worsen the air in Lower Manhattan and undercut its traffic and environmental goals. It will also affect New York City's plan to redesign Canal Street, the clogged and unsafe street known as the Boulevard of Death, which the increased Holland Tunnel traffic will empty into.

NJTA's failure to allow for public input during the development of the Project also violated EO 172 and the procedures NJTA was required to adopt for complying with that Order. EO 172 recognizes "the vital importance of public input" and the need "to assure that potential adverse effects and local concerns relating to any proposed project on these highways have been fully considered in the **development** of

such project." (Emphasis Added). It requires public input during the "project development process for [NJTA] highway projects" and requires NJTA to adopt policies and implementing procedures to ensure this occurs.[38]

In 2022, EmpowerNJ and others filed a petition asking NJTA to develop rules that asked, among other things, for NJTA to develop a more robust public participation process that meets the letter and spirit of EO 172. NJTA denied the petition, citing its implementing policies and procedures for complying with EO 172.

> The EO 172 Policy requires that the Authority consider and respond to all comments, opinions, and recommendations received as part of the **record of the proceedings**. The EO 172 Policy process (i) provides … ample opportunity for public comment and input; and …for Authority consideration of and response to **public comment** and input concerning a proposed highway project. All of these are processes in which the Authority can solicit, hear and consider the comments of the public and stakeholders, and make changes to the project according to public input. Such input is a valued aspect of the process and one that the Authority considers critical to its mission of providing and operating safe and convenient roadways for the public. (Exhibit 8). (Emphasis Added). [39]

NJTA never kept its legally binding promises and has not even followed the procedures it employed previously. When NJTA was planning to widen a portion of the Turnpike between exits 6 and 9, it held public hearings regarding the **preliminary** design plans, specifically allowing for the possibility of modifications in the final design phase. All public comments received at the public hearings were recorded by a court stenographer as part of the record of the proceedings and the public was advised that the record of the proceedings would remain open for 15 days thereafter. NJTA committed itself to respond to all comments that are part of the Public Hearing record, whether oral or written.[40]

NJTA has not complied with EO 172, followed its policy and procedures implementing the Order, and broken its promises in countless respects. The public information sessions were held after a final design contract had already been awarded and did not allow for public comments or public questions. The sessions were not transcribed so no record could be kept. There was no process for providing written comments or for NJTA to respond to comments.

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[38]https://dspace.njstatelib.org/server/api/core/bitstreams/8344d7db-ce89-493a-8372-27b36ab34e71/content

[39] Executive Orders in New Jersey, like elsewhere, have the rule of law unless they are rescinded. In denying the Petition, NJTA said it complies with EO 172 although EO 172 "expired." NJTA did not explain, and cannot explain, either how or why EO 172 expired since it has no expiration date and has never been rescinded or why it would comply with an "expired" order.

[40]http://www.njturnpikewidening.com/documents/Interchange6-9WideningProgramExecutiveOrderNo.172-PublicHearingReport.pdf

E. USCG and NJTA Violated NEPA Regulations by Not Involving Local Governments

NJTA and USCG have violated NEPA and USCG regulations by not consulting with public officials and getting public input in the development of the Project.

40 CFR §1501(e) requires federal agencies to "involve the public and local governments to the extent practicable in preparing environmental assessments." USCG regulations regarding the procedures for handling applications for bridge permits also require the District Commander to ascertain "the views of local authorities and interested parties" when a bridge permit application is received. 33 CFR §115.60(a).

None of this happened. Neither USCG nor NJTA involved officials in Jersey City or Newark in the preparation of the EA or for that matter the development of the plans for the Bridge Replacement. The comments submitted by Jersey City, the Jersey City Council members and Newark Mayor Ras Baraka are incorporated by reference herein.

It was particularly egregious for NJTA and EA not to get input from Jersey City. While one of the justifications for the Bridge Expansion is to accommodate expected population and economic growth in Jersey City, USCG and NJTA have refused to consult with Jersey City about the Project and the Bridge Expansion or address the City's concerns that they would conflict with Jersey City's economic and environmental goals.

On January 10, 2024, the Jersey City Council unanimously passed a resolution asking USCG to reject the EA and to require the preparation of an EIS that takes into account the entire NB-HCE Expansion. Among the bases for the resolution is USCG and NJTA's refusal to consider input from Jersey City about the Bridge Expansion and alternatives to it, despite claiming that the Bridge Expansion is for Jersey City's benefit. The resolution goes on to state that the Project and Bridge replacement are each not needed for Jersey City's growth but instead will lessen the quality of life and health outcomes for Jersey City residents, new and old.

F. NJTA Failed to Consider Alternatives

Section 102(2)(E) of NEPA and NEPA regulations require an environmental assessment to consider alternatives to a proposed project and the environmental impact of those alternatives. 40 CFR §1501.5(c)(2). NJTA did not seriously consider or arbitrarily rejected alternatives to the Bridge replacement, which singularly or in combination could achieve the goals of maintaining the integrity of the Bridge crossing and improving rush hour traffic, without the negative environmental impacts and higher costs of the Bridge Expansion.

1. A Bridge with a 100 to 150 Year Life Span is an Unreasonable Objective

The EA states that the purposes of the Bridge Expansion are to "[i]mprove the long-term integrity of the structures on the NB-HCE between Interchanges 14 and 14A, to maintain the structures in a state of good repair over a minimum 100-year service life to a goal of a 150-year service life" and to '[i[mprove mobility between Interchanges 14 and 14A." (EA xviii).

NJTA had not always made a 100-year life span for the Bridge a mandatory requirement. In 2017, it informed Jacobs that it was looking at alternatives with a 40-year time horizon for the Bridge:

> At a meeting held on April 3, 2017, the Authority indicated that we should assume that any bridge along the NB-HCE which will need to be widened or rehabilitated as part of this program shall target a minimum load rating capacity of HL-93 at the operating level and shall not require any significant structural repairs for a minimum of **40 years** from the completion of said widening. Exhibit 6, p. 2-15 (Emphasis added).

A project violates NEPA where its purported purpose is defined in such a way as to preclude alternatives. An agency cannot "define the objectives of [their] action[s] in terms so unreasonably narrow that only one alternative from among the environmentally benign ones . . . would accomplish the goals of the agency's action[.]" Nat'l Parks & Conservation Ass'n v. Bureau of Land Mgmt., 606 F.3d 1058, 1070 (9th Cir. 2010) (internal citations omitted). An environmental assessment cannot be drafted to ensure a "predetermined" outcome. Jones v. Peters, 2007 WL 2783387 at *18 (D. Utah 2007).

This is precisely what NJTA is doing here by adding the requirement that any structure has to have a 100-to-150-year life span. This requirement mandates only one alternative: the teardown and replacement of the Bridge.

NJTA has not explained why it moved the goal posts to require a minimum 100-year lifespan for the Bridge. There are, in fact, new reasons for a 40-year period. As described above, commuting and commuting hours have changed. Even with the end of the pandemic, fewer workers, particularly office workers, are commuting five days a week and many former commuters are now working mainly or exclusively from home.

The TA reflects this. It acknowledges that the long-term effects from the pandemic are unknown nad only projects traffic volume and congestion until 2050, less than 20 years after the construction of the two new bridges. This is a tacit admission that no one can accurately forecast what traffic will look like after 2050 or whether an eight-lane bridge in the twenty-second century would be an asset or an albatross.

2. The EA Fails to Consider any Public Transportation Alternatives

Public transportation is a proven means of reducing traffic congestion. "Public transit systems have long provided alternatives to personal vehicle use for transportation needs. Expanded investment in public transit, and the infrastructure to support it, increases public transit usage by enhancing convenience and safety, making it a more attractive transportation option for many. In addition, public transit investments generally provide benefits for much longer timespans than the 5–10 years for the benefits typically provided by highway expansions."[41]

[41] https://shift.rmi.org/faq

The Federal Transit Administration has long recognized that public transportation decreases traffic demand and reduces the need for constructing more roads.[42] The 2019 New Jersey Energy Master Plan (EMP) calls for, among other things, a concerted effort to expand public transportation options and reduce VMT which "will also yield many economy-wide financial and health benefits."[43]

Even the TA implicitly recognizes all this. Its predictions about future traffic assumes that "there are no major changes assumed to transit services such that significant mode choice differences would result in the future." (TA 64). Put in more understandable terms, the TA is admitting that enhancements to public transportation would reduce the number of vehicles on the NB-HCE.

In the EA, NJTA asserts that it looked at nine alternatives to the Bridge Replacement (EA xix), none of which included improving public transportation. Public transportation investments, singularly or in combination, that NJTA should have considered to reduce traffic congestion include:

- Partnering with NJ Transit and private bus companies, to increase the use, frequency and reliability of trains and buses during rush hour.
- Completing the long-planned expansion of the Hudson Bergen Light Rail Line.
- Improving PATH service.
- Increasing and improving bus service at the Holland Tunnel.

Increasing bus service alone could solve any congestion problems on the NB-HCE as is evident when comparing the vehicle mix at the Lincoln Tunnel, where there are express bus lanes, and at the Holland Tunnel, which has none. Data compiled by the New York Metropolitan Transportation Council [44] shows that in 2022, between 7:00 and 10:00 a.m, 57,632 bus passengers used the Lincoln Tunnel and only 1,779 used the Holland Tunnel. (Table 18). In 2022, the total number of public transit passengers on a fall day was 262,297 at Lincoln and 10,752 at the Holland. (Table 5). There were no such disparities with private vehicles. On the same fall day, 106,736 and 131,982 passengers respectively went through the Holland and Lincoln Tunnels in private vehicles. (Table 10). While the location of the Port Authority Bus Terminal will always mean that more buses will use the Lincoln, the current disparity can and should be narrowed with more bus routes and express bus lanes.

It does not take a highway engineer or an urban planner to see that the first alternative that NJTA should have looked at before planning to spend $10.7 billion on a controversial and unpopular project was changing the vehicle mix and increasing the number of bus passengers at the Holland Tunnel.

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[42] https://www.transit.dot.gov/regulations-and-programs/environmental-programs/transit-and-sustainability

[43] EMP at 14; https://nj.gov/emp/docs/pdf/2020_NJBPU_EMP.pdf

[44] https://www.nymtc.org/Portals/0/Pdf/Hub%20Bound/2022%20Hub%20Bound/May%202022/2022%20Hub%20Bound%20Report-%205.17.24-FINAL%

3. NJTA Arbitrarily Rejected the Alternative of Building a New Six Lane Bridge

Building a new six lane bridge instead of building two new four lanes would meet the NJTA's safety and longevity goals. It would also have obvious financial and environmental benefits compared to the Bridge expansion by saving billions of dollars in construction costs, reducing the amount and time of construction, lessening the environmental damage to Newark Bay, and reducing VMT, GHGs and toxic pollutants.

NJTA nevertheless rejected this alternative because it supposedly "would not provide for the traffic flow demand to at least 2050." (EA xvii). But according to the TA, this would only be an issue during the eastbound rush hour, which occurs between 7:00 and 8:00 a.m. (TA 78), a period of five hours a week in one direction. The required level of mobility would be met during the westbound rush hour.

This relatively minor concern could be remedied by any one of three measures NJTA never considered: i) lane reversal, reversing one lane of traffic in the morning rush hour; ii) variable tolling; and iii) the use of the shoulder during rush hour. It considered lane reversal and shoulder use in rejecting a no-action alternative of maintaining the existing bridge, but inexplicably never examined this approach when evaluating a six- lane replacement bridge.

4. NJTA Arbitrarily Rejected the No-Action Alternative

NJTA continually maintains that the Bridge and the surrounding structures are "nearing the end of their useful service lives." (EA 9). Its principal reason for rejecting the no-action alternative is that the "structural sufficiency of the structures could not be maintained even with extensive repairs and maintenance[.]" (EA 14).[45]

This assertion directly conflicts with the Jacobs Study that NJTA commissioned yet fails to mention in the EA. That Study found that the existing Bridge can be safely maintained for 40 years at a cost of $260 million and repairs would "render the existing structure in a condition that will be free of major rehabilitation for 40+ years beyond the completion of the program, as stipulated during Scoping meetings." (Exhibit 6, p. 5-13).

NEPA requires an agency to provide "full and accurate information" and make "fair and open disclosure" of relevant facts. See Action for Rational Transit v West Side Highway Project, 536 F Supp 1225, 1252-54 (S.D.N.Y. 1982) (enjoining construction of the Westway highway project) Sierra Club v United States Army Corps of Engineers 541 F Supp 1367, 1382 (S.D.N.Y. 1982), dismissed without op. 697 F2d 297 (2d Cir. 1982) (invalidating permit granted by the Corps of Engineers for failing to disclose relevant information). USCG should reject the EA and require NJTA to explain why it now believes that the Study it commissioned is wrong.

It is also noteworthy that Jacobs recommended the replacement over repair on two grounds: NJTA's objective of a 100-year life span and a "comparison of the estimated cost of replacement versus

[45] NJTA also asserts that the no action alternative was unacceptable because "traffic flow would continue to deteriorate." As detailed herein, there are numerous other alternatives that in combination with keeping the Bridge in good repair would address this concern. NJTA also throws in the assertion that "inadequate left shoulder areas" were problematic for various reasons. NJTA does not show that this would be a consequential enough issue to reject the no-action alternative.

rehabilitation." (p. 5-14). Jacobs estimated the cost of replacing the Bridge and the roadways at exits 14 and 14A to be approximately $3.2 billion. (p. ES-4). The 2022 projected cost is at least twice this amount, calling into question the viability and logic of the entire Project.

5. NJTA Failed to Look at Other Alternatives for Reducing Rush Hour Traffic

Traffic congestion is only a problem during rush hours. These are the only times that NJTA focused on when looking at traffic congestion. (EA xxviii, 7, 94).

In addition to improving public transit and using reversible lanes as described above, there are two other alternatives that NJTA failed to consider for reducing traffic congestion during rush hour. Variable toll pricing would even out vehicle use during the day. London, Stockholm, Milan, and Singapore have each implemented successful congestion pricing programs, which have substantially reduced rush hour traffic. New York has passed legislation mandating congestion pricing in New York City. [46]

Traffic congestion during rush hour could potentially be substantially reduced by staggering the times trucks go into and out of the Port of Newark to avoid the rush hours. Trucks make up only 2.5% of the vehicles on the NB-HCE at night, but "15% in the morning peak hour." (EA 96). By simply staggering truck pickup and delivery times you could potentially make rush hour traffic dissipate. New York City just announced a program this year to incentivize off-hour deliveries in which it seeks to add 5,000 off-hour delivery locations by 2040, up from 1,120 now, and shift 62,000 trucks away from peak hours through various incentives that would cost a minute amount compared to the billions spent on highway widenings. [47]

6. NJTA Failed to Look at Freight as an Alternative for Reducing Truck Traffic

The EA fails to consider improving and expanding freight rail service is another alternative to reducing diesel truck traffic. Trains emit about 75% less GHGs than trucks. A Cross-Harbor Rail Tunnel, a long-time Port Authority and regional initiative supported by New York Governor Hochul, would allow the delivery of goods across the Hudson River to points east and north. Increasing and expanding the use of railcar barges that are currently moving freight across New York Harbor from the Greenville Yards in Jersey City to Bush Terminal in Brooklyn would reduce truck traffic. The Port Authority Master Plan calls for the revival of barge service to ease congestion and reduce truck traffic. To this end, the Port of Albany is looking at restarting barge service to New Jersey.[48] In California, the Board of Metro Directors rejected a

[46] Recently, New York Governor Kathleen Hochul unilaterally decided to "pause" the implementation of congestion pricing in New York, which is likely to be subject to numerous legal challenges including by the New York City Comptroller.

[47] https://nyc.streetsblog.org/2024/04/25/dot-will-spend-11m-to-boost-off-hour-deliveries

[48] https://www.timesunion.com/business/article/Port-of-Albany-reviving-barge-service-to-16616003.phpa

long-planned highway expansion from the Port of Long Beach and instead authorized spending $1.5 billion to improve and expand rail service out of the port.[49]

G. The EA's Mitigations Measures are Inadequate

The EA projects that the Bridge Expansion will cause a 21.9% increase in traffic on the NB-HCE over the no-action alternative. (TA 65). Taking this projection at face value (and ignoring the fact that they are grossly understated), the EA does not provide for mitigation measures required by NEPA. The Bridge expansion will increase vehicles, VMT, GHGs and pollution on the NB-HCE and on local streets in Hudson County and Lower Manhattan for all the reasons previously discussed.

The general mitigation measures proposed in the EA are inadequate and do not even address the harms from increased traffic on the NB-HCE that the EA projects. The EA states that it has on-going initiatives to reduce PM2.5 roadway operational emissions, for example, through routine sweeping of fugitive dust from its roadways, including the NB-HCE, and by annually providing over $500 million to the State to support public transportation. The Authority is also "investing in electric vehicle (EV) charging stations systemwide at its rest areas in an effort to support use of EVs and reduce emissions from vehicles using the New Jersey Turnpike. No further mitigation is necessary." (EA 50)

These are totally vague and not specific to reducing PM2.5 levels. The EV charging projects are not relevant, because the biggest PM2.5 issue is from diesel exhaust, the majority of which comes from truck tailpipes.

The slow transition to electric cars will also not substantially mitigate GHG and pollutant emissions for many years. Electric cars accounted for just under eight percent of new cars sold in the United States last year.[50] The average car on the road is 12 years old, meaning that 92% of the cars sold today will emit carbon and pollutants for at least another decade.[51]

Payments to NJ Transit do not pass the straight face test as a mitigation measure for three reasons: funding NJ Transit will not reduce truck traffic or PM 2.5 levels; the payments that NJTA is making to NJ Transit are made pursuant to a memorandum of understanding that expires in 2028 and can be unilaterally terminated by NJTA; and the payments are funding NJ Transit's on-going operations and not for any project that would reduce the pollution caused by the Bridge Expansion.

NEPA does not allow an agency to issue a FONSI and bypass an EIS when the record shows, as here, there will be significant unmitigated environmental impacts. Ctr. for Bio. Diversity v. Nat'l Highway Traffic Safety Admin., 538 F.3d 1172, 1220 (9th Cir. 2008) (EA "markedly deficient" when "the agency's FONSI is based primarily on its conclusory assertion—contradicted by evidence in the record—that the [project] will have no significant environmental impact").

The inadequate mitigation measures in the EA require its rejection.

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[49] https://www.latimes.com/california/story/2021-05-22/710-freeway-expansion-stalls ; https://polb.com/port-info/news-and-press/2024-a-pivotal-year-for-new-pier-b-rail-facility-11-29-2023/

[50] https://www.eia.gov/todayinenergy/detail.php?id=61344

[51] https://www.nytimes.com/2024/05/31/headway/highways-colorado-transportation.html?searchResultPosition=1

H. The FHWA and EPA Should be Cooperating Agencies

40 CFR §1501.8(a) provides that any "Federal agency with special expertise with respect to any environmental issue may be a cooperating agency." Each cooperating agency shall, among other things, "[p]articipate in the NEPA process at the earliest practicable time; assume responsibility for developing information and preparing environmental analyses, including portions of the environmental impact statement or environmental assessment concerning which the cooperating agency has special expertise; and to "the maximum extent practicable, jointly issue environmental documents with the lead agency." §1501.8(b).

While USCG has discretion whether to request the help of other federal agencies in undertaking an environmental review, it was an abuse of that discretion not to involve the FHWA. The Project is at its core a highway expansion project and the FHWA has special expertise regarding issues that must be considered in an environmental review of a highway expansion such as traffic flow, induced demand, public transportation alternatives, GHGs and vehicular pollutants.

FHWA is not listed as a cooperating agency in the EA. And while the EPA is listed, it appears that to the degree there was "cooperation," it was limited to hazardous material issues. There is no indication that EPA was, for example, asked to provide any input into the EA or asked to provide comments on it. We should add that the EA has a very loose definition, to be charitable, of what constitutes a cooperating agency. The EA states that one of the Commenters, Hudson County Complete Streets, was a cooperating agency even though it adamantly opposes the Bridge Expansion.

USCG is also not following its normal practice by failing to coordinate with FHWA. When the Port Authority of New York and New Jersey proposed to raise the nearby Bayonne Bridge, USCG engaged in "extensive consultation with [its] federal partners," FHWA and EPA, in the preparation of a draft environmental assessment. Coalition for Healthy Ports v. USCG, 2015 WL 7460018 at * 6.

USCG is required to do a "thorough and independent review" of the EA. Action for Rational Transit v West Side Highway Project, supra, 536 F Supp at 1249. That level of review of the TA requires the robust involvement of FHWA and EPA, which have the unique expertise to evaluate a host of issues raised by the EA related to traffic, air pollution and hazardous materials. We do not know how this would be possible without the expertise of FHWA and EPA.

It is arbitrary and capricious for USCG not to fully involve FHWA and EPA in the environmental review of the Bridge Expansion.

Respectfully submitted on behalf of Commenters by

John H. Reichman

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917.626.8025
John@johnreichmanlaw.com

Howe, Christine L VOL (USA)

From: McGinley Square Community Board <noreply@adv.actionnetwork.org>
Sent: Thursday, July 11, 2024 2:57 AM
To: SMB-D1Boston-Bridges-PublicNotices
Subject: [Non-DoD Source] Opposition to Extension Widening from exit 14 to 14A

US Coast Guard,

Enhance public transportation instead! The widening of the Turnpike would have a detrimental impact on the environment, be exorbitant in cost, hurt families health homes and wellbeing, add congestion, and not actually fix anything, and only create more problems. Increased traffic / noise /impact McGinley Square in Jersey City.

I strongly oppose the proposal to spend over $6 billion to replace the current NB-HCE bridge with two new bridges instead of repairing the existing bridge and extending its lifetime for 40 years for just $260 million. This project will only bring more pollution, more congestion, and more crashes to the region, and the money could be spent more effectively and have much less environmental impact if invested in mass transit instead.

I ask for a halt to this project and full regional study of post-pandemic traffic data that includes both the Turnpike Extension, local, and regional roadways. Impact on local roadways are not considered. Partial and outdated data from 2021 should not be used to improperly segment phase 1 from the full planned extension and surrounding network of roadways. I ask that the study considers induced demand and studies much more efficient and sustainable mass transit including light rail expansion, running existing buses and trains at higher frequency, expanded bus lane hours, and freight rail alternatives such as expanded rail service directly to the ports and the long-planned Cross Harbor Freight Rail plan instead.

Nearly all of the census tracts in Jersey City, Newark, and Bayonne are environmental justice communities and are already overburdened and full consideration of unequal impacts to schools and already high asthma rates should be considered before adding *any* additional air pollution to the region.

McGinley Square
New Jersey

July 12, 2024

Donna. A. Fisher
Bridge Program Manager
U.S. Coast Guard
[Submitted via email to Donna.D.Leoce@uscg.mil]

Re: PUBLIC NOTICE D01-209a-2024, New Jersey Turnpike Interchanges 14 to 14A/Newark Bay Bridge Replacement NEPA Environmental Assessment

To Whom It May Concern:

We are writing to express our concerns regarding the draft Environmental Assessment (EA) for the New Jersey Turnpike Interchanges 14 to 14A/Newark Bay Bridge Replacement and Associated Improvements project. NY/NJ Baykeeper and Hackensack Riverkeeper are nonprofit organizations with missions to preserve, protect, and restore their respective watersheds. NY/NJ Baykeeper's watershed encompasses the greater NY-NJ Harbor Estuary which includes Newark Bay and the Passaic River. Hackensack Riverkeeper's watershed includes Newark Bay, and the Hackensack and Passaic Rivers. Our members and supporters reside in the many communities along these waterways as well as those not directly in contact with the waterfront. All of us use and enjoy these waterways and share a concern for the proper planning in replacing structures within the waters and the indirect effects on the health and wellbeing of our waterways through increased air pollution.

We oppose this project because there are more beneficial infrastructure and transportation initiatives that would make better use of the ten billion dollars allocated for the proposed Turnpike expansion. Furthermore, we do not believe that this expansion will effectively address the traffic congestion issues as claimed.[1]

However, the comments that follow will take a particular focus on the direct effects of the planned work on the waterways and related natural resources, which are our primary area of concern. Historical industrial pollution of the Hackensack and Passaic Rivers and Newark Bay has led to multiple Superfund site designations and decades of remediation and remedial action planning that

[1] Weingart, Eden, *Widening Highways Doesn't Fix Traffic. So Why Do We Keep Doing It?, The New York Times*, January 26, 2023, https://www.nytimes.com/2023/01/06/us/widen-highways-traffic.html

lies in the work area of the Newark Bay Bridge replacement element of the EA and will impact the care and planning needed to make this project as minimally harmful to the existing environment as is possible.

We strongly support the need for a full Environmental Impact Study (EIS) to more deeply explore the potential impacts on our air, water, and communities because of this project and identify mitigation measures that minimize impact and make this work well worth the efforts necessary to complete the project. Additionally, the segmented nature of the work lends itself to a more beneficial appearance on paper versus a complete study of the entirety of the project scope and must be considered as part of an EIS.

Air Pollution

We acknowledge the growth of the Port of New York and New Jersey, evidenced by the increased traffic of ships and containers. However, we must address the significant air pollution and high asthma rates surrounding the port area, which are among the worst in the nation with "[o]ne in every four children in Newark [having] asthma — three times higher than the national average"[2]. As the Port of NY/NJ expands its capacity to handle larger ships (and construction projects add to the volume) it is imperative that modernization efforts include the development of barges and non-carbon-fueled vessels to transport local cargo via the NY Harbor waterways. The Center for Post Carbon Logistics[3] has been a strong and knowledgeable advocate for this more efficient and environmentally sustainable approach to "first and last mile" transport and can be a valuable resource for minimizing roadway traffic and automotive pollution in communities like those surrounding the port and this project.

The proposed improvements to the New Jersey Turnpike, specifically the replacement of the Newark Bay Bridge and modifications to Interchanges 14 to 14A, are expected to result in significant increases in traffic volume, which in turn will exacerbate air quality issues in Newark, NJ. The anticipated rise in vehicle emissions, including nitrogen oxides (NOx), particulate matter (PM), and volatile organic compounds (VOCs), will contribute to higher levels of ground-level ozone and fine particulate pollution, posing serious health risks to local residents. Construction activities will further degrade air quality through the release of dust, diesel exhaust, and other pollutants. Newark already faces substantial air quality challenges due to its industrial history and dense urban environment. The additional roadway pollution and construction emissions will likely aggravate respiratory and cardiovascular conditions among the population, particularly affecting vulnerable groups such as children, the elderly, and those with preexisting health conditions. It is

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[2] 'It takes all of us': At community asthma workshop, doctors say parent efforts are key
By Devna Bose, February 21, 2020, 5:24pm: https://www.chalkbeat.org/newark/2020/2/21/21178668/it-takes-all-of-us-at-community-asthma-workshop-doctors-say-parent-efforts-are-key/#:~:text=One%20in%20every%20four%20children,higher%20than%20the%20national%20average.

[3] https://postcarbonlogistics.org/

crucial that the project incorporates stringent air quality management and mitigation measures to minimize these adverse impacts and protect public health.

Disruption of Wetlands

Significance of Wetlands

Wetlands within the project area provide critical ecosystem services, including water filtration, flood mitigation, and habitat for various species including many avian species like the Osprey and Heron and marsh dwellers like frogs, turtles, and muskrat.[4] As indicated in the draft EA, the proposed project will inevitably affect these sensitive areas. According to the document, several delineated wetlands fall within the construction zone, leading to both temporary and permanent losses of wetland functions and values. Our recommendation is to minimize impact on wetland areas because of construction activity and where impacts are unavoidable, mitigate the harm as close to the impacted area as possible. Additionally, it is important to schedule construction activities so as not to interfere with migration and nesting periods to reduce any inadvertent harm to local wildlife. With limited acreage available in the area for wetlands, it is important to retain as much as possible and look to add more as restoration of these waters progresses.

Potential Impacts

Habitat Loss

The construction activities associated with the replacement of the Newark Bay Bridge will lead to the destruction of critical wetland habitats that support a diverse array of flora and fauna. These wetlands are not only home to various plant species and wildlife but also serve as vital breeding grounds and feeding areas for migratory birds and aquatic species. The loss of these habitats could have cascading effects on local biodiversity, potentially leading to the decline of certain species and the disruption of the ecological balance within the Newark Bay area. Given the area's history of industrial contamination, the wetlands have adapted to specific conditions, and their destruction could disrupt these adaptations, further destabilizing the local ecosystem.

Water Quality Degradation

Wetlands in the Newark Bay area play a crucial role in maintaining water quality by acting as natural filters that trap sediments, absorb pollutants, and break down organic matter. The disturbance and destruction of these wetlands can lead to increased sedimentation and pollutant levels in nearby water bodies. The resuspension of contaminated sediments, which are prevalent in Newark Bay due to its industrial history and Superfund status[5], could introduce

[4] https://www.hudsonriver.org/wp-content/uploads/2017/04/Wildlife-NYNY-HarborEstuary.pdf

[5] https://cumulis.epa.gov/supercpad/CurSites/csitinfo.cfm?id=0200613&msspp=med

harmful substances such as heavy metals and organic pollutants into the water column. This degradation of water quality would have adverse effects on aquatic ecosystems, potentially leading to the bioaccumulation of toxins in fish and other marine life, which could then impact human health through the consumption of contaminated seafood. Additionally, poorer water quality can affect recreational activities and the aesthetic value of the area, further impacting the community.

Inadequate Mitigation Measures

The EA outlines a framework for wetland mitigation, including the creation or restoration of wetlands in other locations. However, it lacks sufficient detail on how these measures will effectively compensate for the specific ecological functions lost in the affected wetlands of Newark Bay. Simply replacing the wetland area does not ensure the replication of the unique functions provided by the original wetlands, especially in a region with a complex history of industrial contamination. Effective mitigation efforts should aim to replicate the hydrological conditions, vegetation types, and pollutant filtering capacities of the original wetlands. This requires a detailed understanding of the local wetland ecosystems and their specific roles in maintaining ecological and water quality. Furthermore, long-term monitoring and adaptive management plans are essential to ensure that the new or restored wetlands develop the necessary ecological functions to support local biodiversity and water quality as effectively as the original wetlands.

Redistribution of Contaminated Sediments

Existing Contaminants

The project area, particularly around Newark Bay, has a history of industrial pollution. The sediments in this region are known to be contaminated with Dioxin, heavy metals, polycyclic aromatic hydrocarbons (PAHs), and other hazardous substances.[6] Disturbing these sediments can mobilize contaminants, posing significant risks to both environmental and human health. This EA lacks sediment sampling for the subaquatic areas surrounding the demolition site of the existing bridge and the construction site of the new bridge. It is imperative that this project does not advance until a comprehensive Environmental Impact Statement (EIS) is conducted and Contaminated Sediment Risk Assessment is completed in conjunction with the US EPA Region 2 team working in the Newark Bay Study Area. An EIS should provide evidence that the resuspension and movement of sediments associated with this project, in such a heavily contaminated area, will not pose additional significant health risks to human health and the environment.

Risks of Sediment Disturbance

[6] *Id.*

Construction activities, such as dredging and pile driving, could resuspend contaminated sediments, leading to the spread of toxins into the water column. This could result in the contamination of aquatic organisms and the bioaccumulation of toxins in the food web, affecting both wildlife and human populations that rely on these resources. The redistribution of contaminants could have lasting impacts on the aquatic ecosystem, including fish, invertebrates, and plant life. Contaminants could settle in new areas, creating new hotspots of pollution that may persist for decades. It is important that construction activities for this project do not exacerbate existing conditions or interfere with or disrupt remediation plans in place through the Superfund planning process.

The mobilization of contaminated sediments can lead to increased exposure to harmful substances for nearby communities. This is particularly concerning for vulnerable populations, including children and the elderly, who are more susceptible to the adverse effects of environmental toxins. Newark Bay is surrounded by Environmental Justice communities who have long suffered from the indifference of industry and are owed responsible action by agencies like the Turnpike Authority to ensure that projects such as this are in the best interest of the region, done with minimizing environmental and human health impacts, and completed through a transparent and meaningfully engaged process.

Recommendations

1. Complete a thorough EIS incorporating all aspects of the project under one comprehensive assessment to fully understand, evaluate, and address the impacts of the project on the surrounding environment and communities.

2. The project should include more robust measures to protect existing wetlands. This could involve redesigning elements of the project to avoid wetlands altogether, enhancing buffers, and employing advanced construction techniques that minimize disturbance. Since the area around Newark Bay has seen some significant improvement of natural resources in the years since its Superfund designation, it is even more important to prevent losing any progress that has been made in the past forty years by making every effort to preserve or restore wetlands through this project.

3. The mitigation plan should provide specific details on how wetland functions will be replicated and/or enhanced. This should include quantitative goals for wetland creation, criteria for success, and long-term monitoring to ensure that the mitigation measures are effective and impact the same hydrologic area as the harm.

4. A detailed plan for managing contaminated sediments should be developed in partnership with US EPA Region 2 and the Potentially Responsible Parties working on the Superfund project in the Newark Bay Study Area. This plan should include methods for minimizing sediment disturbance,

strategies for containment and removal of contaminated materials, and protocols for monitoring and addressing any contamination that does occur during construction.

5. Measures should be put in place to protect public health, including real-time monitoring of air and water quality during construction, prompt reporting of contamination incidents, and clear communication with local communities about potential risks and mitigation efforts.

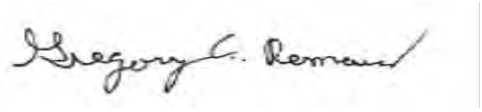
6. The project team should work closely with teams at US EPA Region 2 and NJ Department of Environmental Protection to assess and mitigate the potential impacts on wetlands and historic contamination. This will ensure that the project incorporates the best available science and practices to protect the environment and public health while addressing the critical need for replacement of the Newark Bay Bridge.

Conclusion

In conclusion, while the proposed improvements to the New Jersey Turnpike are essential for addressing transportation needs, it is crucial to balance these needs with environmental and public health considerations. The potential impacts on wetlands and the redistribution of contaminated sediments require careful planning, robust mitigation measures, and continuous monitoring to ensure that the project does not cause long-term harm to the environment or the health of local communities.

Thank you for considering these comments. We look forward to seeing how the final Environmental Assessment addresses these critical issues and reviewing the comprehensive Environmental Impact Study for this project in its entirety.

Sincerely,



Captain Bill Sheehan
Riverkeeper & Executive Director

Gregory Remaud
Baykeeper & CEO

Howe, Christine L VOL (USA)

From: Chloe Desir <cdesir@ironboundcc.org>
Sent: Friday, July 12, 2024 4:27 PM
To: SMB-D1Boston-Bridges-PublicNotices
Cc: Kim Gaddy; Melissa Miles; Maria Lopez-Nunez; Brooke Helmick
Subject: [Non-DoD Source] ATTN:Donna Fisher RE: PUBLIC NOTICE D01-209-2024

Follow Up Flag: Follow up
Flag Status: Flagged

Re: PUBLIC NOTICE D01-209-2024 PROPOSED REPLACEMENT OF THE NEWARK BAY-HUDSON COUNTY EXTENSION BETWEEN INTERCHANGES 14 AND 14A (EXTENSION) INCLUDING THE VINCENT R. CASCIANO MEMORIAL, NEWARK BAY BRIDGE (NBB) ACROSS NEWARK BAY, MILE 3.8, BETWEEN NEWARK, ESSEX COUNTY AND BAYONNE, HUDSON COUNTY, NEW JERSEY

Dear Commander Fisher,

The Ironbound Community Corporation (ICC), the New Jersey Environmental Justice Alliance (NJEJA), and the South Ward Environmental Alliance (SWEA) submit comments regarding the proposal of the plans to replace and expand bridges by the New Jersey Turnpike Authority.

The Ironbound Community Corporation is an organization founded in 1969 that aims to empower and uplift an array of different people, families, and groups to create and sustain a thriving and just community. The ICC's Environmental Justice and Community Development Team works to push systemic change and environmental justice not only in our communities but for everyone. Since our founding, we've worked to provide nurturing spaces for educating both our children and community members in awareness of environmental issues and encouraging engagement in pursuit of instilling the right to clean air and green spaces where industrialization has considered people's backyards as dumping grounds.

The New Jersey Environmental Justice Alliance (NJEJA) is a statewide environmental justice (EJ) organization, training, mobilizing, and serving other EJ organizations, communities, and individuals to increase the quality of life and upward mobility opportunities for EJ communities (low-income communities and communities of color). As the only statewide organization exclusively working on EJ issues, our board, staff, and membership is predominantly People of Color, and our work centers on the understanding that our membership and communities experience disproportionate environmental burdens as a result of a long history of systemic racism. Grounding of our work is the foundational belief that a community's vision and desire for the future should guide any political, infrastructural, or strategic development.

The South Ward Environmental Alliance (SWEA) foundation is based on the Jemez Principles for democratic organizing which include the following principles, Be Inclusive, Emphasis on Bottom-Up Organizing, Let People Speak for Themselves, Work Together in Solidarity and Mutuality, Build Just Relationships Among Ourselves and Commitment to Self-Transformation. SWEA is an alliance of residents and community-based organizations with a focus on environmental justice issues in the South Ward of Newark, New Jersey. SWEA was founded in 2015 by Kim Gaddy, a mother of three asthmatic children with 20 years of experience as an Environmental Justice Organizer. SWEA's mission is to cultivate healthy and vibrant neighborhoods by ensuring residents' voices are heard, and they are active participants in decision-making policies that impact their neighborhoods.

NJEJA, SWEA, and the ICC have worked as a collective in the advocacy of environmental justice communities in New Jersey and nationally. We've engaged as stakeholders in coalitions such as the Coalition for Healthy Ports and as members of the Environmental Justice Advisory Council (EJAC) for the Department of Environmental Protection (DEP). We've garnered decades of expertise through our work to ensure just and engaging community development.

We are writing as representatives of the environmental justice communities that the proposed replacement of the Newark Bay-Hudson County Extension will impact. We are deeply concerned about the potential negative and disproportionate impacts on overburdened communities in the area. The environmental assessment of this project provided to the Coast Guard by the NJ Turnpike Authority has not provided sufficient analysis in examining the potential risks to EJ communities that may arise. Furthermore, there has not been sufficient engagement with environmental justice communities in the area, who will have to bear this project's environmental and pollution burdens. For these reasons, we urge the US Coast Guard to reject this project and prioritize environmental justice in its decision-making process.

The purpose of this project is to demolish and create new bridges to fix the Newark Bay Bridge which is in a state of disrepair. It is evident that an influx of traffic has brought more pressure onto our bridges. Indeed, traffic and community safety has become a valid concern, one which we share. However, the clear lack of intentional and active community engagement for this plan to alleviate the deterioration of the bridge shows a deficiency in the Turnpike Authority's strategy for this project. In the sole meeting between community groups and the Turnpike Authority, we expressed our understanding of the urgency for improvements of the bridges but highlighted our concerns regarding the impacts of the proposed plans they set forth, particularly how the expansion of these bridges will lead to further congestion in the cities that these commuters and trucks will be driving through. These cities are disproportionately environmental justice communities that already face high levels of toxic air pollution and see a myriad of negative health outcomes as a result of these emissions.

The Ironbound and the South Ward have seen these impacts firsthand, as our communities lay in the midst of multiple highways, three fossil fueled power plants (with the proposal of a fourth), and New Jersey's largest incinerator. Our community members all agree: turnpike expansion is not the solution. Our local municipalities have expressed similar sentiments. Both mayors in the cities of Newark and Jersey City have vocally opposed this plan, acknowledging its inevitable increase in traffic, pollution, and continued overburdening of environmental justice communities. The demolition and expansion of the Newark Bay Bridge (NBB) does not address the highway widening and insidious congestion near the entrance to the Holland Tunnel where eastbound lanes merge down to just two. This congestion is a result of our distrust and low reliance on mass transit. In a time where increased demand for efficient modes of transportation is apparent, investing in the improvement of our public transportation should be paramount.

Furthermore, there are additional factors that have not been considered, in both the strategy of this proposal and in the environmental assessment. The New Jersey Turnpike Authority has not considered the environmental impacts that come with the first phase of their project: demolishing the NBB, then rebuilding and expanding it. This project has demonstrated no consideration for Newark Bay which has historically been a dumping ground for toxic industry and facilities nearby. Although the NJTPA has claimed that its proposed project will benefit surrounding communities, they have failed to take into consideration how environmental stressors on the Bay will lead to increased burdens for environmental justice communities. With the demolition of the Newark Bay Bridge, environmental justice communities will succumb to increased levels of pollutants including but not limited to fine particulate matter and carbon monoxide. The construction of a new bridge without proper mitigation measures could further exacerbate existing issues in health and quality of life for the surrounding areas. We have seen examples of this throughout the country such as Los Angeles, where their canceled expansion of Route 710 was discovered to be in violation of the Clean Air Act by the Environmental Protection Agency. This cancellation came after Los Angeles already endured the repercussions of expansion to appease demand with their project to widen Interstate 405, only to be back with the same issues of traffic.

With the demolition and rebuilding of the bridge being a high concern of this project, it's important to address considerations to quality of life, including the further deterioration of air quality, noise pollution, and the continued congestion of vehicles as a result. The neighborhoods surrounding these bridges are frontline communities that have dealt with the ramifications of continuous industrialization and construction to alleviate truck and vehicular traffic at the expense of their health. This is a contributing factor to the high rates of respiratory issues that have been seen in Newark, where twenty-five percent of Newark's children have asthma, which is three times the state average. This project leaves a disproportionate burden on the communities they're encroaching on.

Some of the pollutants of high concern include greenhouse gasses, fine particulate matter (PM) 2.5, PM 10, and carbon monoxide. These pollutants have been projected in studies to emit morethan double in their heaviest construction years. It is critical to note that there is no lower threshold for health benefits when it comes to fine particulate matter. Furthermore, exposure to PM has been shown to lead to numerous negative health outcomes including cardiovascular disease, lung cancer, pulmonary disease, and premature death. We implore the US Coast Guard to recognize that this project's impacts must be measured in combination with the additional burdens that EJ communities already face, including high respiratory illness rates, higher levels of pollutants such as greenhouse gas emissions, and further subjugation of overburdened communities.

We urge the U.S. Coast Guard to reject the bridge permit application as well as the environmental assessment of the proposed replacement of the Newark Bay-Hudson County Extension, emphasizing the importance of mitigating negative impacts on overburdened communities. The project has not sufficiently demonstrated its ability to minimize risk or recognized the cumulative impacts and disproportionate environmental burden that EJ communities already face. It's imperative to acknowledge the importance of prioritizing environmental justice in infrastructure projects like this. For these reasons, in addition to the vocal opposition to this project by community leaders, organizations, and elected officials, this project should not move forward. We urge the U.S. Coast Guard to honor the voices of those most vulnerable to environmental harm, who have voiced their firm opposition to this project and demand a say in shaping policies that affect their lives. The U.S. Coast Guard must consider the cumulative impacts of this project on vulnerable communities and ensure that adequate safeguards are put in place to protect their health and well-being.

Ironbound Community Corporation

New Jersey Environmental Justice Alliance

South Ward Environmental Alliance


Re: PUBLIC NOTICE D01-209-2024.pdf

Regional Plan Association

To: United States Coast Guard
Attn: Donna Fisher
SMB-D1Boston-Bridges-PublicNotices@uscg.mil

Re: PUBLIC NOTICE D01-209-2024 NEPA Environmental Assessment New Jersey Turnpike Interchanges 14 to 14A/Newark Bay Bridge Replacement and Associated Improvements

Commander Fisher:

Thank you for the opportunity to submit written comments on the Draft Environmental Assessment regarding the proposed Newark Bay-Hudson County Extension (NB-HCE) Improvements Program.

Regional Plan Association (RPA) is a private, non-profit civic organization dedicated to regional planning and development that, since 1929, has published four comprehensive long-term plans to direct the growth and development of the New York-New Jersey-Connecticut metropolitan area. The ideas and recommendations from these plans have shaped the region's infrastructure, open spaces, and economic development projects for the past century.

Building on this legacy, RPA strongly supports investment in transportation infrastructure and sees it as essential for the growth and development of the region. However, we cannot support the NB-HCE Improvements Program as currently planned. While we agree with the need to replace and upgrade the bridge, ramps, and approaches along the project corridor, we have significant concerns about the project's approach to addressing future traffic volumes and predicted impacts to the environment and surrounding community.

The Proposed Action includes replacing all existing structures between Interchange 14 and 14A, including the Newark Bay Bridge (NBB), with two parallel spans to address structural integrity. The project, part of a larger corridor expansion, would more than double capacity by increasing the number of travel lanes from two to four in each direction and by providing wider roadway shoulders for safety and emergency access.

After a thorough analysis of the draft Environmental Assessment for Interchange 14 and 14A, RPA has identified a number of concerns about the current design of the NB-HCE Improvements Program. We urge the United States Coast Guard (USCG) to seriously consider the issues below and to withhold issuance of a Finding of No Significant Impact. A project of this size and scope requires the preparation of an Environmental Impact Statement for the entire project corridor.

New York
One Whitehall St, 16th Floor
New York, NY 10004
212.253.2727

New Jersey
179 Nassau St, 3rd floor
Princeton, NJ 08542
609.228.7080

60 Union Street, Suite 1-N
Newark, NJ 07105

Connecticut
Two Landmark Sq, Suite 108
Stamford, CT 06901
203.356.0390

rpa.org

Primary Concerns:

Isolating Interchange 14 to Interchange 14A from the rest of the project: Replacement of the Newark Bay Bridge is the first segment in a multi-phase project that will expand the entire 8.1-mile Newark Bay Hudson County Extension of the New Jersey Turnpike[1] at a 2022 projected cost of $10.7B. The majority of the project area falls in or around overburdened communities as designated by New Jersey's Environmental Justice Law. Isolating the impact analysis to a single phase – and failing to produce a corridor-wide environmental review according to federal standards – necessarily means that the EA is incomplete and fundamentally flawed.

Federal statute is clear on this requirement; 40 CFR §1501.3(b) explicitly states that, "*The agency shall evaluate, in a single review, proposals or parts of proposals that are related closely enough to be, in effect, a single course of action. The agency shall not avoid a determination of significance under paragraph (c) of this section by … or segmenting an action into smaller component parts. The agency also shall consider whether there are connected actions, which are closely related Federal activities or decisions that should be considered in the same NEPA review that: … (3) Are interdependent parts of a larger action and depend on the larger action for their justification.*"

Further illustrating the need for a full-project assessment is that the demand analysis performed for this EA assumes the completion of the "full long-term Program limits (the length of the NB-HCE corridor)" as stated in Sec 2 Introduction of the Appendix B traffic analysis report. This inclusion shows that the project sponsor views Interchange 14 to Interchange 14A as one component of a single project, making this analysis non-compliant with federal requirements.

Given this direct, physical connection to a much larger project, USCG should require the preparation of a comprehensive environmental impact statement for the entire project area of the NB-HCE program.

Failure to Consider Alternatives: Despite the extensive scope of the project, as noted in section 2.3, there is limited analysis available to support that NJ Turnpike Authority (NJTA) fully evaluated feasible alternatives for the bridge replacement, as required by NEPA guidelines. The analysis dismissed the option of replacing the existing structure with a new five- or six-lane bridge with the possibility of reversing one lane during rush hours. These alternatives could reduce environmental impact, significantly reduce project costs, and meet all safety and longevity requirements, and thus merit serious analysis and consideration.

The analysis presented in appendices B and C fails to mention future efforts to coordinate with NJ Transit to explore additional public transportation investments or service adjustments that could help reduce traffic

[1] https://www.njta.com/media/6149/newark-bay-hudson-county-extension-fact-sheet_final-8-3-21.pdf

congestion. New Jersey's transit and road networks are inextricably connected, the State must analyze mobility across modes, especially when congestion issues are largely limited to peak hours.

Failure to Sufficiently Consider Induced Demand: As shown in sub sections 3.9.4 and 3.9.5 of the "Affected Environment and Environmental Consequences" section, the No-Build scenario traffic demand is projected to increase by 8%, while under the Build scenario, traffic demand is projected to increase by 32%; a partial recognition of induced demand. It is well-documented that added highway capacity provides only a temporary reduction in traffic, and in fact, that congestion relief from expansion typically vanishes within five years.[2] Given the overall project cost, this project warrants further analysis for long-term efficacy. Travel demand strategies may significantly address congestion, but none were considered during the design of this project.

Assumption that planned expansion of New York Penn Station will not advance: Page 34 of Appendix B shows that the traffic analysis specifically excluded the Gateway Program from the demand model. Table 5-1 – Future Projects Included in the NJRTM-E Travel Demand Model - states, "The Gateway Program provides redundancy and reliability as it is currently proposed. Increases in service and capacity are not the intended purpose or need for the project; therefore, no capacity improvements are incorporated."

This assumption is incorrect. The Hudson Tunnel portion of the Gateway Program is now fully funded and advancing to construction. While the expansion of New York Penn Station is technically separate from the Hudson Tunnel, one of the primary goals of the Gateway Program is to double rail capacity into New York City, which will allow NJ Transit to greatly increase trans-Hudson service. All the Gateway projects partners – New Jersey, New York State, Amtrak and the USDOT – are committed to expanding capacity at Penn Station to allow for this doubling of capacity. The traffic analysis for the Turnpike expansion must include this scenario in the demand model and demonstrate how the proposed capacity expansion for the turnpike would be necessary in the face of this increased capacity on NJTransit.

Additional Items of Concern

Freight: As mentioned in the previous section, travel patterns (of passenger and freight) have changed since 2019. As dependency on freight movements by truck continues to grow in our region, RPA continues to support all efforts to creatively transport goods by other means. In 2022, our "E-Commerce at a Crossroads" report calls for rethinking e-commerce logistics for cleaner ports and sustainable practices to accommodate changing patterns of freight mobility. Our research further emphasizes the need for a comprehensive environmental review to explore alternative freight solutions for environmental and community health benefits.

[2] https://www.sciencedirect.com/science/article/abs/pii/S0967070X18301720?via%3Dihub

Inconsistencies with the State Plans and Plans of Local Communities

- The 2030 New Jersey Long Range Transportation Plan advocates for reducing travel demand on the highway system, significantly alleviating congestion.[3] This includes encouraging individuals to minimize solo driving trips, increase walking and bicycling, shifting trips to non-peak hours, and eliminating unnecessary trips altogether.[4] The plan also advocates for expanding public transit, using population growth as a necessity to improve its public transportation infrastructure and therefore ridership.[5] Given that this project is likely to increase emissions, it is also in conflict with the state's environmental goals. Specifically, 2021's Executive Order 274, which established an interim greenhouse gas reduction target of 50 percent below 2006 levels by 2030.[6]
- While this project contradicts state-level strategies for addressing congestion and emissions, it also conflicts with the strategies employed by the local communities most affected by the expansion. Hudson County, in particular, would be significantly affected by the expansion. Its officials and community groups have been advocating for safer and more sustainable road designs, as well as increased public transit funding, in an effort to reduce car dependency overall.
- Hudson County's Vision Zero Action Plan and the Hoboken City Council's implementation of their Vision Zero Plan, which has led to zero traffic deaths for seven consecutive years, highlight local priorities for safety and sustainability.[7] Both Jersey City and Hoboken City Councils have unanimously opposed the highway expansion, citing its environmental impact and misalignment with community goals.[8]

Potential for Increased Air Pollution

- It is well documented that highway expansion projects often lead to a projected increase in vehicle miles traveled (VMT), thereby increasing carbon emissions and lowering air quality. This is cause for concern as the Environmental Justice Mapping and Screening Tool (EJMAP) indicates that all Census block groups in the project study area are classified as having a Combined Stressor Summary higher than the 50th percentile, identifying them as environmental justice communities.[9] This designation

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[3] https://www.nj.gov/transportation/works/njchoices/pdf/2030plan.pdf
[4] https://www.nj.gov/transportation/works/njchoices/pdf/2030plan.pdf
[5] https://www.nj.gov/transportation/works/njchoices/pdf/2030plan.pdf
[6] https://dep.nj.gov/ghg/ghg-emissions-goals/#:~:text=In%202021%2C%20Governor%20Murphy%20signed,gas%20emissions%20by%20approximately%2025%25.
[7] https://www.hobokennj.gov/news/city-of-hoboken-reaches-new-vision-zero-milestone-seven-consecutive-years-without-a-traffic-death
[8]
[9] https://www.njta.com/media/8228/nj_turnpike_nb-hce_nepa_draft_ea_20240507.pdf (page 55)

underscores the importance of understanding the full impact of the project, as these communities are already experiencing significant environmental and demographic stressors.

Conclusion

RPA appreciates the opportunity to provide comments on the draft environmental assessment for the NB-HCE improvements program. Given our concerns as noted above, we ask that USCG produce a full environmental impact statement that is inclusive of the entire project corridor and in compliance with the federal NEPA environmental review process. RPA looks forward to continued public engagement and project transparency as part of this program.

Thank you,

Zoe Baldwin
Vice President, State Programs
Regional Plan Association

SIERRA CLUB
NEW JERSEY CHAPTER

1 North Johnson Ave
Suite A220
Hamilton, NJ 08609

To: Commander Donna Fisher, First Coast Guard District
United State Coast Guard
SMB-D1Boston-Bridges-PublicNotices@uscg.mil

From: Anjuli Ramos, Director, NJ Chapter, Sierra Club
anjuli.ramos@sierraclub.org

Date: July 13, 2024

Subject: **PUBLIC NOTICE D01-209-2024: PROPOSED REPLACEMENT OF THE NEWARK BAY-HUDSON COUNTY EXTENSION BETWEEN INTERCHANGES 14 AND 14A (EXTENSION) INCLUDING THE VINCENT R. CASCIANO MEMORIAL, NEWARK BAY BRIDGE (NBB) ACROSS NEWARK BAY, MILE 3.8, BETWEEN NEWARK, ESSEX COUNTY AND BAYONNE, HUDSON COUNTY, NEW JERSEY**

On behalf of the over 100,000 members and supporters of the Sierra Club who reside in New Jersey, I respectfully ask the United States Coast Guard to reject the New Jersey Turnpike Authority's (NJTA) inadequate Environmental Assessment (EA) of the impacts that their proposed replacement of the Vincent R. Casciano Memorial Bridge across Newark Bay will have on the region's air and water quality, and instead require the Turnpike Authority to prepare a full Environmental Impact Statement (EIS).

In doing so, we fully support the extensive comments submitted by John Reichman on behalf of Empower NJ and the Turnpike Trap Coalition and their many environmental, faith, labor, community and social justice member organizations.

The Sierra Club recognizes that the existing bridge is now over 70 years old, requires extensive maintenance to remain in a state of good repair, and is

therefore in need of upgrade and replacement. This is particularly relevant in light of the recent collapse of the Key Bridge in Baltimore, which highlights the need to rebuild the bridge to incorporate today's higher standards for safety and resiliency in the event of collisions and/or natural disasters.

However, we strongly disagree with the NJTA's decision to double the number of lanes serviced by the bridge. It is incorrect to assume that highway expansion will relieve congestion on the Turnpike Extension itself and on local roads adjacent to the Turnpike Extension.

As the lead agency to review the environmental impact that the replacement bridge will have, it is incumbent upon the Coast Guard to evaluate both the immediate and long-term impacts that the bridge will have on Newark Bay's water quality and the quality of life of Jersey City and Bayonne residents. The proposed bridge replacement and the entire Turnpike widening project will compromise air quality and increase traffic related pollution, noise and congestion.

The decision to approve the proposed highway widening and bridge replacement must be made based on a detailed assessment of alternatives along the entire route of the Turnpike Extension. As we noted in the beginning of our statement, the detailed comments submitted by John Reichman lay out a strong argument for a more thorough analysis of induced demand and the impact of the projected highway widening along the entire route from Newark to the entrance to the Holland Tunnel.

In particular, it is incumbent on the Coast Guard to evaluate alternative solutions to the proposed highway expansion. It is self-evident that moving people and freight from cars and trucks and into rail and buses is needed to reduce the outsized impact that burning fossil fuels has on climate change; it is also, in fact, official New Jersey state policy to do that. To that end, the Turnpike Authority needs to seriously consider alternative ways to accommodate the movement of commuters and freight along this corridor.

The draft NJ EO 215 EIS prepared by the Turnpike Authority stated that it considered "9 discrete alternatives," but none of these alternatives involved improving public transit or rail freight. In addition to rejecting a "no action" option, the Turnpike Authority rejected these following eight options:

Four alternatives involved replacement of the [Newark Bay Bridge, NBB], and four alternatives involved rehabilitation of the NBB. Each alternative was evaluated for its ability to meet the criteria of the stated purpose and underlying needs for the project in an initial round of evaluation. Five alternatives were eliminated in the first-round evaluation: the four rehabilitation alternatives and the alternative that involved replacing the NBB and widening the NB-HCE between Interchanges 14 and 14A to three travel lanes instead of four travel lanes as under the Proposed Project. The rehabilitation alternatives were eliminated primarily because none could meet the stated purpose to improve the long-term integrity of the structures on the NB-HCE between Interchanges 14 and 14A to maintain the structures in a state of good repair generally over a 150-year life cycle by resolving the factors contributing to the deterioration of the structures, and in so doing minimize the frequency of disruptions to the roadway's users from future maintenance and repair of the structures over the life cycle of the improvements. The three-lane in each direction widening alternative was eliminated because it would not provide for the traffic flow demand to at least 2050. (page xvii)

All of these so-called alternatives involved various design changes to the Casciano Bridge and the Turnpike Extension. The Authority neither identified nor evaluated alternatives that involved moving passenger vehicle and truck traffic to public transit or rail freight, even though these would have the most direct and positive impact on traffic volume, air pollution, and congestion.

The Sierra Club believes that both the Coast Guard and the Turnpike Authority need to consider how improved public transit options could reduce commuter traffic sufficiently to alleviate the backups now affecting not only commuters but also freight traffic. This is particularly important since the Turnpike Authority states that up to 80% of the existing Turnpike Extension peak auto traffic is headed into Hudson County (Hoboken, Jersey City, and Bayonne) rather than the Holland Tunnel. As a result, added induced demand will result in more traffic on already over-congested local roads.

It is telling that the Authority chose to highlight that traffic is heading to Hudson County but has not reported where these trips originate. This information is needed to analyze how these trips can best be diverted to public transit or rail freight, and should be readily available to the New Jersey Turnpike Authority from EZPass data.

Therefore, the Sierra Club recommends that the Coast Guard specifically request that the Turnpike Authority evaluate the following three alternative options.

Option 1: Move Commuter Traffic to NJ Transit Rail Service

The New Jersey Turnpike literally parallels multiple existing passenger rail rights. These active rail lines include the Hudson Bergen Light Rail Transit (HBLRT) from Jersey City to Bayonne, the North Jersey Coast Line, the Raritan Valley Line and the Northeast Corridor.

The completion of the HBLRT north to Englewood is a long-delayed, and strategic link that will provide a seamless public transportation network close to the Hudson waterfront. The completed right of way will extend from Englewood in Bergen County south to West 8th Street in Bayonne. Of course, a transfer will be required at Tonnelle Avenue in North Bergen, which is the current northern terminus of the HBLRT. This completed HBLRT will potentially remove thousands of cars traveling south on the Turnpike from Bergen County to Hudson County locations.

Approaching from the opposite direction, many Jersey Shore communities are served by the North Jersey Coastline, communities located in the Princeton-New Brunswick corridor are served by the Northeast Corridor, and communities in Hunterdon, Somerset and Union Counties are served by the Raritan Valley line. Many of these commuters currently use the Turnpike Extension to travel to Hudson County and downtown NY destinations.

All of the North Jersey Coastline and Northeast Corridor trains currently lead to Penn Station NYC. Raritan Valley trains with one or two exceptions terminate in Newark, where commuters can transfer to trains and Path to continue to Manhattan or Hoboken. However, until about 4 years ago, several trains from the

combined North Jersey Coastline and Northeast Corridor ran directly into Hoboken Terminal. This was possible because of the construction of the Waterfront Connection in 1991, but which is unused today for passenger service.

We need to increase the capacity of trains moving through the Connection, **which today is zero** except for (empty) equipment movement on the line. The Connection is strategically located in Kearny, literally adjacent to the Morris & Essex connection to the NY Penn Station Corridor. In addition, NJ Transit has reallocated federal funds originally intended for its now cancelled Kearny power plant to build six additional raised platform tracks at the south end of Hoboken Terminal where the Long Slip has been filled in. This will provide the needed capacity in Hoboken Terminal to accommodate the increased service.

These combined elements can dramatically increase passenger rail service capacity at Hoboken from Central NJ and the Jersey Shore regions directly into Hoboken Terminal. Dramatically increased passenger rail patronage on these lines, that literally parallel the Turnpike, would potentially obviate the need for the extra Turnpike lanes proposed by the Authority.

Option 2: Move Freight From Trucks to Rail

There is a parallel double-tracked freight-only rail line that that is on the North Bay Bridge, adjacent to the existing Turnpike's Casciano Bridge. The rail bridge and right of way are owned by CSX/Shared Assets. This strategically located freight line is an important connector between the Albany area and points west of New Jersey. CSX Shared Assets also connects with a greater network of intermodal freight rail and trucking interchanges, such as Port Elizabeth, and Croxton Yard in North Bergen. Focusing on the interconnections of rail and trucks in this "North Bergen-Port Elizabeth Corridor" (part of our greater Port region) can assist in determining the potential for moving more local freight by rail.

Option 3: Move Commuter Traffic to New Light Rail Opportunities

Two options exist to expand light rail capacity in Bayonne and Jersey City.

The existing freight rail right of way referenced above is a potential connecting link between the HBLRT in Jersey City, and the Newark Light Rail. The right of way extends westward to the periphery of the Ironbound Section of Newark, adjacent to both Wilson Avenue and Ferry Street. A potential street running LRT could run to Penn Station Newark, with an important connecting link to both the Newark Light Rail and numerous passenger rail connections for New Jersey Transit and Amtrak at Penn Station. Structural Engineers will need to determine if the North Bay Bridge has the load-bearing capacity to accommodate additional light rail transit trackage.

Alternately, the replacement of the current Turnpike Bridge could also include provision for light rail transit (LRT). Interestingly, the combined Interstate 78 and Routes 1 & 9 thoroughfare west from the Newark Bay Bridge also run through the periphery of the Ironbound Section of Newark, near Wilson Avenue and Ferry Street, closely parallel to the aforementioned CSX/Shared Assets right of way. A street-running LRT to Penn Station could also be built with this scenario.

A connecting light rail transit (LRT) connector between Jersey City and Newark utilizing either of these cross Newark Bay Bridge alternatives could be a true game-changer for a cohesive passenger rail (LRT) network in densely populated and traffic congested northeastern New Jersey. This would open multiple new patterns of commuting and traveling without the need to drive everywhere, connecting both the HBLRT and Newark Light Rail. A true 21st Century energy efficient and environmentally sound form of public transportation conveyance is essential in this age of rapid climate change!

In Conclusion

We therefore strongly urge that the Coast Guard reject the Turnpike's submitted Environmental Assessment and their Finding of No Significant Impact and instead require, as mandated by the National Environmental Policy Act, a full EIS that looks at the entire 8-mile project and considers rail and bus alternatives.

Howe, Christine L VOL (USA)

From: Emily Hokanson Van Vorst Neighborhood Association <noreply@adv.actionnetwork.org>
Sent: Monday, July 15, 2024 9:55 AM
To: Leoce, Donna D CIV (USA)
Subject: [Non-DoD Source] Opposition to the proposed Newark Bay-Hudson County Extension Widening from exit 14 to 14A

Ms. Donna Leoce,

Hello,

I'm writing to you on behalf of the Van Vorst Neighborhood Association, representing the historic Van Vorst Park neighborhood of Jersey City.

The Turnpike has not considered regional or local traffic impact, and the turnpike widening does nothing to increase vehicle capacity at the two-lane bottleneck of the turnpike: the Holland Tunnel. This will only result in increased congestion and dangerous cut-through traffic in our neighborhood. This is already an issue that we face daily, and we do not want it to become any worse.

We also know that SO much has changed since the pandemic, and since no Turnpike traffic studies have been performed since the pandemic and do not account for remote/hybrid work, this work needs to be paused until a new traffic study can be conducted. The existing study also does not account for congestion pricing which is imminent and will lead to a period of adjustment and change in traffic patterns. We insist that this project be delayed to account for the significant changes that have occurred post-pandemic.

In addition to the traffic impacts, there are undeniable and detrimental climate impacts that cannot be ignored.

Widening the turnpike incentivizes more car use. This leads to increased congestion, air and water pollution, and greenhouse gas emissions. This directly opposes NJ State's climate change goals, and local Jersey City climate change goals and traffic plans. Nearly all of the census tracts in Jersey City, Newark, and Bayonne are environmental justice communities and are already overburdened. This project will be directly harming local residents and negatively impacting health outcomes.

Hudson county currently has a C rating for ozone pollution. Increasing car traffic into and around the region would only make the air even worse, particularly affecting at-risk populations including the elderly and those with asthma.

With more wildfires and more high heat days due to climate change, air quality alert days are increasing. We strongly oppose the proposal to spend over $6 billion to replace the current NB-HCE bridge with two new bridges instead of repairing the existing bridge and extending its lifetime for 40 years for just $260 million. This project will only bring more pollution, more congestion, and more crashes to the region, and the money could be spent more effectively and have much less environmental impact if invested in mass transit instead.

Widening the turnpike incentivizes more car use through induced demand. This leads to increased congestion, air and water pollution, and greenhouse gas emissions. The largest source of climate change pollution is from transportation, and this directly opposes NJ State's climate change goals.

From congestion pricing, we already know that over 90% of NJ to NYC CBD commuters use mass transit and that the Holland Tunnel only serves 3% of the commuter volume. I ask for full study of funding transit alternatives that would reduce air pollution and improve air quality instead.

Hudson County currently has a C rating for ozone pollution. One in every four children in Newark has asthma. Increasing car traffic into and around the region would only make the air even worse, particularly affecting at-risk populations including the elderly. The full impact of increasing truck traffic in the region must be fully considered and overburdened communities cannot be asked to further bear the brunt of regional environmental pollution.

Nearly all of the census tracts in Jersey City, Newark, and Bayonne are environmental justice communities and are already overburdened. Newark Bay is filled with PCBs, dioxins, and toxic metals and a full Environmental Impact Statement should be performed to understand the full impact of disturbing sentiment from destroying the existing bridge and building two new bridges vs a baseline of repairing the current bridge.

We urge you to reconsider this project, and stand firmly in opposition at this time.

Van Vorst Neighborhood Association, Jersey City

Emily Hokanson

New Jersey