

## 8.0 GBR DEIS Public Comments/Responses Summary Report

### 8.1 Introduction

This section is a summary report of all comments received during the DEIS Public Comment Period and its associated Formal Public Meetings, as well as the respective responses by the United States Coast Guard (USCG). Whenever a specific comment required appropriate changes/updates in this FEIS, the respective response then specifically identifies the location(s) in the FEIS where changes have been made since publication of the DEIS in order to address the comment.

The DEIS was distributed by the USCG to relevant public agencies, placed on the Federal Register, and advertised to the general public on May 29, 2009. A series of Formal Public Meetings was held to obtain comments from these groups and individuals on the adequacy of the DEIS. The Formal Public Meetings were held at the Elizabeth City Hall in Elizabeth, NJ on July 8, 2009, and at Staten Island Hotel in Staten Island, NY on July 9, 2009. In addition, written comments on the DEIS were accepted by the USCG through July 28, 2009. This section summarizes all comments received in writing (via letters, comment sheets, written statements, e-mails, and memoranda) and all comments made at the Formal Public Meetings, as documented in the official transcripts of the meetings. The comments have been categorized and grouped by subject matter. Each comment has been numbered and the person making the comment is identified, as follows:

- "AG" refers to official written comments submitted by relevant agencies;
- "FPM" refers to the Formal Public Meetings with "E1" and "E2" referring to the first (afternoon) and second (evening) sessions of the Formal Public Meeting in Elizabeth, and "SI1" and "SI2" referring, respectively, to the first (afternoon) and second (evening) sessions of the Formal Public Meeting in Staten Island;
- "WS" refers to written statements submitted at the Formal Public Meetings;
- "CS" refers to comment sheets distributed at the Formal Public Meetings, and received the same day or later via fax or mail;
- "L" refers to letters received and;
- "EM" refers to e-mails and submissions through the project Web site ([www.goethalseis.com](http://www.goethalseis.com)).

Each of these modes of comment has been assigned a number. The notation following each mode and number refers to the page number(s) where the specific comment occurs in a transcript, or other written comment submission. For instance, FPM SI1.1:32 refers to the Formal Public Meeting in Staten Island, first session, first speaker; his comment is found on page 32 of the transcript.

The Table of Contents provided below in Section 8.2 is organized by topic area in the same order as these subjects appeared in the DEIS of May 2009. Comments pertinent to those topic areas are then sorted alphabetically by the person submitting the comments. When submitted comments address multiple topics, the comment is broken down by those topics, so an individual's submission may appear across multiple topic areas. Respective USCG responses to those comments are then presented in Section 8.3.

All transcripts of the Formal Public Meetings and original written comments received during the DEIS Public Comment Period are provided in Appendix M.4.

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### 8.3 Comments and Responses, By Topic Area and Commenter

The USCG responses to each comment organized by topic area and commenter are presented below. Additionally, whenever a specific comment required appropriate changes/updates in this FEIS, the respective response then specifically identifies the location in the FEIS where changes have been made since the publication of the DEIS in order to address the comment.

#### DEIS Section 2.0 Purpose and Need

##### 2.3 The Need for the Proposed Project

###### 1. *Denise Richardson, General Contractors Association of New York, L2:1*

The General Contractors Association of New York supports the replacement of the Goethals Bridge.

The Bridge was originally built to accommodate smaller vehicles and light traffic. Since then, the volume of traffic and the weight of vehicles have exponentially increased. In 1929, the Goethals Bridge carried 675,000 vehicles compared to the 15.68 million vehicles it carried in 2002. Along with an increased volume of truck traffic, the truck weights have also increased from an average of 8,000 pounds in the 1920's to the current weight limit of 80,000 pounds. These increases, along with deferred maintenance, are major causes for the deterioration and congestion of the Goethals Bridge. A 2000-2007 analysis found that 55% of total crashes recorded for the Port Authority's three Staten Island bridges occurred on the Goethals Bridge.

It is clear that something must be done. To simply keep repairing the bridge is a hazard to the public and costs the Port Authority millions in extra maintenance without providing increased capacity to mitigate present or future traffic congestion. In 2015, the Port Authority will need to undertake a \$276 million rehabilitation merely to keep the bridge in service.

<p><u>Response:</u> Noted.</p>
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###### 2. *William Wright, No affiliation provided, L1:1*

This project must be turned down as it fails to support the stated, “social, economic, cultural, environmental and transportation impacts” in several ways. First, adjacent to and a part of the Port Newark/Elizabeth complex, is the Kill Van Kull, which is the prime egress to the entire port facility including Howland Hook. This vital waterway is spanned by the Bayonne Bridge, which is already so low as to deny passage of the new generation of container ships to the entire port. The Port Authority is well aware of this shortcoming but has ignored its implication, which inhibits the Port's ability to handle this growing portion of Ocean Shipping. This is also worsened by the fact that both the area's “class one” rail carriers are based in the Southeast where states serving their ports from Norfolk to New Orleans are upgrading tunnel clearances along both CSX and Norfolk Southern in direct competition with Port Newark/Elizabeth.

Allowing the Port to proceed now with the widening of the Goethals will be an economic disaster for the Port, which sits in an area having a population greater than all of Canada. This will so

worsen truck traffic from southeastern ports of containers, which should be coming directly to Port Newark as to create an environmental nightmare.

The Port must be directed to put this project on hold until the substandard clearance of the Bayonne Bridge has been corrected to support future growth of containerships now limited by the clearance of the downstream Verrazano Bridge, which already limits clearance to the profile of the Queen Mary II. After the Bayonne Bridge clearance has been dealt with, then can the re-built Goethals Bridge be addressed. It must be addressed with a real transit rail system connecting in both Staten Island and New Jersey to operating rail transit systems now in place.

**Response:**

The issue of navigation clearance at the Bayonne Bridge is currently being investigated in a coordinated effort between the Port Authority, the United States Army Corps of Engineers (USACE) and the USCG, independently of the Proposed Project. In 2008, the Port Authority commissioned the USACE to examine the commercial consequences of, and the economic benefits generated by potential remedies for the air draft restriction imposed by the current height of the Bayonne Bridge. The USACE study was issued in September 2009.<sup>1</sup> On the basis of this study, the USACE recommended further planning and environmental analyses. The Port Authority has authorized a subsequent study of the Bayonne Bridge, which is scheduled to be completed in 2010. The proposed Goethals Bridge Replacement, however, has its own list of needs that are separate and independent from those related to the Bayonne Bridge, and therefore, is also proceeding in an accelerated manner.

## 2.4 Project Purpose

### 1. *Marjorie Bryant, New York City Department of Transportation, AG8:1-2*

Providing a safe, convenient connection between Staten Island and New Jersey across the Goethals Bridge to promote more cycling and enable cyclists to access future bike routes in Fresh Kills Park, we hope that the Goethals Bridge will seamlessly fit into this bicycle network. To ensure the successful integration of bicycles and pedestrians onto the Goethals Bridge the "Purpose and Need" section of the Draft Environmental Impact Statement (DEIS) should list the need to "establish a bicycle pedestrian connection between Staten Island and New Jersey".

**Response:**

As described in Section 3.0 (Alternatives) of the DEIS, each of the replacement-bridge alternatives includes provision for a 10-foot-wide sidewalk/bikeway that would extend across the entire new crossing, including the New York and New Jersey approach spans and the main span. Connections between this walkway/bikeway and the local street networks in New York and New Jersey to accommodate the sort of access to existing bicycle networks envisioned in the comment will be detailed during the final design phase following completion of the environmental review process, issuance of the ROD, and project authorization.

Provision of the walkway/bikeway fulfills the stated project goal to "restore and enhance pedestrian access and provide for bicycle access" (see Section 2.5 of the FEIS). This goal was based on and further defines: 1) the stated need (FEIS Section 2.3.4) to "improve traffic service on the bridge and its approaches" by promoting alternatives to the use of single-occupant auto commuting; and 2) the stated

<sup>1</sup> United States Army Corps of Engineers (USACE) - New York District, *Bayonne Bridge Air Draft Analysis*. prepared for the PANYNJ's Port Commerce Department, September 2009.  
<http://www.panynj.gov/CommutingTravel/bridges/pdfs/Bayonne-Bridge-Air-Draft-Analysis.pdf>.

project purpose (FEIS Sections 2.3.1 and 2.3.2) to “eliminate functional and physical obsolescence of current design features on the bridge.” Future bicyclists crossing the Goethals Bridge replacement will be able to safely access the local street and bicycle networks on either side of the new crossing in New York and New Jersey. The walkway/bikeway will be designed in conformance with modern design standards, and the connections between the new bridge’s approaches and the local street network will be determined in consultation with the appropriate agencies and stakeholders in New York and New Jersey, notably including those in Staten Island and in Elizabeth and Linden.

Given the foregoing, it is not necessary to modify the stated need for the project, as the commenter’s intent is already substantively integrated.

**2. James Devine, New York Container Terminal, FPM SI2.1:60**

The economic benefit of the bridge is going to be significant in terms of allowing the Terminal to grow. This growth will mean more truck traffic but that traffic will be more efficient with the new bridge. The bridge will be a benefit to the Port Authority financially to expand the bridge capacity.

Response:

Noted.

**3. Olaf Olsen, The New York City District Council of Carpenters, FPM SI2.2:62 and WS3:1**

Both New York and New Jersey will greatly benefit from local economic boosts for merchants and construction services and materials, food and other retail industries. The Bridge represents an important connection between New York and New Jersey.

Response:

Noted.

**4. Denise Richardson, General Contractors Association of New York, L2:1**

A new Goethals Bridge will create hundreds of construction jobs and provide the increased capacity that is necessary to facilitate consumer goods movement and regional commuting. In lieu of continued rehabilitation of a clearly outdated structure, building a new bridge with wider horizontal clearance, two additional traffic lanes, and capacity to add future mass transit access is the best use of the Port Authority’s financial resources.

Response:

Noted.

## DEIS Section 3.0 Alternatives

### 3.3 Description of No-Build and Build Alternatives

#### 1. *James Devine, New York Container Terminal, FPM SI2.1:59-60*

We feel very strongly that the southern alignment will create a much safer, more efficient operation for the current and future traffic of the New York Container Terminal (NYCT).

We are extremely pleased to see this project moving forward. We think it is vital to the safety and well being of the residents of both New York and New Jersey. And it is equally vital to the health and well being of the New York Container Terminal, both near term and perhaps more importantly, long term.

Without the increased capacity that the bridge will provide and the safety that it will provide, New York Container Terminal would not continue to be able to expand as is currently planned. So it is a vital component of our growth plan. The southern alignment, item 1, would be much preferred.

Response:

Noted. Upon taking into consideration the results of the analyses completed for the DEIS, the agency and public comments received on the DEIS, and other factors, the New Alignment South has been identified as the Preferred Alternative, as documented in this FEIS.

#### 2. *James Devine, New York Container Terminal, WS4:1*

New York Container Terminal is in favor of the Goethals Bridge Replacement Project and the two alternatives with the Southern bridge alignments. I have strong concerns regarding the two Northern alignment alternatives. The Northern alternatives will impact NYCT from a safety and operational perspective. NYCT is planning major improvements to our terminal to be able to handle over 500 truck trips in an hour through our gate. With the DEIS's proposed re-routing of Goethals Road North under the northern alignments, the entrance gate to the terminal and queuing on Goethals Road North would change. As currently depicted, the northern alignment would create what we perceive to be an unsafe condition in terms of requiring this truck traffic to make a 90-degree turn, which would not only impede the traffic, but would have the potential for safety issues with trucks over-turning or flipping over. Any accident will increase the chances of causing a back-up of traffic on Goethals Road North that would in-turn back traffic on I-278 and Forest Avenue, blocking the driveways to and from the Goethals Community. We are making major investments to our gate system so truck traffic does not queue onto public streets and the proposed roadway relocation will increase the likelihood of truck traffic backing-up onto public streets.

Response:

Noted. Upon taking into consideration the results of the analyses completed for the DEIS, the agency and public comments received on the DEIS, and other factors, the New Alignment South has been identified as the Preferred Alternative, as documented in this FEIS. This alternative would not require relocation of Goethals Road North and, therefore, would not affect truck traffic ingress and egress to and from the

NYCT.

**3. Raymond Lee, Elizabeth Republican Committee, FPM E1.7:45**

I would like to see what is the projected total cost of this Bridge; how much the Federal Government is going to share in the dollar amount and percentage wise; how much it's going to cost New York and how much it's going to cost New Jersey.

**Response:**

The estimated cost to construct the Goethals Bridge replacement is \$754 to \$804 million dollars (2007 dollars), depending on the alignment alternative (see DEIS Section 3.3 Description of No-Build and Build Alternatives and Executive Summary Table ES.5-1). Of this range of costs, the New Alignment South, which has been identified as the Preferred Alternative, has an estimated construction cost of \$754 million (2007 dollars), including ancillary construction activities related to the demolition of the existing Goethals Bridge, local roadway modification and the replacement of the Travis Branch Railroad overpass. Additional project costs not included in this estimate include, but are not necessarily limited to right-of-way acquisition, maintenance and protection of traffic, wetlands restoration, utility relocation, engineering and administration. The Port Authority is currently investigating funding options, in addition to self-funding construction of the Preferred Alternative.

**4. Olaf Olsen, The New York City District Council of Carpenters, FPM SI2.2:61 and WS3:1**

The New York City District Council of Carpenters wholeheartedly supports the EIS process and ultimately the construction of a new Goethals Bridge utilizing the southern alignment.

**Response:**

Noted. Upon taking into consideration the results of the analyses completed for the DEIS, the agency and public comments received on the DEIS, and other factors, the New Alignment South has been identified as the Preferred Alternative, as documented in this FEIS.

**5. Steve Radel, Jay Cashman Inc., EM2:1**

Cashman Inc. is concerned about the alignment of the new bridge. Cashman has a lease purchase agreement with the City of Elizabeth for property located at 632-650 South Front Street and is concerned that the northern alignment would wipe out Cashman's significant investment in the site and plans for future development. The site is a Brownfield site and Cashman has already invested millions of dollars in engineering to evaluate the site and permit it for construction of a dredged material processing facility. Cashman also intends to utilize the site as a marine terminal for other operations. Cashman is working with the responsible parties preparing to implement the site cleanup in the near future. A southern alignment would avoid any potential remaining environmental issues with the site. The remaining impacts will be capped as part of Cashman's reuse. As a result, Cashman prefers the southern alignment that will minimize any impact to the site.

**Response:**

Noted. Upon taking into consideration the results of the analyses completed for the DEIS, the agency and public comments received on the DEIS, and other factors, the New Alignment South has been identified as the Preferred Alternative, as documented in this FEIS.

**6. Steve Radel, Jay Cashman Inc., FPM E1.2:32**

We have environmental work scheduled to begin this fall and soon after that, Cashman will implement its infrastructure improvements. Obviously, Cashman has concerns with a northerly alignment and the impacts it would have on the property that they are in the process of revitalizing.

**Response:**

Noted. Upon taking into consideration the results of the analyses completed for the DEIS, the agency and public comments received on the DEIS, and other factors, the New Alignment South has been identified as the Preferred Alternative, as documented in this FEIS.

**7. Daniel Saunders, New Jersey Department of Environmental Protection, AG2:4**

Please submit copies of all comments received in response to the press release of August 2008.

**Response:**

The USCG responded on November 4, 2008, to this comment, which was also attached to a July 24, 2009 letter (AG3:3) submitted to the USCG by Joseph Corleto of NJDEP during the DEIS Public Comment Period. Copy of the USCG response is provided in DEIS Appendix E.7 Section 106 Correspondence. Andrea Tingey, New Jersey Historic Preservation Office of the NJDEP, subsequently agreed upon the level of information that was then provided in the USCG's response. Please refer to DEIS Appendix E.7 for further detail.

**3.4 Construction Methods****1. Greg Thurston, Thurston International, EM1:1**

The old bridge should remain open while the new bridge is under construction.

**Response:**

The existing Goethals Bridge would remain in operation during construction of any of the four bridge-replacement alignments (see FEIS Section 3.3 *Description of No-Build and Build Alternatives* for descriptions of the proposed sequencing of construction of the new bridge and demolition of the existing one). In addition, the Port Authority has further detailed the Maintenance and Protection of Traffic Plan (see FEIS Section 3.4.5), which would be implemented during construction of the Preferred Alternative.

**DEIS Section 4.0 Existing Conditions****4.8 Historic Resources****1. Daniel Saunders, New Jersey Department Environmental Protection, AG2:2**

There are 10 architectural resources within the Area of Potential Effects (APE) that have been previously identified as eligible for listing in the New Jersey and National Registers of Historic Places. They are:

- The Goethals Bridge (SHPO Opinion 2/14/1995);
- The Staten Island Railroad Historic District (SHPO Opinions 6/11/1991 & 2/27/1995);
- Staten Island Lift Truss Bridge over the Arthur Kill (SHPO Opinion 6/11/1991);
- Perth Amboy and Elizabethport Branch of the Central Railroad of New Jersey (SHPO Opinion 8/30/2000);
- Central Railroad of New Jersey Bridge over the Elizabeth River (SHPO Opinion 4/9/1990);
- South First Street Bridge over the Elizabeth River (SHPO Opinion 3/23/1998);
- Mattano Park (SHPO Opinion 5/21/2008);
- Mraviag Manor Housing (SHPO Opinion 5/21/2008)
- Sound Shore Railroad Historic District (SHPO Opinion 5/21/2008; and
- South Front Street Bridge over the Elizabeth River Bridge (SI&A #2004007 (SHPO Opinion 5/21/2008).

No further work to identify historic properties is required, unless there is a change in the proposed scope of work that would alter the Area of Potential Effects for the project.

**Response:**

The USCG responded on November 4, 2008, to this comment, which was also attached to a July 24, 2009 letter (AG3:3) submitted to the USCG by Joseph Corleto of NJDEP during the DEIS Public Comment Period. Copy of the USCG response is provided in DEIS Appendix E.7 Section 106 Correspondence. Andrea Tingey, New Jersey Historic Preservation Office of the NJDEP, subsequently agreed upon the level of information that was then provided in the USCG's response. Please refer to DEIS Appendix E.7 for further detail.

#### **4.14 Biotic Communities**

**1. *Andrew Bernick, No affiliation provided, EM8:1***

Section 4 ("Existing Conditions") of the Goethals Bridge DEIS includes references to observational data that I provided to LMS in March 2005, based on their request for information on wildlife (specifically colonial waterbird) activity in the Goethals Bridge area. I collected these data during my doctoral dissertation research on colonial waterbird nocturnal foraging ecology (2002-2004).

The dataset I provided also included some observations of reptiles, amphibians and mammals. However, any observations of non-avian species were incidental, and did not follow methods to specifically detect the presence of reptiles, amphibians or mammals.

Tables 4.14-5, 4.14-6 and 4.14-7 in the DEIS provide lists of reptiles, amphibians and mammals observed during various survey efforts conducted in the Goethals Bridge area, including my own.

I feel that it is not appropriate to report my observations of reptiles, amphibians or mammals within the above tables or Section 4 text, as my study was not designed to detect the presence of these taxa and likely differed in effort and search methods from the other studies reported in the

DEIS.

**Response:**

The analyses conducted for the DEIS were based on data and information obtained by the GBR EIS study team in the field and from secondary sources. The data extracted from Mr. Bernick's field observations and reported in the DEIS were supplemental to the EIS Project Team's field observations, and were not relied upon for the DEIS' finding and conclusions. The data and information collected for the DEIS were used to illustrate the different wildlife species that are or have been typically found within the GBR Study Area.

**2. *Bram Gunther, City of New York Parks & Recreation, AG7:1-2***

*Comment to pages 4-130 to 4-134:*

Good that so many sources were sought for survey data on benthic invertebrates, fish, birds and other wildlife in and around Old Place Creek; however, some of the data was collected more than ten years ago.

Fish species lists given on page 4-132 are from 1992, 1996 and 1997 studies. There is enough of a gap in time that changes in water quality or other parameters may have caused changes in fish or other species composition especially when the early 1990s may still reflect the impacts of the 1990 Exxon Bayway oil spill.

**Response:**

Available fish data for the GBR Study Area are limited. The GBR EIS study team is not aware of any more recent fish studies of Old Place Creek or the interpier basin than the studies used for the DEIS. The Essential Fish Habitat (EFH) assessment conducted for the proposed project relied on 1998-2005 USACE fish survey data for the Arthur Kill. The EFH assessment is limited to EFH-designated fish species and representative forage species, and sampling was limited to the Arthur Kill.

*Comment to page 4-112, Appendix H (Natural Resources) regarding use of the 1993-1994 breeding bird surveys:*

The damages account was based in part on documented reductions in fauna resulting from the spill. Through a description either in the text or in a footnote, the influence of the oil spill on birds, fish and other wildlife should be recognized, particularly given the emphasis in the DEIS on surveys from the early 1990s (following the oil spill event).

It should be noted that bird species numbers and density from that period may have been depressed due to the spill and numbers may have meanwhile recovered. A letter in the DEIS from NYCDPR, refers to the water bird and other avian data. The letter can be found in Volume 3, Appendix H dated May 23, 2005. NYCDPR can check if the data given was collected after the oil spill mainly in 1993 to 1994.

**Response:**

Tables 7 through 9 in DEIS Appendix H.1 (Biotic Communities Tables) characterize avian communities in the GBR Primary Study Area using avian data spanning a 14-year period, and originating from five

different sources, three of which are dated 2000 or later. While the 1990 oil spill was a large event, minor oil spills regularly occur in the Arthur Kill and NY/NJ Harbor area<sup>2</sup>, with resultant adverse effects to wildlife. Therefore, post-spill data are considered appropriate to include in characterizing the area's avian communities. To that effect, text has been revised wherever appropriate within FEIS Section 4.14 to reflect the potential influence of the 1990 Exxon Bayway oil spill on avian, fish and other wildlife data collected around that time. Appendix H.1 of the FEIS was also revised accordingly.

Comment to Page 4-144 Paragraph at end of 4.14.5.4:

Mention of the Exxon Bayway oil spill of 1990 was found only at the end of the section 4.14.5.4 in relation to the 2005 Bridge Creek Restoration Project located north of Goethals Road North, and as stated, outside of the Primary Study Area. As noted, the restoration compensates for damages from the oils spill, and that it was a 13 acre restoration sponsored and constructed by the NYSDEC, New York Harbor Oil Spill Trustees, US Fish & Wildlife Service and NOAA Restoration Center plus participation of PANY&NJ. However, clarification is needed whether the 1994 NYCDPR restorations mentioned briefly at the beginning of section 4.14.5.4 (P 4-137, line 12) was not also conducted as compensation of the same oil spill and the result of similar agreements with NYSDEC and the trustees.

Response:

The purpose of this section is to provide a physical characterization of existing wetland restoration/preservation sites in the project area; it is not intended to provide a complete history of restoration and funding mechanisms that have led to current conditions. Nevertheless, the text has been revised for this FEIS Section 4.14.5.4 to recognize the wetland sites which have been restored after the 1990 Exxon Bayway oil spill, including: the 1993 Old Place Creek Marsh and the 1994 Old Place Creek Inlet, both restored by the NYCDPR-Salt Marsh Restoration Team (SMRT), as well as the 2005 Bridge Creek Restoration Site along Western Avenue restored by the NYSDEC.

**3. Willie Taylor, United States Department of the Interior, AG13:3-4**

See comment by the Fish and Wildlife Service (FWS) for project planning purposes under the National Environmental Policy Act, the Endangered Species Act (ESA) of 1973 (87 stat. 884, as amended; 16 U.S.C. 1531 et seq.), and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.).

Existing Conditions, Threatened and Endangered Species (Section 4.14.3.3, Page 4-125):

No federally-listed or proposed threatened or endangered flora or fauna under FWS's jurisdiction are known to occur within the proposed project's impact area. Therefore, no further consultation pursuant to ESA is required. Until the proposed project is complete, we recommend that you check the New York Field Office's website at (<http://www.fws.gov/northeast/nyfo/es/section7.htm>) and the New Jersey Field Office website (<http://www.fws.gov/northeast/njfieldoffice/Endangered/>) for further information regarding federally-listed and candidate species. The websites also provide procedures for requesting ESA review, the National Bald Eagle Management Guidelines, and contacts for obtaining information from the New York and New Jersey Natural Heritage Programs, which provide state-listed and other species of concern. We recommend that you check the websites every 90 days from the date of this letter to ensure that information on the presence/absence of listed species for the proposed project area is current. Should project plans change or additional information on listed or

<sup>2</sup> One can query the National Response Center for oil spill historical data in the Arthur Kill at: <http://www.nrc.uscg.mil/apex/f?p=109:1:2596295086674432::NO:RP,1>

proposed species or critical habitat becomes available, this determination may be reconsidered.

Response:

The GBR Project Team will continue to check the New York and New Jersey field office websites as the project progresses. Also, updated information on the potential occurrence of state-listed T/E species in the project area were requested from the New York and New Jersey Natural Heritage Programs and are presented in FEIS Sections 4.14.5.6 (and consequently the impact discussion in FEIS Section 5.13.4.6) and will be presented in the applicable permits required for the Preferred Alternative.

Existing Conditions, Vegetative Habitats (Section 4.14.5.1, Page 4-134):

The Draft EIS describes the dominant vegetation within the High Salt Marsh, stating that this community “features a dense growth of saltmeadow cordgrass (*Spartina patens*) with several dense stands of common reed also present.” The Final EIS should provide more information on these dominant species, specifically the approximate percentage of coverage, giving the reader a better perspective on the ecological value of this habitat. The Draft EIS includes this information later in the document, and should be included in the Existing Condition section of the Final EIS.

Response:

Dominant plant cover for each wetland habitat type was described in the DEIS in as much detail as possible, considering that a given habitat type would have a range of cover by the dominant species. As such, more information on approximate percent cover for those dominant plant species within each specific wetland habitat type is not readily available and is not typically required for either a DEIS or later for permitting process. Nonetheless, a better perspective on the ecological value of these wetland habitats is actually provided in the Wetland Functions and Values Assessment (see Appendix H.3) where the relevant abundances of wetland plant species (*note only relevant abundances and not detailed percentages of coverage*) are provided for each of the delineated wetlands in the GBR Primary Study Area.

It is anticipated that this Wetland Functions and Values Assessment will be satisfactory for the purpose of permitting review process and the determination of a wetland mitigation ratio by the regulatory agencies.

Existing Conditions, Ecosystem Relationships (Section 4.14.6, Pages 4-171-173):

In its description of the wetlands present within the project study area, the Draft EIS appears to refer to all wetlands within the project area collectively as the “Old Place Creek Marsh” or the “Old Place Creek and Marsh”; whereas Figure 4.14-6 depicts one particular wetland restoration site as “NYCDPR Old Place Creek Marsh.” The Draft EIS should clarify the names of the wetlands described. If this section of the document is only referring to the relatively small NYCDPR Old Place Creek Marsh depicted in Figure 4.14-6, then it is not clear why this analysis concentrates on this marsh and not the remaining wetland areas.

Response:

References to “Old Place Creek wetlands” denote the entire wetland complex, which is hydrologically connected to Old Place Creek. The term is not limited to the NYCDPR restoration sites whose formal names also carry the term “Old Place Creek.” DEIS Figure 4.14-6 depicts the various wetland restoration sites within the overall Old Place Creek wetland complex. The FEIS Section 4.14.5, Terrestrial and Wetland Communities, has been revised accordingly to further clarify this nomenclature differentiation.

#### 4.15 Wild, Scenic, and Recreational Rivers

1. *Willie Taylor, United States Department of the Interior, AG13:3*

Wild, Scenic, and Recreation Rivers (Section 4.15, Page 4-173):

Both the New Jersey Department of Environmental Protection and New York Department of Conservation reported no Wild, Scenic, and Recreational Rivers affected by the GBR project. Although that indicates “state” river designations, it would be well to confirm such status under the National Wild and Scenic Rivers Act. Contact Jamie Fosburgh, National Park Service program manager for the Wild and Scenic Rivers program at 617-223-5191.

Response:

There are no rivers designated under the National Wild and Scenic Rivers Act in the GBR project area. Rivers designated under the Act are listed at <http://www.rivers.gov/wildriverslist.html>.

#### 4.18 Contaminated Materials

1. *Donald J. Camerson, II, Bressler, Amery & Ross, L5:1-4*

This firm represents Walter Baker, owner of the property located at 250 N. Washington Ave., Staten Island, New York, also referred to as 250 Goethals Road North, Staten Island, New York (the "Property"). On behalf of Mr. Baker, please accept the following comments to the Goethals Bridge Replacement Project - Draft Environmental Impact Statement ("DEIS"). Mr. Baker's comments focus on certain erroneous statements contained in the DEIS regarding the Property. Mr. Baker's comments are without admission or waiver of any kind and with full reservation of all rights, claims and defenses he has or may have.

First, the DEIS mistakenly describes and/or identifies the Property as being owned by "R.T. Baker", "R.T. Baker & Son Machinery Salvage Company", "R.T. Baker & Son Machinery Dismantlers", and R.T. Baker & Son". As stated above, the Property is owned by Mr. Baker. He and his father acquired the Property from America Export Lines Asberston, a shipping entity, in 1967. Mr. Baker's father passed away in 1974 and Walter Baker became and continues to be the sole owner.

The DEIS characterizes the Property as "handl[ing] the processing of batteries and auto parts", a "junkyard for defunct transformers", a "machine dismantling operation, which is filled with machine parts and metal debris", and an "active junkyard [with] poor housekeeping and deferred maintenance." All of the above are inaccurate and mischaracterize the Property and/or operations conducted thereon.

Since Mr. Baker's acquisition of the Property, it has been used to store construction equipment by various companies, including R. Baker & Son Machinery Dismantlers, Inc., which company no longer exists. From approximately 1967 to 1977, demolition equipment was stored on the Property. For a very limited time prior to 1977, R. Baker & Son Machinery Dismantlers, Inc. purchased obsolete transformers at auction from public and/or private entities including, but not limited to, Con Edison, Port Authority of New York and New Jersey, the New York Transit Authority, Long Island Railroad, General Electric, the United States Navy, PSE&G, Exxon, etc.

These purchases of transformers were not frequent or numerous. A few of the transformers purchased from the private and/or public entities at auction may have been taken back to the Property for dismantling for purposes of selling the parts of the transformer, including, but not limited to, any oil that may have been left in the transformers by the sellers. All oil that was contained or may have been contained in the transformers was sold to oil scavengers. The oil was not discarded or dumped onto the Property. All parts of the transformers, including the oil, were ultimately sold and sent off-site. No waste materials were ever discarded or disposed of on the Property.

Furthermore, the Property has never been used for "handl[ing] the processing of batteries and auto parts" or a "junkyard". In all likelihood, the Coast Guard is confusing the Property with an auto parts facility in the area (possibly Abe's Auto parts).

The Coast Guard refers to past sampling activities that were performed at the Property. Mr. Baker was not provided with and does not possess much, if any, of the investigative results and/or Reports. Specifically, the Coast Guard refers to soil and groundwater sampling activities conducted by the PANYNJ from December 1993 through January 1994. Mr. Baker was not provided with the results and/or any other information regarding these activities (with the exception set forth below). Supplemental sampling activities were apparently conducted at the Property by the PANYNJ from November 1995 through January 1996. While Mr. Baker was provided, through the NYSDEC, with portions of the Sampling Analysis Plan dated October 1996, he was not provided with a complete copy of the Report (including attachments) that would be necessary for him to respond and submit comments. Finally, the Coast Guard's summary refers to a 2003 Phase I Environmental Site Assessment conducted at the Property for PANYNJ by Hatch Mott McDonald. This reference in the DEIS was the first that Mr. Baker learned of this assessment. Mr. Baker was not provided, nor does he have, a copy of the 2003 Phase I Environmental Site Assessment. This document would also be necessary to respond or provide comments to the Coast Guard's summary. Accordingly, Mr. Baker fully reserves all rights to submit comments and/or responses to the technical summary upon receipt of the information.

Based upon the information provided to Mr. Baker, the level of purported PCBs in both soil and groundwater has varied significantly in the various investigations. While elevated levels of PCBs were alleged to have been present in the soil and groundwater during the early investigations, these findings could not be duplicated in later investigations. Moreover, it appears that the reliability of investigations completed at the Property is questionable for a number of reasons, including, but not limited to, the lack of quality assurance and quality control procedures necessary to assure accurate sampling results. For example, the data from earlier investigations reporting elevated levels of PCBs in the soil and groundwater is either missing or lacking proper QA/QC data.

The DEIS also inaccurately describes the current status of the negotiations between Mr. Baker and the NYSDEC. The parties are currently in negotiations pursuant to which Mr. Baker intends to perform supplemental sampling at the Property. Mr. Baker disputes the Coast Guard's conclusion that remediation will be necessary or, if remediation is necessary, that he is responsible and/or liable for said remediation. Moreover, the statement (citing the information obtained from the NYSDEC) that "the likely remediation alternatives for the contaminated soils [at the Property] would be "hot-spot removal off-site disposal of the highly contaminated soils while other less contaminated soils will potentially remain in place with engineering and institutional controls, such as capping and deed notice" is premature.

Finally, three of the four alternatives considered for the Goethals Bridge Replacement Project

would require the PANYNJ to exercise eminent domain to acquire the entire Baker Property. The fourth alternative would only require a partial taking. While reserving any and all arguments or defenses to any fixture eminent domain proceeding, Mr. Baker submits that the Property has been in the Baker family for over 40 years. The Property produces income for Mr. Baker from various tenants and/or uses. The loss of this Property and the associated income will have a significant negative effect on Mr. Baker's financial condition. Moreover, it would displace the numerous tenants of the Property requiring them to relocate, if possible, at great cost. Thus, any taking of any portion of the Property must provide Mr. Baker with full market value compensation at the highest and best use of this income producing Property and the costs incurred by the tenants and/or other users of the Property resulting from the taking.

If you have any questions regarding the above, please do not hesitate to contact me. As set forth above, the above is without admission and liability of any wrongdoing and with full reservation of all rights, claims and defenses Mr. Baker has or may have regarding the above.

Response:

The information provided by Donald J. Camerson, II of Bressler, Amery & Ross, on behalf of Mr. Walter Baker, is acknowledged. Likewise, concerns on information related to ownership of, and previous operations on the subject property are also duly noted.

In light of the requested available documentation of the Port Authority's soil and groundwater sampling activities from December 1993 through January 1994 and supplemental sampling activities from November 1995 through January 1996 at the Baker property and the January 2003 Hatch Mott McDonald Limited Phase I Environmental Site Assessment Report, it is suggested that Mr. Baker (or his representative) reach out directly to the Port Authority, since those documents are internal Port Authority documents..

The DEIS reporting regarding the status of negotiations between Baker and the NYSDEC were based on information provided to the GBR EIS Project Team by NYSDEC personnel in 2008.

As appropriate, compensation to private property owners for property acquisitions will be performed in accordance with, and to the extent provided by, the applicable law identified below. Meanwhile, it should be noted that such mitigation effort will take place subsequent to the NEPA process and upon the Port Authority's internal Project Authorization.

The legislatures of the States of New York and New Jersey have determined that the Port Authority shall be deemed to be performing an essential government function in undertaking the acquisition, construction, improvement, maintenance and operation of Bridges and Tunnels and in carrying out the provisions of the related law. In connection with Bridges and Tunnels, the Port Authority has been authorized by the States of New Jersey and New York to exercise the power of eminent domain, which is the power of the state to take private property for use.

The Port Authority's Bridges and Tunnels legislation statute, found in New Jersey Statutes Annotated Section 32:1-132; and 65 McKinney's Unconsolidated Laws of New York Section 6516, provides for the procedures the Port Authority may follow when it exercises the right of eminent domain by condemnation to acquire real property for Bridges and Tunnels purposes. It is anticipated that the Port Authority, after authorization by the Port Authority's Board of Commissioners, would acquire the real property interests necessary to effectuate the Proposed Project by negotiation and/or the exercise of the right of eminent domain by condemnation.

**2. John Zamurs, New York State Department of Transportation, AG4:2-3**

Page 4-185, Section 4.18:

The "Contaminated Materials" section should include background and screening information in association with suspect asbestos-containing materials that may have to be removed as part of the project. Text should be added stating that during design, all suspect materials will be confirmed positive through laboratory analysis and that any confirmed positive materials will be removed during construction using appropriately-licensed abatement contractor(s) in accordance with applicable state and federal regulations.

Response:

A new FEIS Section 4.18.8 has been added to discuss asbestos-containing materials.

## 4.19 Traffic and Transportation

**1. Y. Fried, No affiliation provided, EM10:1**

I would like to see figures on usage of the Goethals Bridge by drivers bypassing Staten Island; i.e., travel between New Jersey and points onwards from Staten Island (Brooklyn, Manhattan, Long Island, etc.) Please present the figures broken down by passenger cars, trucks, other commercial (other) vehicles, other classes of vehicles, etc.

Also, I would like to see detailed figures of origin – destination data from various counties in New Jersey to/from various counties in New York State? Please present the figures, also broken down by passenger cars, trucks, other vehicles, and broken down by counties.

Response:

The 2003 vehicular surveys taken by the Port Authority have shown that, generally, 49 percent of the daily vehicles that cross the Goethals Bridge for travel between New Jersey and New York are not destined for Staten Island locations. The surveys do not provide statistics by vehicle type.

The Port Authority's surveys show that major origin-destination (O-D) pairings comprise trips between:

- Essex County and Staten Island, at approximately 11.9 percent of total trips;
- Union County and Staten Island at 11.4 percent;
- Bergen County and Staten Island at 5.2 percent;
- Essex County and Brooklyn at 5.2 percent; and
- Union County and Brooklyn at 5.2 percent.

The remaining O-D pairs each comprise less than 5 percent of the trips.

**2. Peter King, New York State Department of Transportation, AG5:1**

Page 199 (first bullet):

Limited access arterial (Richmond Ave parallels the WSE and is a 6 lane non-limited access corridor)

Response:

This particular discussion in the DEIS focused on limited access facilities and, therefore, did not include

Richmond Avenue, a non-limited access facility, in this list.

Table 4.19-6:

The AM LOS disparity between the Goethals and the OBC is interesting. Considerably more traffic is outbound on the GB in the morning than inbound, yet that same kind of split does not manifest on the OBC. This should be verified.

Response:

Historic traffic counts collected over the years, as well as those collected specifically for this EIS's traffic studies, have continually shown that the Goethals Bridge peak direction is westbound, towards New Jersey, in the morning and eastbound, towards New York, in the evening. By contrast, the Outerbridge Crossing traffic generally is relatively balanced between west- and eastbound directions during both peak travel periods. In addition to westbound commuter traffic in the morning, the Goethals Bridge serves a substantial truck market. The Outerbridge Crossing generally serves commuters traveling in both directions, towards Brooklyn and Staten Island and towards work-place destinations in Middlesex County along I-287 and U.S. Route 1&9, with far fewer trucks in the traffic mix. As a result, the traffic patterns on the two bridges are different during the course of a typical weekday.

Page 207 (Section 4.19.4.3):

Note that on the SIE, congestion is also caused by the high volume of large trucks. This is particularly acute at the Todt Hill grade.

Response:

Truck percentages along the Staten Island Expressway corridor generally range between 10 and 15 percent during the peak periods in each direction. Congestion in the Todt Hill Road area is caused by a combination of factors, including the grade and truck volumes, poor sight distance, large volumes of traffic entering the SIE via the ramps, frequent interchanges and large numbers of vehicles weaving to access specific lanes.

General Comment:

Data was only collected for the AM and PM peaks. What about impacts on weekends when volumes can be as high or higher than during the week (especially during the warm weather months).

Response:

Automatic traffic recorders (ATR) were placed for a minimum of eight days and, in some cases, for up to two weeks, at 104 locations, including at the Staten Island Expressway, the West Shore Expressway, Richmond Avenue, U.S. Route 1&9 and the New Jersey Turnpike. Additional traffic counts were provided by the Port Authority for the Staten Island Bridges and the Holland Tunnel; by the MTA for the Verrazano-Narrows Bridge; and by the New Jersey Turnpike Authority for Interchange 13. In addition, the New York State Department of Transportation provided traffic counts from three permanent count stations along the Staten Island Expressway mainline. The continuous 24-hour data collected via the ATRs provided representative weekday and weekend traffic volume data. The traffic impact analyses focused on weekday AM and PM peak hours because the ATR data show that, while some weekend days have higher daily volumes on the Goethals Bridge, the peak traffic volumes occur during the weekday peak periods. With the high truck volumes and peaking characteristics of the peak weekday periods, this became the controlling volumes for the design capacity of the proposed Goethals Bridge replacement and for the traffic, air quality and noise analyses.

Table 4.19-11:

It might be helpful to the analysis to include the lengths of each segment.

Response:

Segment lengths have been included into Table 4.19-11 of FEIS.

Table 4.19-14:

In using statewide average accident rates for similar facilities, was the substandard lane width on the present GB taken into consideration?

Response:

The Goethals Bridge crash data presented in DEIS Table 4.19-14 (*Goethals Bridge Crash Summary*) are statistics from, and calculations based on crash reports filed by the Port Authority Police at the Goethals Bridge. The New York and New Jersey statewide average crash rate data were obtained from the New Jersey Department of Transportation and New York State Department of Transportation websites. The statewide averages are for four-lane, divided roadways with shoulders less than six feet wide (including only the mainline for New York facilities, and mainline and junctions for New Jersey facilities). Actual lane widths are not factored into the States' statistics. However, the existing Goethals Bridge's substandard lane width and other existing substandard design features are factors contributing to the actual accident rates on the bridge, and define the need to improve the roadway geometry to mitigate the higher than average accident rates.

Section 4.19-7:

Section on transit facilities—there was no mention of the existing bus-HOV lane on the SIE (E/B & W/B) from the VNB to Slosson and no mention of the new MTA service over the Bayonne to the 34th Street HBLR station.

Response:

FEIS Section 4.19.7 Mass Transit Services has been revised to include reference to: 1) the existing east- and westbound bus-HOV lane on the Staten Island Expressway, extending from the Verazzano-Narrows Bridge to Slosson Avenue; and 2) the new MTA service over the Bayonne Bridge to the 34<sup>th</sup> Street Station of the Hudson Bergen Light Rail. The Bus Lane was included in the Goethals Transportation Model (GTM) for the existing and No-Build roadway networks.

## 4.20 Air Quality

### 1. *John Zamurs, New York State Department of Transportation, AG4:2-3*

The current and applicable National Ambient Air Quality Standard (NAAQS) for 24-hour PM<sub>2.5</sub> is 35 ug/m<sup>3</sup>, and should be used throughout the DEIS for all related analyses. The references in the DEIS to the old standard of 65 g/m<sup>3</sup> should be deleted.

Response:

The revised standard is used in this FEIS (Table 4.20-1 was revised and references to the old standard have been deleted from Section 4.20.1).

Page 4-215, Section 4.20.1:

The first sentence states "The air quality analysis of the proposed project was conducted in

accordance with the procedures outlined in ... the New York State Department of Transportation's (NYSDOT) *Environmental Procedures Manual (EPM)*... " However, much of the air quality analyses for this project were not conducted in accordance with the EPM. Specifically:

a. For the CO microscale analysis, the intersections with the three highest levels of service and three highest traffic volumes should be analyzed (only 2 sites were analyzed in New York State and it is unclear why these sites were selected) and the analysis should be conducted for 1-hour CO in addition to 8-hour CO. Also, the receptors should be shown in a figure or listed in a table in the DEIS and be located, at a minimum, at sidewalks near the corner and mid-block for each approach and departure at the intersection (in accordance with EPA guidance).

b. The PM microscale analysis does not follow (or mention) Chapter 1.2 of the NYSDOT EPM ("Project-Level Particulate Matter Guidance"). According to the EPM, PM microscale analyses should be conducted for PM10 and PM2.5 (the analysis for this project only included PM2.5) and the results should be compared to the NYSDOT potential significant impact thresholds.

c. For the mesoscale analysis, years ETC and ETC+ 10 should be analyzed (in addition to ETC+20), PM10 should be included, and the results for PM10 and PM2.5 should be compared to the NYSDOT potential significant impact thresholds in Chapter 1.2 of the EPM.

**Response:**

As stated on DEIS pages 4-215/216, the air quality analyses for the DEIS were conducted in accordance with guidance provided by the US Environmental Protection Agency (USEPA), the New Jersey Department of Environmental Protection (NJDEP), and, specifically for the New York portion of the study area, the City of New York's City Environmental Quality Review (CEQR) Technical Manual and the NYSDOT EPM.

a) All receptors were located at the corner or mid-sidewalk for each approach, according to EPA guidance.

For analysis sites located in New York, the guidelines and capture criteria provided in the EPM were used to select locations that would potentially be affected by the proposed project. In selecting the intersections for detailed CO microscale analysis, all signalized locations operating at LOS D, E or F in the future No-Build condition were evaluated to determine if the proposed project would increase volumes by 10 percent or more, or by 5 percent if the intersections are within ½-mile of any intersection identified as a State Implementation Plan (SIP) intersection in the EPM. The result of this evaluation was that for the Verrazano-Narrows Toll Plaza analysis site, all four intersections modeled for the GBR DEIS (Narrows Road North/Fingerboard Road, Narrows Road South/Fingerboard Road, Narrows Road North/Lily Pond Avenue, and Narrows Road/Bay Street and Lily Pond Avenue) would have volume increases greater than 10 percent between No-Build and Build conditions and would operate at LOS D, E or F.

For the Goethals Toll Plaza analysis site, the intersections of Goethals Avenue North/Forest Avenue and Gulf Avenue/Forest Avenue would both have volume increases of more than 10 percent between No-Build and Build conditions, and would operate at LOS D, E or F.

No other intersections in the study area that are forecast to operate at LOS D, E or F in the future No-Build condition were projected to experience a 10 percent or greater change in volumes with

the Build alternatives.

See FEIS Appendix N (Representative Air Quality Technical Sheets), which lists the receptors. The 1-hour CO values have been included throughout Section 4.20 of this FEIS.

- b & c)** For the particulate matter analysis, only microscale and mesoscale PM<sub>2.5</sub> analyses were conducted, following Conformity guidelines, since Richmond County and the New Jersey portion of the study area are classified as a non-attainment area for this pollutant. PM<sub>10</sub> microscale analyses were not conducted since the project is located in PM<sub>10</sub> attainment areas. In addition, since PM emissions are proportional to VMT and VMT would decrease under any of the Build Alternatives, a PM mesoscale analysis would show that the Proposed Project would decrease PM<sub>10</sub> emissions.

According to the NYSDOT Project-Level Particulate Matter Analysis Policy (September 2004), only NYSDOT sponsored projects are required to conduct a PM<sub>10</sub> detailed microscale analysis if certain thresholds are exceeded, regardless of attainment status. The proposed project is a Port Authority-sponsored project, not a NYSDOT project, and all analyses were conducted following NEPA guidelines.

Similarly, as this is not a NYSDOT-sponsored project, only ETC and ETC+20 were considered (for NEPA compliance purposes) and only ETC+20 results (which like ETC results show decreases in regional emissions with the project) were provided in the EIS. ETC+10, which is required for a NYSDOT project, was not evaluated.

*Page 4-218, Table 4.20-1; page 4-220, Table 4.20-2; page 4-221, Table 4.20-3:*

EPA has revised the 8-hour ozone NAAQS to 0.075 ppm. However, the tables list the previous standard of 0.08 ppm.

Response:

The revised standard is used throughout Section 4.20 of this FEIS.

*Page 4-220, Section 4.20.1.4:*

In the first paragraph on page 4-220, the references to the NYMTC TIP and Long Range Plan transportation conformity determination approvals should cite the most recent FHWA/FTA approval date of April 27, 2009.

Response:

The most recent (current) TIPs and LRPs for both New Jersey and New York are referenced in Section 4.20.1.4 of this FEIS.

*Page 4-220, Section 4.20.2.1 and Table 4.20-2:*

The first paragraph in this section states that data were compiled for 2005, but Table 4.20-2 states that the data are for 2006. This inconsistency should be corrected. Also, the air quality monitoring data used throughout the DEIS should reflect the most recent data available.

Response:

The background tables for both New Jersey and New York have been updated with 2008 values in Section 4.20.2 of this FEIS.

Page 4-221, Table 4.20-3:

Asterisked notes are included in the footnotes, but no asterisks are included in the table. Also, the units are missing from the second asterisked note. Lastly, footnote #3 states that 2005 data were used for PM10; however, aren't all of the data in this table from 2005?

Response:

The Table 4.20-3 has been revised accordingly in this FEIS.

Page 4-225, Section 4.20.3.5:

Please omit the reference to the NYSDOT EPM in the second paragraph of this section.

Response:

The reference has been deleted in Section 4.20.3.5 of this FEIS, per the comment.

Page 4-226, Section 4.20.3.6:

This section states that 2006 vehicle registration and diesel sales fraction data were used as inputs to MOBILE6.2. Please be aware that NYSDOT currently uses 2007 vehicle registration, diesel sales fraction, and inspection and maintenance data for the analyses of our projects. We recommend that the U.S. Coast Guard consider updating the air quality analyses for this project using the newer MOBILE6.2 input data.

Response:

The mobile source air quality analysis was completed before the release of the 2007 data. The predicted concentrations would not be measurably affected were the analyses to be re-done with the 2007 data and, therefore, would not change the conclusions of the analysis.

## DEIS Section 5.0 Environmental Consequences

### 5.1 Introduction

#### 1. *John Filippelli, United States Environmental Protection Agency, AG9:1*

In general, EPA finds the DEIS to be a comprehensive document, and that our comments on the preliminary DEIS have been addressed. EPA notes that an interagency mitigation group has been created to identify agency-specific needs for mitigation of wetland impacts associated with the GBR, and that the final design of the bridge will include mitigation to reduce impact to birds flying over the Arthur Kill. Nevertheless, EPA is concerned about the future traffic volumes on ancillary highways and ramps, even with the traffic mitigation presented. We urge the PANYNJ to keep working with federal, state and local transportation agencies to minimize the impacts to the connecting transportation network to the extent possible.

Response:

Noted. The Port Authority, as the project sponsor, does not have direct authority over the roadway facilities that would be significantly impacted by the Proposed Project and, therefore, cannot require implementation of a traffic mitigation plan for those facilities. However, the Port Authority has already initiated and will continue to coordinate/consult with the agencies having ownership and operational responsibility of the affected facilities. Coordination for mitigation of project-related impacts will continue through the NEPA process and during subsequent phases of project development. In Staten

Island, these agencies include the New York State Department of Transportation and the New York City Department of Transportation. In New Jersey, these agencies include the New Jersey Department of Transportation, the New Jersey Turnpike Authority and the Cities of Elizabeth and Linden.

## 5.2 Land Use and Zoning

### 1. *Armando Alvarez, Local Resident, FPM E1.8:45-46*

As a local resident, I feel that the area had the characteristics of a residential area a long time ago. With a new bridge, there will not be any improvement in the quality of life for the residents. In a way, I think that the area should be completely industrial. No more residential. Thank you.

#### Response:

Noted. In fact, as stated in the FEIS, the New Alignment South has been identified as the Preferred Alternative. This alternative would displace the entirety of the remaining and isolated residential neighborhood along Bay Way and Krakow Street in Elizabeth, thereby keeping the area adjacent to the bridge in Elizabeth as industrial.

## 5.4 Environmental Justice

### 1. *Jonathan Peters and Alan Benimoff, The College of Staten Island, FPM E1.5:40-42 and WS5:1-3 and L3:1-8*

[Note to the reader: Mr. Peters and Mr. Benimoff presented an oral testimony on July 8, 2009 (FPM E1.5:40-42), submitted a written statement on July 8, 2009 (WS5:1-3), and provided a letter on July 28, 2009 (L3:1-8). The letter of July 28, 2009, provides more detailed comments, and captures the essence of those made in the oral and written statements. Therefore, the comments below are excerpted from their letter dated July 28, 2009.]

We believe that there are significant deficiencies in the proposed plan of action and that any program in this corridor should reflect the need of all individuals regardless of income, race, age or disability. In particular, the proposal is deficient, as we note the lack of any mass transit services in this corridor. Environmental Justice analysis was mandated by Executive Order of the President 12898 in 1994 and the current proposal lacks key services for protected classes. In addition, it is required that the agency perform an evaluation of transportation projects to reflect social equity and fairness.

#### Response:

EO 12898 does not mandate that a project “reflect the need of all individuals regardless of income, race, age or disability” or that it include “key services for protected classes” but that it be developed and evaluated in accordance with these principles.

As stated in Section 2.4 of the DEIS and FEIS, one of the purposes for the Proposed Project is to consider modernization options for accommodation of potential future transit system expansion in the corridor. Section 2.3.7 specifies the need to provide for potential future transit in the corridor, while one of the project goals stated in Section 2.5 is to accommodate future transit services.

The Proposed Project alternatives described and evaluated in the DEIS and FEIS were developed to address the stated project purpose and need, including mass transit accommodation. Therefore, the project actually does provide a major step in addressing the mass transit concern for “protected classes” that is raised by the commenter.

While the proposed EIS does address to some degree the negative impacts of the proposed alignments with regard to noise, pollution and other negative impacts, it generally fails to evaluate the positive impacts of increased mobility.

Response:

The Proposed Project alternatives were evaluated to identify all potentially significant social, economic and environmental impacts, on the basis of which they were also evaluated in keeping with the Environmental Justice principles to identify any disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority and low-income populations. The evaluation addressed the Proposed Project’s potential effects on Environmental Justice populations as a result of changes in accessibility and mobility, including its beneficial effect of improving mobility within the regional and local street networks.

As a private vehicle focused facility with only pedestrian and bike access, the proposed facility does not provide the mobility options that one would expect given existing and proposed density and development patterns.

Response:

New transit services are not proposed for implementation in the corridor with the Proposed Project because the EIS studies conducted of potential bus and ferry routes and services forecast insufficient ridership to warrant their implementation at this time. The forecasting was performed with the Goethals Transportation Model (GTM), a travel demand forecasting model created and detailed specifically for study of the Goethals Bridge corridor and study area for this environmental review process (see DEIS Appendix A.3, Goethals Transportation Model (GTM): Model Development and Travel Demand Forecast Report).

As described in DEIS Appendix B, Alternative Actions and Screening Report, travel demand and ridership forecast modeling was conducted of the proposed 6-lane replacement bridge combined with either: 1) a bus rapid transit (BRT) system comprising 9 routes and favorable service parameters, with buses traveling in one dedicated lane in each direction on the Goethals Bridge replacement; or 2) a ferry system including three terminals served by feeder bus routes and favorable service parameters. The BRT and ferry services, including local feeder bus services, that were considered in the transit options would serve areas with Environmental Justice populations as well as the larger population in the Goethals Bridge corridor.

The results of the modeling forecast that the dedicated bus lanes would attract approximately 50 to 52 bus trips per hour, or an average of one bus per minute in the dedicated lanes, resulting in under-utilization of the bus lanes while the general-use lanes would become more congested. For the ferry system option, the modeling forecast that AM peak-period ferry ridership (i.e., the peak commutation period representing the most likely potential travel market) would be very limited, with just 274 passengers on all three ferry routes, spread across the four-hour peak period, in both peak and reverse/peak directions.

Given the low transit ridership forecasts, the BRT and ferry options were not advanced with the Proposed Project alternatives. However, as ridership potential in the Goethals Bridge corridor may become more robust in the future, the proposed Goethals Bridge replacement includes sufficient additional width

between the west- and eastbound roadway decks so as to not preclude potential future transit use should future conditions warrant inclusion of transit on the Goethals Bridge crossing. Any future mass transit services accommodated on the new Goethals Bridge will presumably be developed to provide the additional transportation option to areas with supportive density and development patterns and to benefit the maximum number of potential riders, including those comprising Environmental Justice populations.

To quote the EIS, Page 13 of Appendix M1 (Draft Scoping Document), Section 3.3.7:

*However, given the existing structure's constrained layout, consideration of future transit system enhancement in the Goethals Bridge corridor would not be a viable option.*

We disagree with this assessment, as it reflects the use of transit as a substitute for the replacement of this obsolete facility.

Response:

The statement excerpted from the DEIS is accurate, as transit system enhancement could not be accommodated on the existing Goethals Bridge due to its functional and structural obsolescence. As documented in DEIS Appendix B, Alternative Actions and Screening Report, mass transit options were initially considered and assessed as substitutes for the replacement of the obsolete Goethals Bridge. The analyses concluded that mass transit options could not alone address the project purpose and need.

We argue that transit is an augmenting use of this facility that is critical for social equity. In particular, we request that you show how you will serve the following groups identified by the North Jersey Transportation Planning Authority as protected classes – these are:

- Low Income Populations
- Minority Populations
- Elderly Population
- Disabled Population

Attachments 1 and 2 [see L3:1-8 for attachments] provide maps of the identified Environmental Justice Communities in Northern New Jersey as well as New York City. In addition, Attachment 3 [see L3:1-8 for attachment] is a GIS Map of the proposed Bus Rapid Transit (BRT) Corridors that were identified in the EIS. We note that a number of the proposed BRT routes would clearly serve the mobility needs of these protected citizens. Yet no transit services were proposed in this corridor.

To quote from the Goethals Bridge EIS web site:

*Will there be transit on a new bridge?*

*Traffic modeling has demonstrated that there would not be enough riders to warrant a dedicated Bus Rapid Transit (BRT) lane or light rail on a replacement bridge with six lanes, and that dedicating a lane strictly to buses would result in unacceptable traffic volumes in the remaining lanes. However, conceptual designs for the bridge-replacement alternatives being studied in detail in the DEIS will not preclude the ability to accommodate some form of transit in the future, if and as warranted.*

From Goethals Bridge EIS Web Site FAQ, <http://www.goethalseis.com/faqs/>  
Accessed – July 6, 2009

**Response:**

As documented in DEIS Appendix B, Alternative Actions and Screening, bus rapid transit and ferry transit services were each considered and evaluated as a complement to a Goethals Bridge replacement. As noted in the comment, the specific routes identified for these mass transit options would traverse areas having Environmental Justice populations. However, as discussed in the DEIS and in the response above, the travel demand and ridership forecasting performed for the DEIS studies show very low potential patronage on these mass-transit options, despite favorable service parameters. Therefore, these options were not advanced for further study in the EIS process. However, the Proposed Project includes sufficient additional width between the west- and eastbound roadway decks so as to not preclude potential future transit use on the Goethals Bridge crossing should future conditions warrant it.

While it is important to include the option of transit capacity in this corridor, it is unacceptable to expect the protected classes to wait an undetermined amount of time – perhaps stretching into decades – for their mobility needs to be addressed. This facility has a strong and stable revenue stream from the current tolls. These tolls function both as a barrier to low income users as well as a funding source for transit services. We propose at a bare minimum that bus service be implemented immediately with the route serving the North Shore of Staten Island and linking Elizabeth, Newark Airport and Newark Penn Station.

**Response:**

As documented in the DEIS and discussed in the responses above to comments received from Jonathan Peters and Alan Benimoff, mass transit options considered and evaluated for the Proposed Project are forecast to generate insufficient ridership to warrant their implementation at this time. The Managed Use Lane proposed as mitigation for some project-related traffic impacts would be available for use by buses and high-occupancy vehicles (HOV) during peak AM and PM travel periods, thereby improving mobility in the Goethals Bridge corridor during the most congested periods for work-related travel.

As noted in DEIS Appendix C, 2008 Update of Programmed/Committed Projects & Ongoing Planning Initiatives, there are several studies in various stages of completion that seek to address the potential for mass transit service, including in the areas mentioned in the comment. These studies, which are independent of the Proposed Project, include the Staten Island North Shore Light Rail Feasibility Study, the West Shore Land Use & Transportation Study, the West Shore Light Rail Project, the New York City Bus Rapid Transit Study, and the Newark-Elizabeth Rail Link Study. A more recent addition to this list of studies is the current North Shore Right-of-Way Alternatives Analysis, recently initiated by the Metropolitan Transportation Authority-New York City Transit. Finally, as discussed in the DEIS, the New York State Department of Transportation's Staten Island Expressway bus lane is currently proposed to be extended westward to Richmond Avenue. While the bus lane's further extension to the Goethals Bridge is not currently contemplated, it poses another opportunity for increased transit services in the Goethals Bridge corridor.

Overall, the following issues must be addressed in the Goethals Bridge EIS prior to any final determination being rendered on this project:

[Note to the reader: The letter from Mr. Peters and Mr. Benimoff of July 28, 2009 (L3:1-8) provides a list of eight specific issues to be addressed in the FEIS before concluding “*In Conclusion, these matters must be addressed and mass transit must be part of any proposed transportation solution in this corridor. We therefore object to the current proposed facility and insist that transit be added to the corridor to address the mandates of Presidential Order 12898*”. The eight issues relate to either Environmental Justice (Section 5.4 of the DEIS) or Traffic & Transportation (Section 5.20 of DEIS); the two issues specifically related to Environmental

Justice are addressed below (the remaining comments are addressed under comments/responses to Section 5.20 - Traffic & Transportation).]

The Origin-Destination matrix for transit was based upon existing users of the toll bridge – is this valid in a tolled, auto access only corridor and what happens to users who cannot afford a car or the toll? Clearly the needs of these citizens are not being analyzed. [Issue #3 in L3:1-8].

The cost of automobile ownership and high toll levels impact the potential users in this corridor and transit is a necessary alternative form of mobility that must be provided to serve the needs of low income populations. Based upon research presented at the Transportation Research Board of the National Academies of Science in January 2009 and based upon toll data from the MTA Bridges and Tunnels in New York City, Peters and Kramer found that the income of a toll bridge user in New York tended to have an income that was \$38,827 more than the average resident from the same zip code. Therefore, any analysis of toll bridge users to predict demand for transit or other mobility options is highly suspect. [Issue #8 in L3:1-8].

Response:

The Port Authority's Vehicular Customer Travel Surveys were used as a proxy for developing a profile of employment markets in the New York/New Jersey region served by the Goethals Bridge in the absence of pertinent transit-specific data. In summary, the conclusion of this analysis was that any new transit services should seek to connect two sets of markets: 1) the Staten Island North Shore, South Staten Island, Staten Island East Shore, and Brooklyn in New York; and 2) Essex, Union and Middlesex counties in New Jersey. These identified markets appear to correspond fairly well to the mapping of Environmental Justice communities in the Goethals Bridge corridor as provided in the attachments to the comment letter. (The comment letter's maps also include geographically more expansive coverage of Environmental Justice communities, which are sufficiently distant from the Goethals Bridge corridor to be arguably better served by other interstate routes, both north and south of the Goethals Bridge). Also, the review determined that there are already a number of transit services linking Staten Island and Manhattan, including the Staten Island Ferry and various public and private express bus services.

Based on these findings, the mass-transit options developed for consideration in the screening phase of the DEIS were principally directed toward non-Manhattan-bound commuting markets, consistent with the growth in job markets outside of Manhattan in the past decade and including reverse-peak and intra-suburban and -county work trips and recognizing the dispersed distribution of employment centers in the region. The bus rapid transit (BRT) and ferry systems conceptually defined for assessment included 9 routes and three ferry terminal locations, respectively, with favorable service frequencies, convenient transfers to/from other transit modes, local feeder-bus service enhancements, and other supportive parameters. Despite these relatively robust mass-transit options, the ridership potential forecast for the BRT and ferry services with the Goethals Transportation Model (GTM)<sup>3</sup> was very low (see DEIS Appendix B, Alternative Actions and Screening Report). Nevertheless, in recognition of the interest in enhancements to and expansion of the region's mass transit network, as well as the corollary benefits resulting from greater transit- and reduced auto-based travel, the Proposed Project includes sufficient additional width between its two roadway decks so as to not preclude potential future transit use on the Goethals Bridge crossing should future conditions warrant it.

<sup>3</sup> The GTM, which was developed and detailed specifically for the Goethals Bridge corridor, includes both highway and transit networks and programmed and committed transportation capacity-improvement projects, and incorporates the regionally-adopted population and employment projections for 2030. Therefore, the forecasted ridership for the BRT and ferry options reflects projected employment growth and patterns throughout the region.

## 5.5 Community Facilities

### 1. *Michelle Yamakaitis, Eighth Ward Councilwoman for the City of Linden, FPM E1.1:31*

I am here representing St. Patrick's Church of Elizabeth. There had been rumors that the project was going to come right through the Church to the Goethals Bridge. I think it is important that the public be kept aware of the situation. I want to make sure that we do not get left out of the loop.

**Response:**

Saint Patrick's Church is located at 15 Court St. in Elizabeth, approximately 1.2 miles north of the Goethals Bridge corridor, and would not be impacted by the Proposed Project. Also, as documented in DEIS Section 5.5, Community Facilities, none of the community facilities identified within the project corridor would be directly affected by the Proposed Project.

### 2. *Elizabeth Lutak, Resident, City of Elizabeth, FPM E1.4:38*

Please make announcements when we do get to the Final Environmental Impact Statement. Consider the fact that most of us have lived, like I have, 50 years in our home. So we have fifty to a hundred years' worth of stuff, considering the families we have raised and just being there.

Where else could you move where you have a church up the street, you have grocery stores, and a bank all within walking distance? You said you're going to relocate me. To where? Why? You know, it is kind of strange. Why would I want to get relocated? I've lived here for a hundred years. I've paid my taxes. We've paid our dues. We just like living where we live. I am not being displaced so I am lucky but these people are not. So would you please help? Thank you for hearing me out and thank you for giving a great presentation.

**Response:**

Upon public release of the FEIS, public announcements will be made through press releases, updates of the Goethals Bridge Replacement project's website ([www.goethalseis.com](http://www.goethalseis.com)) and publication in the *Federal Register*. Notice will also be provided in the project's Newsletter #8, which will be mailed to all parties on the study's mailing list and posted at libraries and community centers. FEIS Section 6.2.4, Informational Materials, provides more detail on how project information is publicly disseminated. As the commenter is on the study's mailing list (as a result of her request via [www.goethalseis.com](http://www.goethalseis.com) on January 4, 2009), she will receive Newsletter #8.

Regarding relocations required for the Preferred Alternative (i.e., the New Alignment South), residential and commercial displacements would be conducted and compensated in accordance with, and to the extent provided by, applicable law (See FEIS Section 5.3.5).

## 5.6 Parks and Recreation Facilities

### 1. *Willie Taylor, United States Department of the Interior, AG13:2*

*Parks and Recreation Facilities (Section 5.6, Pages 5-53 to 5-54):*

Impact considerations to Parks and Recreation Facilities are generally reported as minimal to unlikely. However, careful treatment of closure (page 5-54) is committed to a "few days maximum," which should be well publicized for those times during removal of the existing and

installation of the new bridge span and its NY (Staten Island) approach over waters of recreation use. Apparently such activities as kayaking are popular and certainly of considerable human injury risk. The need to minimize curtailment of such recreational enjoyment in this heavily populated area should be readily understood and accepted. We note the statements of no need for permanent taking or direct or indirect impacts to existing or planned parklands or facilities will be necessary for the completion of this project.

Response:

Noted. The FEIS Section 5.6.4 has been revised accordingly.

## 5.7 Historic Resources

### 1. *Joseph Corleto, New Jersey Department of Environmental Protection, AG3:3*

The NJDEP's Historic Preservation Office (HPO) is in the Section 106 consultation process with the United States Coast Guard (USCG) on this project pursuant to the National Historic Preservation Act.

The Section 106 process will be complete when the USCG, HPO, New York State Historic Preservation Office, and the Port Authority sign a Memorandum of Agreement for this project. At this time the HPO and the USCG are in the earliest stages of discussing possible mitigation measures for adverse impacts to historic resources. The schedule for the completion of this process is not currently known.

Response:

Since April 2009, pursuant to Section 106 Consultation requirements of the NHPA, the USCG, NJHPO, NYSOPRHP, and the Port Authority have been coordinating the development of the Memorandum of Agreement (MOA) for the Proposed Project. At this time, the draft MOA has been circulated and reviewed by all consulting and interested parties. While the MOA has been revised accordingly, as appended to the FEIS, it will be executed by all signatories until sometime after the FEIS release and distribution. Therefore, its signed copy will be attached to the USCG's Record of Decision (ROD) at the end of the NEPA process.

Concurrently, Sections 5.7.5 and 5.7.6 of the FEIS have been updated accordingly.

### 2. *Elizabeth Lutak, Resident, City of Elizabeth, FPM E1.4:38*

I like the Goethals Bridge, the construction of it. If there is any way of saving the architectural design as you build the new bridge. It represents something that was previously built and you should try to keep its historic character.

Response:

As part of the NEPA and Section 106 processes, including execution of the Memorandum of Agreement (MOA), consideration has been given to ways in which the historic character of the Goethals Bridge can be documented and/or preserved. The design constraints and considerations for the new bridge, such as those related to navigation on the Arthur Kill, height restrictions due to its proximity to Newark Airport, and projected transportation needs have been addressed in combination with signature, state-of-the-art 21<sup>st</sup> century design in order to create maximum functionality and high aesthetic quality. For more details

on the MOA, please refer to Section 5.7.5 of this FEIS.

**3. Gina Santucci, The City of New York Landmarks Preservation Commission, AG1:1**

The LPC is in receipt of the draft EIS of May 2009. The text is acceptable for historic resources and archaeology.

**Response:**

Noted.

**4. Daniel Saunders, New Jersey Department of Environmental Protection, AG2:2-4**

The project as proposed – a demolition of the Goethals Bridge and replacement with a new structure will have an adverse effect on historic properties. Effects on identified properties are listed individually below:

- The Goethals Bridge – The project as proposed will have an adverse effect on the individually eligible Goethals Bridge because it involves the demolition of this historic resource.
- The Staten Island Railroad Historic District – I concur with your consultant’s opinion that the project will have an adverse effect on this resource due to visual impacts.
- Staten Island Railway Lift Truss Bridge over the Arthur Kill – I concur with your consultant’s opinion that the project will have an adverse effect on this resource due to visual impacts.
- Perth Amboy and Elizabeth Branch of the Central Railroad of New Jersey – I concur with your consultant’s opinion that the project will have no adverse effects on this resource.
- Central Railroad of New Jersey Bridge over the Elizabeth River – I concur with your consultant’s opinion that the project will have no adverse effects on this resource.
- South First Street Bridge over the Elizabeth River – I concur with your consultant’s opinion that the project will have no adverse effect on this resource.
- Mattano Park – I concur with your consultant’s opinion that this project will have no adverse effect on this resource.
- Mravlag Manor Housing – I concur with your consultant’s opinion that this project will have no adverse effect on this resource.
- Sound Shore Railroad Historic District - I concur with your consultant’s opinion that this project will have no adverse effect on this resource.
- South Front Street Bridge over the Elizabeth River Bridge - I concur with your consultant’s opinion that this project will have no adverse effect on this resource.

As discussed in an 8/28/2008 meeting between your consultant (Deborah Van Steen and Kenneth Hess, both of the Louis Berger Group Inc.) and my staff (Andrea Tingey), the alternatives analysis report requires some clarifications and/or amplifications.

An addendum to the alternatives analysis report addressing the comments listed below is requested to ensure adequate documentation of the efforts to develop and evaluate alternatives or modifications to the project that could avoid, minimize, or mitigate adverse effects on historic properties in accordance with CFR Part 800.6.

1. I am concerned by the continued collective inability to find a single use and/or re-use for the Goethals Bridge. This bridge has recently undergone significant rehabilitation and maintenance (according to reviewed report almost \$121 million was spent between 1987 and 2005). On a 10/17/2005 field visit, HPO staff witnessed conditions far better than those commonly encountered on iron and steel bridges that are subsequently rehabilitated for continued vehicular and/or pedestrian use. Consequently, use of the bridge for bicycle and pedestrian circulation should be explored. Similarly, mothballing the Goethals for potential mass transit use should be considered. It should be noted that when those concepts were brought up by HPO staff in the 8/28/2008 meeting, the response received was that the United States Coast Guard (USCG) would under no circumstances permit the existing bridge to remain in situ because it demonstrates a navigational hazard. If this is indeed the USCG's official position, that should be clearly reflected in the administrative record, and a level of supporting documentation akin to that required to demonstrate roadway geometric deficiencies (such as accident data and reports) should be appended.
2. The proposed new bridge is substantially wider than the existing bridge. The approximate out-to-out widths of 210 feet for proposed (interestingly, this would make the new crossing wider than the Leonard Zakim Bridge in Boston, reputedly the world's widest cable stayed bridge, at a width of 183 feet {source: [http://en.wikipedia.org/wiki/Zakim\\_Bunker\\_Hill\\_Bridge](http://en.wikipedia.org/wiki/Zakim_Bunker_Hill_Bridge)}). Whereas the approximate out-to-out width of the existing bridge is 62 feet. The magnitude of the identified adverse effect on the Staten Island Historic District and the Staten Island Railway Lift Bridge is commensurate with the overall mass of the proposed bridge. Therefore, any opportunities to narrow the proposed bridge should be explored. Another potential advantage to narrowing the proposed bridge would be the possible reuse of the existing bridge to fulfill uses no longer accommodated by the proposed bridge. In examining the cross section of the proposed bridge as shown in Figure 6 of the reviewed alternatives analysis report, several clarifications need to be made.
  - Please explain the purpose and/or use of the approximately 5-foot space between the bicycle and pedestrian area and the adjacent westbound travel lanes.
  - Please specify the width of the area designated for 'potential future mass transit corridor.'
  - Please clarify whether there are any other proposed uses within the area designated for 'potential future mass transit corridor.'
  - Please specify the width and purpose and/or use of the approximately 5-foot space between the bicycle and pedestrian area and the eastbound travel lanes.

**Response:**

The USCG responded on November 4, 2008, to this comment, which was also attached to a July 24, 2009 letter (AG3:3) submitted to the USCG by Joseph Corleto of NJDEP during the DEIS Public Comment Period. Copy of the USCG response is provided in DEIS Appendix E.7 Section 106 Correspondence. Andrea Tingey, New Jersey Historic Preservation Office of the NJDEP, subsequently agreed upon the level of information that was then provided in the USCG's response. Please refer to DEIS Appendix E.7 for further detail.

**5. Willie Taylor, United States Department of the Interior, AG13:1-2**

Historic Resources (Section 5.7, Pages 5-54 to 5-62):

Appropriate study of the Area of Potential Effect (APE) indicated that 11 National Register of Historic Places (NRHP) listings or properties eligible for such listing may be affected by this GBR project. Three (3) of these 11 have been determined to be adversely affected under provisions and rules of Section 106 of the National Historic Preservation Act of 1966 (NHPA). Although most of these 11 historic places are in the jurisdiction of the State Historic Preservation Officer-New Jersey (SHPO-NJ), the 3 adversely affected “bridge” into the jurisdiction of the SHPO-NY. The nature and factors of adverse effect have been addressed by both SHPOs as well as other parties representing historic preservation concerns. The final paragraph of the Summary, Section 5.7.6 (page 5-62) indicates that consultation with the official preservation officers and other interested parties is being sustained, and that a Memorandum of Agreement (MOA) required under these circumstances by Section 106 of NHPA is scheduled to be completed, signed and included in the Final Environmental Impact Statement (FEIS). This MOA will have stipulations to ensure the avoidance or minimization of the adverse effects and/or tolerable mitigation measures for such effects as acceptable to the SHPOs of both NY and NJ. We expect these stipulations to be incorporated into the final planning, detailed design, and physical implementation of the selected alternative for this major transportation undertaking, improving the segment of circumventive I-287, connecting NY and NJ over the Arthur Kill. In the spirit of project expediency and cultural resource preservation, it would be most appropriate for the FEIS and following Record of Decision to fully ensure the accomplishment of those MOA Stipulations through implementation of the selected alternative.

Response:

Noted. The stipulations for the MOA have been finalized in consultation with the NJHPO and the NYSOPRHP, and the executed MOA will be incorporated the Record of Decision (ROD).

## 5.8 Archaeological Resources

**1. Gina Santucci, The City of New York Landmarks Preservation Commission, AG1:1**

The LPC is in receipt of the draft EIS of May 2009. The text is acceptable for historic resources and archaeology.

Response:

Noted.

**2. Willie Taylor, United States Department of the Interior, AG13:2**

Archaeological Resources (Section 5.8, Page 5-62 to 5-65):

Appropriate consideration for the presence of archeological resources in the APE has not indicated a high probability for impact to archeological values, with the greater possibility, if any, to be in the SHPO-NY jurisdiction on Staten Island. Concern was raised for possible new northern alternative alignments, but it now appears that the continuing responsibility for identifying archeological resources should be through careful performance of the work watching for, and appropriately treating any resource finds discovered in the stated APE. Both SHPOs have given their concurrence for the U.S. Coast Guard’s determination of no adverse affect by this

GBR undertaking: however, we are pleased with the apparent commitment (last paragraph, Summary, 5.8.6, page 5-65) to assess any construction staging/work or storage areas beyond the archeological resources that may be present or discovered in those areas through continuing consultation with the SHPOs of NJ and NY. As for the project expediency of cultural resource preservation expressed above, we encourage assessment of staging areas, if possible, to be reported as accomplished in the FEIS, certainly before any physical occupancy of those areas.

**Response:**

Noted. As reported in this FEIS, the selection of the New Alignment South as the Preferred Alternative would eliminate the need to conduct additional archaeological testing along the route of the proposed relocation of Goethals Road North associated with either of the Northern Alternatives.

As the commenter states, staging or work areas associated with the construction of the proposed bridge will require archaeological assessment/survey once such areas are defined during final design following the NEPA process. Therefore, should any staging areas eventually be sited outside the current APE, such areas cannot be identified at this time, and a cultural resource assessment for such areas cannot be presented in the FEIS.

## 5.11 Water Resources

### 1. *Stacey Jensen, United States Army Corps of Engineers, AG12:1*

The FEIS must contain the applicant's evaluation of how the selected alternative will comply with the Clean Water Act Section 404 (b) (1) Guidelines for Specification of Disposal Sites for Dredged or Fill Material.

**Response:**

As the DEIS did not identify a preferred alternative, specific measures to avoid or mitigate water quality impacts of dredging/filling activities were not developed as part of that document. Although the Preferred Alternative has now been identified in this FEIS (i.e., the New Alignment South), its current level of design assessed in the document is still conceptual in nature so that such evaluation cannot yet be performed and presented at this time. Nonetheless, necessary compliance with the Clean Water Act, will be achieved at the time of final design and will be demonstrated in the Port Authority's permit applications to the USACE, the NYSDEC and the NJDEP.

## 5.13 Biotic Communities

### 1. *Joseph Corleto, New Jersey Department of Environmental Protection, AG3:1-2*

The NJDEP's Division of Fish and Wildlife (DFW) feels that the provisions found within section 5.13.4.1 Aquatic Communities under "Construction Phase" on page 5-97 for dredging, demolition of existing bridge, land clearing and noise and vibration should minimize impacts to the fish and wildlife resources during demolition and construction. Only minimal impacts are expected due to the containment of in-water dredging, construction, and demolition within cofferdams and the implementation of the Soil Erosion and Sediment Control Plan.

“Any dredging or explosions required for in-water construction of the replacement bridge

or demolition of the Goethals Bridge would be performed within cofferdams in dry conditions."

*Goethals Bridge Replacement EIS Section - Environmental Consequences  
DEIS – May 2009, 5-100*

Cofferdam installation and removal will be limited to work windows in order to protect winter flounder spawning habitat and migrating Alewife, Blueback herring, and American shad. In New Jersey waters the timing restriction to protect Winter flounder runs from January 1 to May 31 and the anadromous timing restriction to protect migrating Alewife, Blueback herring and American shad runs from March 1 through June 30.

Response:

The above-stated work windows for winter flounder and anadromous species are noted. In addition, the National Marine Fisheries Service (NMFS) stated in a letter dated July 21, 2009, that in-water work should not be conducted between January 1 and June 30 in order to protect winter flounder early life stages and anadromous fish from adverse sediment resuspension and turbidity increases. Those window requirements were incorporated into Section 5.13.4.1 of the FEIS, and will then be stipulated in the required USCG Bridge Permit and other environmental permits, if and when issued.

At this time and for the purpose of the GBR Construction Period, any "in-water work" will generally relate to the installation and removal of cofferdams, which are sediment-disturbing activities and would thus need to conform to the timing restriction. But once the cofferdams will be in place, construction activities within such enclosed areas (e.g., pile driving or dredging for the new bridge towers, and pier demolition of the old bridge) should be permissible at any time. As stated in the same NMFS letter dated July 21, 2009, the Port Authority also acknowledges that "*These recommendations [i.e., above work window from January 1 and June 30] may change depending upon the exact location and nature of the work proposed.*" In light of pile-driving activities without the use of cofferdams, it should be noted that pile driving in wetlands are not considered as "in-water work" and would then be allowed at anytime; while pile driving in open water (i.e., without cofferdams) will need to conform to the work window.

The NJDEP's Endangered and Non-game Species Program (ENSP) recommends that the project consultant remain in close contact with Chris Nadeski, the Section Chief with the New York Department of Environmental Protection (NYDEP). The NYDEP closely monitors the peregrines on the Goethals Bridge and will advise on timing restrictions (and/or erection of alternate nesting structures). In New Jersey, our timing restriction for breeding peregrines is March 1 to July 15.

Response:

Noted and incorporated into Section 5.13.5.3 of the FEIS. The Project Team is in contact with NYCDEP's Chris Nadeski. While this FEIS and the state permitting process include the most recent information regarding peregrine falcon activity in the Goethals Bridge area, it is anticipated that the Port Authority's construction contractor will continue to consult with NYCDEP regarding the then-current peregrine falcon status. If any nesting activities were to occur on the existing bridge, appropriate timing restriction would then be applied from March 1 to July 15. Details of such restrictions may be identified as part of future permit conditions.

In order to reduce mortality to the Diamondback Terrapin from construction vehicles in the Primary Study Area during the nesting period (June-July), the contractor should instruct all employees and sub contractors to avoid any animals and, if possible, move any turtles to the closest suitable habitat and release unharmed.

**Response:**

Noted and incorporated into Section 5.13.5.3 of the FEIS. Construction personnel will be informed of the presence of wildlife concerns in the study area and the need to avoid harm to diamondback terrapins via construction documents and specifications to be prepared for related contracts. During the construction phase, the Port Authority will implement a program to relocate diamondback terrapins, as appropriate, to suitable areas to the extent possible.

**2. John Filippelli, United States Environmental Protection Agency, AG9:2**

EPA has rated the DEIS and all four alternatives as Environmental Concerns – Adequate (EC-1) as the mitigation to impacts to wetlands has not been fully identified.

**Response:**

As a preferred alternative was not identified in the DEIS, the specific project-related wetland impact was not yet determined; therefore, the wetland mitigation plan was still preliminary. Now that the Preferred Alternative (i.e., New Alignment South) is identified in the FEIS, the associated conceptual wetland mitigation plans for both states are presented in Section 5.13.5.2 of this FEIS. More definitive information about wetland impacts and mitigation is also presented in this FEIS, although finalization of those details will occur during the course of the environmental permitting process, which may not be completed until after completion of the NEPA process.

**3. Stanly Gorski, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, AG11:2-4**

The lack of an identified preferred alternative prevents the full evaluation of the proposed project impacts on NOAA Trust resources. While the impacts of the various alternatives are similar, the location, the nature of the habitat impacts and the extent of the impacts vary. For example, the total impacts to wetlands and water of the U.S. for the four build alternatives range from 5.19 to 5.51 acres. The two northern alignment alternatives will impact more acres of low marsh and mudflat than the two southern alternatives. The southern alternatives will impact more acres of high marsh. Low marsh and mudflats are more likely to support resources of concern to us than high marsh. However, the southern alignments both involve the construction of a bridge pier at the entrance to an interpier basin in Elizabeth, NJ. The placement of this pier would restrict substantially, the tidal flushing of this shallow 3-acre area, permanently altering water quality and sedimentation patterns. This could result in the degradation of the area as habitat for fish. The northern alternatives will also impact the Old Place Creek Marsh, eight acres of salt marsh that were injured by the 1990 Exxon Bayway oil spill and were subsequently restored using more than one million dollars of settlement funds. As stated in our 1995 correspondence on the Goethals Bridge Modernization Project, the Old Place Creek Marsh has a high ecological value and has served as an award winning model for restoration after oil spills. The DEIS does not appear to discuss fully the implications of impacting this area. Should one of the northern alignments be selected as the preferred alternative, the final EIS should more carefully consider ecological consequences of the filling of this marsh. Further, any mitigation plan developed should include the unique value of this site as part of the plan selection and design process.

However, without a designated preferred alternative, it is not possible to develop a mitigation plan that compensates for the project derived losses to ecological functions and values because these losses cannot be quantified completely without identifying the impacts.

Response:

As a preferred alternative was not identified in the DEIS, the specific project-related wetland impact was not yet determined; therefore, the wetland mitigation plan was still preliminary. Now that the Preferred Alternative (i.e., New Alignment South) is identified, the associated conceptual wetland mitigation plans for both states are presented in Section 5.13.5.2 of this FEIS. More definitive information about wetland impacts and mitigation is also presented in this FEIS, although finalization of those details will occur during the course of the environmental permitting process, which may not be completed until after the USCG's issuance of the ROD.

Magnuson-Stevens Fishery Conservation and Management Act (MSA):

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires Federal agencies including the US Coast Guard (USCG) to consult with NMFS regarding any action or proposed action authorized, funded, or undertaken by the agency that may adversely affect EFH identified under the MSA. The EFH regulations, 50 CFR Section 600.920, outline the consultation procedure and further, enable federal agencies to use existing consultation/environmental review procedures to satisfy the MSA consultation requirements when appropriate. Included in this consultation process is the preparation of a complete and appropriate EFH assessment to provide necessary information on which to consult.

The draft EFH assessment included in the DEIS is incomplete. While the assessment includes information on impacts to forage species and indirect impacts, there are several deficiencies that should be addressed in the final document. The species for which EFH has been designated is incomplete. The list appears to have been obtained from the 10 minute square data from our website ([www.nero.NOAA.gov/hcd/STATE4/new\\_jersey/40307410.html](http://www.nero.NOAA.gov/hcd/STATE4/new_jersey/40307410.html)) and this data is only partially complete. Additional designations for the Hudson-Raritan estuary including the Arthur Kill can be found on our website as well ([www.nero.noaa.gov/hcd/nj4.html](http://www.nero.noaa.gov/hcd/nj4.html)). The use of both data sets is required to develop a complete list of EFH for the project site. Species and life stages missing from the draft EFH assessment include juvenile and adult black sea bass (*Centropristis striata*), adult red hake (*Urophycis chuss*), windowpane (*Scophthalmus aquosus*) and winter flounder (*Pseudopleuronectes americanus*) spawning adults.

Response:

Species and life stages present within the Hudson-Raritan Estuary (specifically those listed under major estuaries of New York and found online at <http://www.nero.noaa.gov/hcd/ny3.html>) have been added to the species and stages already identified in the EFH assessment. However, note that the above-link suggested by NMFS (<http://www.nero.noaa.gov/hcd/nj4.html>) was not used since it does not appear to be applicable to the GBR Study Area. Such list actually encompasses the following 10-minute-square quads (4040/7350; 4040/7400; 4030/7350; 4030/7400; 4030/7410; 4020/7350; 4020/7400; 4020/7410; and 4010/7420), which are actually representative of other major estuaries in New Jersey such as the Barnegat and Delaware Bays.

Updates on the EFH Assessment have been noted in Section 5.13.4.1 of this FEIS.

In addition, the assessment only appears to consider the permanent loss of 0.2 to 0.3 acres of shallow water as impacts to EFH. The EFH final rule published in the Federal Register on January 17, 2002 defines an adverse effect as: "Any impact which reduces the quality and/or quantity of EFH." The rule further states that:

An adverse effect may include direct or indirect physical, chemical, or biological alterations of the waters or substrate and loss of, or injury to, benthic organisms, prey

species and their habitat and other ecosystems components, if such modifications reduce the quality and/or quantity of EFH. Adverse effects to EFH may result from action occurring within EFH or outside EFH and may include site-specific or habitat-wide impacts, including individual, cumulative, or synergistic consequences of actions.

As a result, the assessment should address impacts to wetlands, tidal creeks as well as the Arthur Kill. Temporary impacts should also be considered. A more detailed discussion of measures to compensate for the impacts should be provided.

Response:

A discussion of temporary and permanent impacts to wetlands and tidal creeks has been added to the EFH Assessment. Finalization of the detailed wetland mitigation plan, however, will occur during the course of the environmental permitting process, which may not be completed until after the USCG's issuance of the ROD.

Updates on the EFH Assessment have been noted in Section 5.13.4.1 of this FEIS.

As mentioned above, the lack of an identified preferred alternative precludes a complete analysis of project impacts and the development of detailed mitigation plans to offset the impacts. With the information in the DEIS on the four potential alternatives and the draft EFH assessment, we can offer some preliminary recommendations for inclusion in the FEIS and the mitigation plans and for project planning and scheduling purposes.

As a result, the EFH consultation between NMFS and the USCG for this project should not be considered complete until a final, revised EFH assessment is provided that incorporates the missing information and includes a discussion of the impacts of the alternative selected and more details on the specific construction methods to be used. At that time, we will be able to provide more site-specific conservation recommendations pursuant to Section 305(b) (4) (A) of the MSA.

Until a preferred alternative is selected and a final EFH assessment is provided to us for review, our preliminary recommendations are as follows:

1. EFH for all life stages of winter flounder has been designated in the project area. Winter flounder spawn beginning in early January through April, depending on water temperatures. Their demersal eggs sink, remaining on the bottom until they hatch. After hatching, flounder larvae are initially planktonic, but following metamorphosis they assume an epibenthic existence. Increased turbidity and the subsequent deposition of the suspended sediments can smother the winter flounder eggs and newly metamorphosed larvae and would adversely affect their EFH. To minimize impacts to early life stages of winter flounder that may be in the area, in-water work on the bridge should be timed to avoid the time when eggs and larvae may be present - January 1 to May 31.
2. Anadromous fish such as alewife and blueback herring use the Arthur Kill as migratory pathway and as nursery and forage habitat. Buckel and Conover (1997) in Fahey et al. (1999) reports that diet items of juvenile bluefish include *Alosa* species such as these. As a result, activities that adversely affect the spawning success and the quality for the nursery habitat of these anadromous fish can adversely affect the EFH for juvenile bluefish by reducing the availability of prey items. Bridge construction and demolition activities can increase turbidity and degrade water quality. This water quality degradation and the noise and vibrations caused by the construction activities can impede the migration of anadromous fish to their upstream

spawning grounds. Avoiding in water work from January 1 to May 31 will also minimize impacts to these species.

3. A compensatory mitigation plan to offset all of the project impacts to aquatic resources including EFH should be developed in accordance with the federal standards and criteria for compensatory mitigation for losses of aquatic resources published in the Federal Register on April 10, 2008 (vol. 73 No. 10). If either of the northern alignments is selected, any mitigation plan should include consideration of the unique values of the Old Place Creek Marsh. Should either of the southern alignments be chosen, the mitigation plan should compensate for any habitat degradation of the interpier area in Elizabeth, NJ. The use of a mitigation bank may be an acceptable form of compensatory mitigation if there is an approved bank with sufficient credits available to sell exists and whose service area includes the impact site. In-lieu fee mitigation may also be acceptable provided it complies with the current Federal regulations. These regulations require the development of an in-lieu fee program and an in-lieu fee instrument similar to a mitigation banking instrument and the establishment of an Interagency Review Team.

**Response:**

The work windows specified by NOAA/NMFS, which correspond with those suggested by the New Jersey Department of Environmental Protection, are noted. In-water construction will be performed within cofferdams that will be put in place during the allowable work window. NMFS recommendations will be included in the USCG's Bridge Permit, if and when issued.

Following issuance of the DEIS and review of comments received on the DEIS, the New Alignment South has been identified as the Preferred Alternative. To that effect, updates on the EFH Assessment have been noted in Section 5.13.4.1 of this FEIS.

**4. *Bram Gunther, City of New York Parks & Recreation, AG7:2-4***

**General Comment:**

Part of the footprint of the bridge supports will cross Old Place Creek salt marshes in the location of NRG's earlier (1993-1994) salt marsh restoration projects stemming from the 1990s Exxon Bayway oil spill.

NRG's Salt Marsh Restoration Team (SMRT) project restoring marshes following the oil spill was funded by the damages account based in part on before and after bird surveys through which the damage to wildlife could be documented. The SMRT published and presented their findings at professional conferences because of the innovative methodology used to restore the petroleum-soaked *Spartina alterniflora* marshes and the high success rates achieved under highly contaminated conditions. These salt marshes are currently thriving.

Given the unusual history of these marshes special consideration should be given to the mitigation requirements if the restored marshes must be destroyed during the Goethals Bridge Replacement. The mitigation ratio to compensate for the loss should be significantly larger than the usual maximum 3:1 ratio of wetland mitigation acreage to wetland loss acreage.

**Response:**

To date, discussions with regulatory agencies (including the USACE and NYSDEC) have identified the likely use of a 3:1 wetland mitigation ratio for replacement of impacted wetlands. Regarding impacts to the restored salt marsh areas, the regulatory agencies have not specifically stated that previously restored

areas should be treated as special case areas requiring a higher mitigation ratio. All wetland impacts will be mitigated per regulatory agency guidelines.

Updates on the conceptual wetland mitigation plans for both states are presented in Section 5.13.5.2 of this FEIS.

Comment to page 5-107, Table 5.13-1:

The Old Place Creek wetlands are designated as Significant Coastal Fish and Wildlife Habitat (NYSDEC). While wetland acreage given in Table 5.13-1 (page 5-107) accounts for the actual footprint of wetland loss (5.19 to 5.51 acres depending on alignment selected), it does not account for the impact of splitting a large significant wetland into two sections. Mitigation measures should include compensating for the bifurcation of a large contiguous and significant wetland.

Response:

State-designation for Significant Coastal Fish and Wildlife Habitats (SCFWH) is administered by the New York State Department of State's (NYS DOS) Division of Coastal Resources (DCR). According to the NYSDOS-DCR, only the "Goethals Bridge Pond" within the Proposed Project's vicinity is a designated SCFWH and that site is located northeast of the Goethals Bridge Toll Plaza, well outside of the GBR study area. The Old Place Creek wetland complex is not State-designated; however, it is locally designated as a Special Natural Waterfront Area (SNWA) by the New York City Department of City Planning (NYC DCP) under its administered Waterfront Revitalization Program.

The proposed access, maintenance, and security road beneath the replacement bridge is a necessary element of the proposed project to provide for long-term maintenance activities and bridge security (see FEIS Section 3.2.3). As the road would bisect the current Old Place Creek wetland complex, discussions with the USACE and NYSDEC have identified the likely use of a 3:1 wetland mitigation ratio; the mitigation ratio will be finalized via the permitting process. It has also been agreed with the regulatory agencies that a complete alternatives analysis will be presented in the environmental permit applications to demonstrate that: 1) wetland impacts associated with the access road have been avoided to the maximum extent practicable; 2) the area of unavoidable wetland impact has been minimized to the maximum extent practicable; and 3) appropriate mitigation measures are proposed and would be implemented to offset the impacts.

While wetland habitat fragmentation is discussed in Section 5.13.4.3 of this FEIS, current updates on the conceptual wetland mitigation plans for both states are presented in Section 5.13.5.2 of this FEIS.

Comment to Fig. 4.14-4 & 4.14-5 and 5.13-1 & 5.13-2:

Ecological communities highlighted in the figures assumes that impacts are limited to the study area within several hundred feet of the wetland. Please describe size determinations for impacts analysis.

Response:

The Primary Study Area, which closely follows the existing Goethals Bridge corridor (see FEIS Figure 4.2-1), was developed to encompass all of the alternative bridge-replacement alignments in order to evaluate any direct impacts to ecological communities (e.g., acres of salt marsh loss). Cumulative and indirect impacts resulting from the project were assessed over a far larger area (see FEIS Sections 5.25 and 5.26).

Comment to page 5-107, Table 5.13-1:

Not included in the DEIS is the list of proposed mitigation sites. From Table 5.13.1 the acreage

range of expected dredge or fill activity occurring in wetlands will be 5.19 to 5.51 acres. Please note that this should be closely coordinated with DPR as nearby sites are being examined for transfer to Parks as part of the Wetlands Transfer Task Force (WTTF) inventory and other efforts.

While the norm for Army Corps of Engineers and DEC wetland permit conditions would be to require a ratio of 1:3 to compensate for the direct wetland loss, consideration is also needed in determining the compensation for impacts from bifurcating the existing wetlands of Old Place Creek. Mitigation to be considered should include sites that are large enough to allow not only for the direct losses due to dredge and fill activity, but also can compensate for the loss of contiguous wetland habitat. For example, selecting the GATX site (located adjacent to Old Place Creek marshes) for mitigation through a combination of restoration and preservation, has the advantage of offering an opportunity to reestablish contiguous wetlands of comparable size. The GATX site currently supports what NRG believes to be the largest population of Southern Leopard Frogs (*Rana phenocephala*) in New York State as well as breeding populations of several uncommon marsh birds.

Response:

As part of the GBR EIS studies and initial development of the Wetland Mitigation Plan, the WTTF's latest report entitled "*Recommendations for the Transfer of City-Owned Properties Containing Wetlands*," dated September 2007, was consulted. The report includes several recommendations for transfer of City-owned properties containing wetlands within Staten Island, most notably the Saw Mill Creek site. During discussions of the Interagency Mitigation Group (IMG), which was created specifically to address wetland mitigation planning for the Proposed Project, the Saw Mill Creek site was initially considered as a potential restoration site. As part of the IMG, representatives from the New York City Department of Parks and Recreation's Natural Resources Group (NRG) and Salt Marsh Restoration Team (SMRT) were consulted regarding wetland mitigation site selection. Updated impact acreages to regulated wetlands were made in Section 5.13.4.3 of this FEIS. Additionally, a field visit with NYCDPR was held in January 2010 in order to assess any additional wetland restoration opportunities within the Saw Mill Creek Park.

As for the potential use of the former GATX site for wetland mitigation, it was discussed and agreed with other resources agencies (also part of the IMG) that such site would be too large (over 600 acres) and beyond the mitigation scope required for the Proposed Project. In addition, it should be noted that the former GATX site has recently been purchased in November 2009 by KB Marine Holdings, which plans to use the property for port-related and warehousing purposes.

Overall, updates on the conceptual wetland mitigation plans for both states are presented in Section 5.13.5.2 of this FEIS.

Comment to pages 3-16, 5-81, 5-108, 5-117, 5-257:

One major concern is in regard to the extent to which bridge construction will include a permanent fenced paved road, and the extent to which the road and fenceline will traverse Old Place Creek marshes. Depending on the road design, the marshes could become partially disconnected hydrologically.

Wetland loss from the road alone will be approximately 3.8 to 4.4 acres. In addition, as stated, "...the security fence would surround an area of approximately 16 acres, consisting primarily of wetlands associated with Old Place Creek and/or the Arthur Kill."

Such actions would physically bifurcate the wetlands. These impacts may be greater than that of

shading in dissecting the existing wetlands. Section 5, page 5-117 discusses sectioning of habitat from shading, however does not discuss other impacts of sectioning except as "indirect effects from the Proposed Project" (page 5- 257). Not found in Section 5-Environmental consequences, was mention of how wetland impacts from the roadbed would be minimized. For example, will culverts be constructed adequate for water and wildlife to pass through.

There is a brief discussion in Section 3-Alternatives, regarding access road design and the impacts of alternative designs. Placement of the road on piles is given as an alternative to the current designs, however, it does not appear to receive further analysis. This alternative may however, significantly reduce the impacts of the permanent road on wetlands by reducing changes to the hydrologic regime. A pile-supported permanent road would have fewer impacts to fish birds and other wildlife than a road constructed on elevated fill.

**Response:**

The approximately 2,200-foot-long access road proposed to be located between Gulf Avenue and the Arthur Kill will be unpaved. As discussed in DEIS Section 3.2.3.2, the width of the road during construction would be approximately 36 feet (not including perpendicular fingers, each of which would be 25 feet wide). This width is needed during construction to allow one lane of large construction vehicles to pass freely around the extended outriggers of a standard construction crane. Upon completion of bridge construction, the permanent width of the access road would be reduced to 20-24 feet and all construction fingers would be removed and their areas restored. In addition, the security fence would not be placed at the edge of the access road but, rather, along the bridge's right-of-way line (except where the trestle access road will cross over the open waters of Old Place Creek).

As updated in Section 5.13.4.3 of this FEIS, the Proposed Project is likely to result in significant adverse impacts through indirect habitat fragmentation of the Old Place Creek wetland complex and subsequent indirect impacts to wildlife movement and wetland hydrology. However, this is considered as a worst-case scenario at this stage of conceptual design for the FEIS. It is expected that other engineering considerations (e.g., reduction in security fencing and/or use of culverts) to further reduce/minimize and mitigate such fragmentation impacts will be developed at final design and agreed upon with regulatory agencies during the permitting review and wetland mitigation plans. To that effect, updates on the conceptual wetland mitigation plans for both states are presented in Section 5.13.5.2 of this FEIS.

**5. *Glenn Phillips, New York City Audubon, EM11:1-3***

**Habitat Concerns:**

The 5.5 acres of wetlands in the footprint of the replacement bridge will be impacting important habitat for Harbor Herons as well as other salt marsh avian species. In addition to the new bridge, there will be a permanent, paved road to replace the current dirt road beneath the bridge. To prohibit easy access to the bridge from the new road, a fence will be installed.

Supporting substrate material will need to be installed in the salt marsh to support a trestle. The parcel of land comprising the secondary area for the Goethals Bridge Replacement Plan will span Old Place Creek, a tidal wetland area important to and documented as Harbor Heron (herons, egrets, ibis, and cormorants) foraging grounds: part of the Harbor Herons complex. The secondary area parcel contains some of the last remaining patches of spartina in New York City. In 2002 this region underwent salt marsh restoration, mitigation for the oil spill of 1990, and is now in threat of being once again degraded. It is NYC Audubon's position that the salt marsh will once again be negatively impacted by fragmentation in the construction of a fence and by the disturbance to the salt marsh from installation and maintenance of that fence.

In addition, there are other committed development projects in that region that could impact habitat and wildlife: Verrazano Bridge rehabilitation project in NY, Missing Links Study in NJ, and the proposed development of the 675-acre GATX site, which is currently in the planning stage.

Response:

Same response as to Commenter No. 4 above for Mr. Gunther of NYCDPR.

Additionally, and upon final and approved Wetland Mitigation Plan in New York, the restored wetlands would be near the project area and are fully expected to provide foraging habitat for herons and other waterbirds, including species that use the nearby Harbor Herons Complex. Restoration of the marshes will be held to performance criteria, including requirements for percent native plant cover, percent invasive cover, etc. Annual monitoring of mitigation sites and site management will be performed to meet permit conditions for documenting mitigation success.

Avian Wildlife Concerns:

Harbor heron species use the area for foraging; at least 54 other species of birds use that area for breeding. Some species, like the Savannah Sparrow, require a minimum area of unfragmented habitat in which to successfully breed. The Savannah Sparrow needs 1-2 acres. The habitat also provides foraging areas for Black Skimmers, a species of special concern in NY, and for Northern Harriers. The site provides potential habitat for Pied billed Grebe nesting - a species that is limited by appropriate habitat, but has not been breeding in the Goethals's Bridge area since 1994.

Both the seaside and the Nelson's sharp-tailed sparrows, species of special concern and conservation concern in NY, have been documented breeding and foraging in Old Place Creek as well as in the primary bridge area within the last ten years. Sharp-tailed sparrows were seen during the 2002-2004 Breeding Bird Surveys. Salt marsh bird communities have been shown to respond to marsh isolation and human development, and landscape context mediates the influence of these parameters. Fragmenting the landscape would accentuate negative impacts.

Moreover, a suite of secretive marsh birds (Virginia Rail, Clapper Rail, Gallinules, Sora, Coots, and Moorhen) has been observed/heard in both formal and informal surveys of the primary and secondary areas. Secretive marsh birds are notoriously difficult to survey, so their conservation status is not always known. However, these species respond well to restored marshland.

Response:

Same response as immediately above comment from Glenn Phillips of NYC Audubon.

Additionally, current data on threatened and endangered species use of the Goethals Bridge area were requested from the states of New Jersey and New York and the U.S. Fish and Wildlife Service, and have been included in this FEIS (see Section 4.14.5.6) and will be incorporated into future permit applications.

Construction Concerns:

Timing of construction and introduction of contaminants needs to be regulated. Building of the bridge and road will immediately impact birds during the breeding season: disturbing nesting habitat so birds will not build nests, fragmenting the landscape so that birds with minimum acreage requirements would not select those sites to breed, and causing disturbance to herons, egrets, and other birds foraging for food to raise their young. Heavy equipment used in construction may leak fuel and other contaminants into the marsh, resulting in the potential for

bioaccumulation in prey and decreased productivity and nest success: issues that have threatened the Harbor Herons over the past 30 years.

If this project has been deemed essential to the region, and if the fence and road need to be constructed, then we find the standard 1:3 ratio as not acceptable for mitigation to this site based on the level of fragmentation, the repeated degradation of a previously restored mitigation site, and the value of the large, currently intact salt marsh habitat. Any mitigation must result in significant habitat protection/restoration on Staten Island.

To that end, we suggest substantial mitigation take place in the area of the GATX site.

**Response:**

The timing of construction had not yet been established at the DEIS stage of evaluation. However, based on the in-water work windows stipulated by NOAA/NMFS and NJDEP (see above comments and responses, as well as updates to Section 5.13.4.1 of this FEIS), this FEIS documents those stipulations and consequent construction timing. It is also anticipated that windows for threatened and endangered species will be stipulated as conditions in the USCG Bridge Permit and other environmental permits, if and when issued.

Fuel, lubricants and other fluids used during construction are considered potential contamination hazards to wetlands and surface waters. Construction activities could also result in the discharge of litter and debris into wetlands and surface waters. These impacts would be avoided or minimized by employing a Stormwater Pollution Prevention Plan (SWPPP), as described in FEIS Section 5.11 (*Water Resources*). The SWPPP would include the following, among other control measures: restrictions on the location of refueling activities and requirements for immediate cleanup of spills and leaks of hazardous materials; storing of any potentially hazardous materials on-site in clearly marked tanks that would be provided with secondary containment structures; and regularly scheduled inspection and maintenance of construction equipment.

As for the potential use of the GATX site for wetland mitigation, it was discussed and agreed with other resources agencies (also part of the IMG) that such site would be too large (over 600 acres) and beyond the mitigation scope required for the Proposed Project. In addition, it should be noted that the former GATX site has recently been purchased in November 2009 by KB Marine Holdings, which plans to use the property for port-related and warehousing purposes.

Overall, updates on the conceptual wetland mitigation plans for both states are presented in Section 5.13.5.2 of this FEIS.

**6. Willie Taylor, United States Department of the Interior, AG13:4**

*Environmental Consequences, Biotic Communities, Regulated Wetlands (5.13.4.3, Page 5-108, Section 5.13.5.2, Page 5-132):*

The document describes the impacts of shading on wetland vegetation in section 5.13.4.3, recognizing that each of the proposed alternatives require wider deck areas resulting in additional shading. Yet it is stated in section 5.13.5.2 that no mitigation for shading impacts is required due to more transparent superstructure. Please provide additional information on the impacts of shading in the Final EIS, including a quantification of these impacts, clarification on how the superstructure is more transparent, and the potential mitigative measures.

**Response:**

Additional information on the indirect impacts from shading of wetland habitat by the bridge is presented in Section 5.13.4.3 of this FEIS. Overall, habitat shading under the Proposed Project is unlikely to be adversely significant. To that effect, updates on the conceptual wetland mitigation plans for both states are presented in Section 5.13.5.2 of this FEIS.

*Environmental Consequences, Biotic Communities, Mitigation of Impacts, Regulated Wetlands/Open Water/Mudflats (Section 5.13.5.2, Page 5-132):*

The FWS looks forward to working with the wetland mitigation group and is willing to provide technical assistance on the conceptual wetland mitigation design. The point of contact can be Field Supervisor, USFWS, New York Field Office (Region 5), 3817 Luker Road, Cortland, NY 13045; phone: 607-753-9334, [FWSES\\_NYFO@fws.gov](mailto:FWSES_NYFO@fws.gov).

**Response:**

Steve Sinkevich of USFWS's Long Island Field Office in Brookhaven, NY, attended the March 20, 2008 Interagency Wetland Mitigation Group meeting. The Project Team will continue to coordinate Mr. Sinkevich and the Field Supervisor noted above for future discussion of project-related mitigation during the permitting process.

## 5.15 Navigation and Airspace

### 1. *Michael Arvanites, State Senator Diane Savino's Office, FPM S11.3:34-35*

I want to address the 135-foot height, maximum height, the super panamax ships. Anyone who is dealing with the Bayonne Bridge, including yourselves, will know that the height is causing some problems with the bridge. It did have future use for transportation alternatives and trestles.

We want to make sure that the construction of the bridge allows enough clearance for the GATX site and other sites on the New Jersey side of the Arthur Kill to Access the super panamax ships, which are using the Port of New York and New Jersey more frequently. The Bayonne Bridge has problems with that.

**Response:**

The proposed Goethals Bridge Replacement (GBR) project would be designed and constructed at the existing span's current minimum 135-foot vertical clearance over the Arthur Kill, measured above mean high water (MHW). The air draft requirement for the largest panamax ships is approximately 190 feet, measured from the waterline to the vessel's highest point. Due to the maximum roadway grade limitations on the bridge and the FAA requirements for maximum bridge height, the replacement Goethals Bridge cannot accommodate super panamax ships.

## 5.16 Solid Waste

### 1. *Joseph Corleto, New Jersey Department of Environmental Protection, AG3:1-2*

The New Jersey Artificial Reef Program has used bridge demolition material in the past to build up existing reef sites. The location of the Goethals Bridge makes an ideal situation to load barges with material and deliver it to reef sites along the coast. Although the bridge replacement

alternative is apparently yet to be determined, a statement that consideration would be given to the use of bridge demolition material for artificial reef construction could be included in the final EIS.

**Response:**

Noted. The FEIS text reflects this comment (see Section 5.16.5). In addition, it should be noted that the Proposed Project will be designed to address and implement, where practical, feasible and appropriate, the Port Authority's current sustainable design guidelines.<sup>4</sup>

## 5.17 Infrastructure

### 1. *Steve Greco, National Grid, EM3:1*

For the existing bridge and each alternative, please provide the minimum clearance from the bridge (edge) to the TETCO Gas transmission main at the closest point anywhere along the bridge.

For the existing National Grid 30" gas transmission main exiting the TETCO Goethals Meter and Regulator Station running east on Goethals Road, are there any anticipated areas where the main will need to be moved?

**Response:**

During preparation of the DEIS, the Project Team consulted with National Grid and KeySpan to discuss and evaluate potential project-related impacts to their facilities with each of the bridge-replacement alignment alternatives.

With the selection of the New Alignment South as the Preferred Alternative, the relocation of Goethals Road North associated with either of the Northern Alternatives is no longer needed. In turn, the existing National Grid 30" gas transmission main and other utilities within the street bed would not be impacted.

As the project final design stage progresses, the Port Authority will continue to coordinate with National Grid and KeySpan to minimize construction impacts to gas mains and guarantee safe operational conditions.

## 5.18 Contaminated Materials

### 1. *Joseph Corleto, New Jersey Department of Environmental Protection, AG3:2-3*

The NJDEP's Bureau of Case Management can only comment on the document generally, as an EIS pursuant to the National Environmental Policy Act (NEPA) is not a document regulated pursuant to the NJDEP Technical Requirements for Site Remediation (TRSR N.J.A.C. 7.26E).

The DEIS identified several known and potential sites that contain contaminated soils, groundwater or both within the Primary Study Area (PSA). The known sites are in various stages of remediation with oversight by different Bureaus within the Site Remediation Program (SRP).

<sup>4</sup> Port Authority of New York & New Jersey Engineering Department, *Sustainable Design Project Manual*, June 1, 2007.

Further investigations should be conducted in accordance with the NJDEP's Technical Requirements for Site Remediation to confirm the presence of contaminants once an alternative is selected and project design has progressed to the point where areas to be disturbed are more specifically defined. If these investigations reveal the presence of contaminated materials, delineation of the nature and extent of contamination and remediation would be required within the project area.

A Remedial Action Work plan approved by the NJDEP should be developed to safely remove contaminated soils generally during, but potentially prior to, construction. This plan must be submitted in accordance with the (TRSR, N.J.A.C. 7.26E).

**Response:**

As reported in this FEIS, the New Alignment South has been identified as the Preferred Alternative. Further investigations and remediation will be performed following conclusion of the environmental review process during subsequent project development phases. The investigations and remediation in New Jersey will be conducted in a manner consistent with the NJDEP's Technical Requirements for Site Remediation (N.J.A.C. 7:26E).

## 5.19 Energy

### 1. *Elizabeth Lutak, Resident, City of Elizabeth, FPM E1.4:38*

Has anyone considered using solar power to automatically defrost the roadway when it snows, which happens often in New York and New Jersey. It would be nice if we could drive without having the salt trucks ahead of us and splashing salt all over our vehicles and us.

**Response:**

Construction of the new bridge would be consistent with the Port Authority's Sustainable Design Policy Manual. While the Manual does not include the use of solar heated roadway treatments, the stormwater management plan will incorporate best management practices to minimize the effects of salted roadways on water quality.

### 2. *John Zamurs, New York State Department of Transportation, AG4:2-3*

Table ES.5-1:

This table should list the direct and maintenance energy consumption estimates for the No-Build Alternative (instead of "N / A").

**Response:**

Table ES.5-1 of this FEIS has been revised to include the direct and maintenance energy consumption estimates for the No-Build Alternative. In 2034 (the estimated time of completion [ETC] of project construction + 20 years), the No-Build direct energy consumption is estimated at 420,921 BTUs (British thermal units), or 4.6 percent higher than the four Build alternatives' direct energy consumption due to the No-Build alternative's lower speeds and higher regional annual vehicle miles traveled (VMT). The total annual maintenance energy estimated for the No-Build alternative, i.e., for roadway maintenance of the existing Goethals Bridge, is  $2.84 \times 10^9$  BTUs.

To that effect, Section 5.19.6.2 of this FEIS has also been revised to reflect the maintenance energy consumption estimates for the No-Build Alternative.

## 5.20 Traffic and Transportation

### 1. *Michael Arvanites, State Senator Diane Savino's Office, FPM SII.3:34*

We would like to clarify that the HOV lane will be open to general use during non-peak hours.

**Response:**

The Port Authority would operate the proposed managed use lane (MUL) for buses and high-occupancy vehicles (HOV) on the Goethals Bridge Replacement to manage traffic flows and conditions on the new bridge during congested travel periods, which are forecast to be the peak AM and PM commutation hours. When not operated as a MUL, the designated lane in each direction would be open to all vehicles. The Port Authority may modify the time periods and directions in which the MUL is operated as traffic conditions dictate, to maximize the efficiencies on the new bridge and improve mobility in the corridor, in coordination with the New York State Department of Transportation's bus lane/MUL on the Staten Island Expressway.

### 2. *Marjorie Bryant, New York City Department of Transportation, AG8:1-2*

DOT's Signals Division review of the proposed mitigation measures involving signal reallocations exceeding four or more seconds may result in a request for a signal progression analysis.

DOT has not received the background material (i.e., detailed HCS summary sheets or electronic files for the 2034 No Build, Build and Build with Mitigation conditions; traffic assignment maps and tables for the individual sites/projects). In addition, please provide the project-generated diversions for the 2034 Build Condition.

Please provide DOT with any changes made to the HCS default values or factors between existing and future conditions.

Following our review of the requested materials, DOT may provide additional comments.

**Response:**

Following further consultation with the City of New York since the release of the DEIS of May 2009, the NYCDOT has completed its review of all traffic analyses for compliance with New York City environmental review requirements, per CEQR.

Please refer to Section 5.20.6 of this FEIS for more details.

***Bicycle Program Comments:***

Existing alternatives, as represented in the DEIS, to provide a single 10-foot shared pedestrian and bicycle path across the bridge should be upgraded to a 10-foot shared walkway/bikeway in each direction. The additional walkway/ bikeway will reduce conflicts between pedestrians and cyclists as they cross the bridge and will simplify connections between the Goethals Bridge and the network of bicycle routes on either side.

Response:

As noted in the comment, the Port Authority's proposed Goethals Bridge replacement structure includes one 10-foot-wide sidewalk/bikeway on the north side, with a view of the Arthur Kill Railroad Lift Bridge. Provision of this sidewalk/bikeway will facilitate non-vehicular travel across the Arthur Kill and connect the local street and bicycle networks in Staten Island, New York, and Elizabeth, New Jersey. This will fulfill the project goal of restoring and enhancing pedestrian access and providing bicycle access across the Goethals Bridge, further promoting alternatives to the use of single-occupant auto commuting and accommodating recreational walking and biking.

The sidewalk/bikeway was designed to limit the overall width of the bridge while maintaining a sufficiently protected right of way width for bicycles and pedestrians. A second sidewalk/bikeway was not included in the overall design because the mobility benefits were not determined to outweigh the cost and environmental consequences of a wider bridge.

The impact of additional moving lanes on the Goethals Bridge should be studied to assess the impact of additional traffic on streets with planned bicycle facilities including South Avenue, Forest Avenue and Edward Curry Avenue. Also, impacts to the proposed greenway along the Staten Island Railroad right-of-way should be considered.

Response:

The GBR DEIS impact analyses were conducted for the major streets that would be affected by the proposed Goethals Bridge replacement. Forest Avenue near the Goethals Bridge was analyzed and mitigation measures to address project-related impacts were developed and documented in the DEIS (see DEIS Sections 5.20.5.5 and 5.20.5.6). The DEIS traffic studies indicated that South Avenue, Edward Curry Avenue, and local streets in the vicinity of the proposed greenway along the SIRR right-of-way would not be significantly affected by the proposed project, and would thus have no impacts to any planned bicycle facilities.

Furthermore and independently of the Proposed Project, the Port Authority has proposed a series of interim improvements to improve traffic for the purpose of addressing the Howland Hook Marine Terminal (HHMT) impacts, in coordination with NYCDOT, NYCEDC and the Mayor's Staten Island Transportation Task Force.<sup>5</sup> These early action improvements would in turn mitigate the traffic impacts generated by the Proposed Project and thus avoid potential impacts with any planned bicycle facilities. The improvements would include:

- Converting the bi-directional Forest Avenue between Gulf Avenue and Goethals Road North to one-way northbound only;
- Widening the eastbound I-278 eastbound off-ramp to allow for two travel lanes;
- Constructing a median barrier from the widened eastbound I-278 off-ramp to the Forest Avenue/Goethals Road North intersection;
- Improving the turning radii at both the Gulf Avenue/Forest Avenue and Forest Avenue/Goethals Road North intersections, as well as, to the driveway into the Key Span facility; and,
- Modifying the existing traffic signal at the intersection of Forest Avenue and Goethals Road North from the present two phase design to a three phase operation.

Traffic analyses, based on 2006 to 2024 growth projection for the existing HHMT facility, indicate that the proposed interim improvements will yield Levels-of-Service "C" or better through the year 2024.

<sup>5</sup> See SI Transportation Task Force's Update Presentation of June 16, 2009 at [http://www.nyc.gov/html/gmtf/pdf/20090616\\_task\\_force\\_presentation.pdf](http://www.nyc.gov/html/gmtf/pdf/20090616_task_force_presentation.pdf).

During final design of the Proposed Project, details of the bikeway touchdown/connectors to both Staten Island and the City of Elizabeth will be coordinated with the respective municipal governments and state DOTs.

**3. Paul Dengel, Construction & Marine Equipment Co., Inc., EM9:1-2**

Construction & Marine Equipment Co., Inc. (CME) is located at 330 South Front Street, Elizabeth, NJ on the Arthur Kill Waterway, just a few hundred feet north of the existing Goethals Bridge.

For the past 20 years this site has served as the company's office and operations yard. Originally CME was a monthly tenant on the premises, until the property was acquired by CME about three years ago. Since CME purchased the land, a lot of time and money has gone into making aesthetic and vital alterations to the complex. Some of the new modifications include a new steel sheeting bulkhead, painting of various buildings and structures, general landscaping, and other necessary changes. All of this has been accomplished in good faith to please not only customers but also the local community.

Like many other businesses, CME's location is fundamental for our success. Due to the nature of CME's work, it is imperative that we are capable of shipping and receiving products by water, rail, and road. On a day-to-day basis CME utilizes all these modes of transportation. Many of CME's representatives and employees, including myself, have attended all of the Goethals Bridge Environmental Impact Statement (GEIS) presentations and lectures. As a company we have been keeping close track of the future plans of the replacement bridge. We are extremely interested in the affects the new bridge may have on traffic flows in the Bayway, First Street, and South Front Street corridors, any new bridge heights (for both road and rail trusses), foreseen construction delays and detours, and other major variations to the present layout.

Unlike the last Port Authority of New York/New Jersey (PA NY/NJ) sponsored project, the Arthur Kill Railroad Lift Bridge, any notable changes to the existing layout should be thoroughly studied and engineered. If major modifications are required, the proper mitigation resources should be applied to minimize impact.

The Goethals Bridge Replacement project should incorporate changes to the Bayway Avenue and First Street intersections to better accommodate truck traffic. Due to the large amount of trucks frequenting this area, the current intersections are totally inadequate and congested. Since PA NY/NJ caused these changes during the Arthur Kill Railroad Lift Bridge project, responsibility should be taken by them to rectify and redeem the area.

**Response:**

The DEIS traffic analyses conducted for the area of Bayway Avenue and Front Street, located east of the ramp connections to the Goethals Bridge and New Jersey Turnpike Interchange 13, forecast no project-related impacts along that section of Bayway Avenue, nor along First and South Front streets.

As documented in the DEIS, much of Bayway Avenue west of Interchange 13 and the ramps to and from the Goethals Bridge are forecast to operate poorly in both the AM and PM peak hours in the future No-Build condition, i.e., in 2034 without the proposed Goethals Bridge replacement. While the proposed project would add traffic to these already congested locations in the Bayway Avenue corridor, mitigation has been identified that would effectively reduce delays to better than No-Build conditions. The

mitigation would include transportation system management (TSM) improvements in the corridor and a managed use lane (MUL) on the new Goethals Bridge.

As described in Sections 3.3.2 and 3.5 of this FEIS, the Preferred Alternative (i.e., New Alignment South) will have a 135-foot minimum vertical clearance over the Arthur Kill, measured above mean high water (MHW), which is the same as the existing Goethals Bridge's vertical clearance. The new bridge's towers would have a maximum height of 272 feet above mean sea level to avoid conflict with flight departures from the nearby Newark Liberty International Airport. The only existing rail bridge that would require redesign and reconstruction to accommodate the Goethals Bridge replacement is the Travis Branch Railroad Overpass (a.k.a. Travis Bridge), spanning over I-278 and local City streets (Gulf Avenue and Goethals Road North) on the Staten Island side of the proposed project. Based on concept-level design, the Travis Bridge's existing 16-foot vertical clearance would be modified to a minimum of 16 feet and 6 inches in order to accommodate the wider at-grade roadway of three travel lanes in each direction, compared to the current width of two travel lanes in each direction. The increased vertical clearance would be consistent with American Association of State Highway Transportation Officials' (AASHTO) highway design standards.

Initial, concept-level plans for maintenance and protection of traffic (MPT) during construction of the Preferred Alternative are described in Section 3.4.5.1 of this FEIS. MPT plans will be detailed during further phases of project development to identify appropriate detours and minimize construction-period travel delays, to the extent possible, during different stages of new-bridge construction and demolition of the existing Goethals Bridge.

There will be no change in the truck traffic at Bayway Avenue and First Street intersection as a result of this project. There will be no overall change in traffic in the future as a result of this project at that location. Therefore no mitigation is proposed to improve the situation at this intersection.

#### **4. *John Formosa, Federal Highway Administration, AG10:1-4***

There is great interest and need for freight improvement and improved maintenance and protection of traffic among early deliverables in this corridor. Currently your schedule of deliverables does not make traffic improvements until the replacement structure is opened to traffic. Your potential solicitations for federal funding and for federal support would be enhanced if your project included an early deliverable of improved transportation. FHWA is supportive of MP&T schemes that provide immediate and improved relief to the corridor while the design and construction package is advanced on a parallel path. On this unique corridor there appear to be two potential areas for MP&T improvement.

- One would be to review the highway itself and the opportunities for enhanced signage, delineation, dedicated freight lanes, structural modifications and enhancements to optimize usage of the existing structure and feeder ramps etc...
- The second and more imaginative/challenging area recommended for the PANYNJ to examine is the operation of the NY Container facility and how this establishes a significant demand on the current Goethals. An "out of the box" MP&T early action that delivers a sizable portion of the containers that demand to be moved westward would be eligible for the potential federal funding and may make that immediate improvement to MP&T to facilitate the continued maintenance and replacement of the Goethals. While not recommending a specific solution here, it would appear within the PANYNJ collection of infrastructure the capacity to evaluate "landing" a larger degree of

containers on the Western shores for movements westward. Recognizing that revenue, leasing, marine operations and other challenges may be difficult to address, still the intent is to deliver a degree of relief prior to opening of the new Goethals. Increased costs of these MP&T enhancement would be eligible for federal aid support, if that federal-aid were awarded under TIFIA, Tiger, Discretionary, PABs or other potential PANYNJ solicitations.

Response:

- While the Goethals Bridge replacement is a discrete infrastructure replacement initiative, it is being planned in the context of intensive efforts in both states to implement multi-modal strategies for improved mobility of people and goods and increased attention to land-use/transportation relationships. Taken together, the bridge and these initiatives are expected to comprise a staged and coordinated response to evolving transportation demand in this part of the region. Specific examples include improved truck access to the Howland Hook Marine Terminal (HHMT), starting with Port Authority-designed, tenant-funded, NYC-contracted interim improvements on local streets carrying trucks between the Goethals Bridge and the terminal (completion target year-end 2010), followed by an anticipated Port Authority capital project to construct a more direct connection between the new bridge and the terminal (siting depends in part on selection of bridge alignment) as noted in the Cumulative Impact Section of this FEIS (Section 5.24). Longer term needs for terminal road access improvements beyond these projects will be evaluated in the environmental impact review for the proposed HHMT expansion. Direct rail access to HHMT was restored in 2008 through coordinated Port Authority and NYC Economic Development Corporation (NYCEDC) investments. NYSDOT's Region 11 office is party to Port Authority and NYCEDC/NYCDOT evaluation of HHMT access requirements as well as the scope and timing for future improvements. NYSDOT has its own ongoing program of phased improvements along the SIE corridor, and the Managed Use Lane concept for the GBR was developed in anticipation of NYSDOT completing a full-length Managed Use Lane capability on the SIE. These agencies also have worked together to anticipate the potential impacts and access requirements of eventual development of the nearby GATX site, whenever a specific redevelopment proposal progresses for this parcel.

In New Jersey, the DEIS reflects coordination efforts with the NJ Turnpike Authority to evaluate the relationship of the bridge project with future conditions and Interchange 13 and to evaluate operational options to best utilize the available network capacity. Though not required for the Proposed Project in the FEIS context, the Port Authority has committed to support preliminary planning for a project to complete Interchange Ramps at Routes 1 & 9 / I-278 in response to local concerns about truck and other traffic impacts in Elizabeth and Linden, NJ. More broadly, the Port Authority, New Jersey DOT, the NJ Turnpike Authority, Union County, and Essex County have been working collaboratively to plan and schedule projects to improve the capacity and connectivity of the rail and road network linking the Port Newark/Elizabeth Marine Terminal (PN/E) complex, the NJ Turnpike, NJ intermodal rail yards, and other transportation facilities in this area. Finally, the Port Authority is working to revitalize cross-harbor rail car float service with federal and local capital and cooperation from agencies and rail operators in both states as a viable option for handling cross-harbor freight trips now dependent on the so-called Southern Corridor route that includes the Goethals Bridge.

Apart from these capital planning efforts, the Port Authority is engaged with other agencies in both states on a number of initiatives to expand operational coordination, ranging from coordinated of Intelligent Transport System (ITS) corridor management applications to multi-agency coordination of truck permitting, and to introduce new transit options for commuters between Staten Island and New Jersey. Progress toward more integrated operational coordination will enable more effective responses to traffic conditions before and during construction of the GBR.

- This proposed strategy is duly noted. In response, the Port Authority will consult further with FHWA and partner operating agencies to ensure the availability of strategies for the bi-state port complex and its connecting roadways and railroads that assure adequate flexibility to manage port-related demand on the surface transportation network before, during, and after construction of the GBR. As noted in the comment, market conditions and business relationships are the main factors in determining where and when and in what volumes cargoes arrive at the region's marine terminals. Part of the answer lies in the growing volume and mode share of cargo moving via rail from the HHMT and Port Newark/Elizabeth, reflecting ongoing and substantial investments by the Port Authority and its public/private partners. Potentially expanded use of intra-harbor and coastal waterborne goods movement is another potential strategy, especially with indications of possible federal support as articulated in the Maritime Administration's recent Marine Highway initiative.

**5. *Richard Gualtieri, No affiliation provided, FPM S11.1:29***

It is very important that we have public transportation to and from New Jersey. It is fine that you provide a special use lane, but I feel that by the time that the bridge is open, we should have some public service for this lane because I think that is vitally important.

**Response:**

As described in Sections 3.3.2 and 3.5 of this FEIS, the Preferred Alternative (i.e., New Alignment South) would include a managed use lane (MUL) in both the east- and westbound directions of travel, to mitigate traffic congestion during AM and PM peak commutation periods. As proposed, the MUL will be available for use by buses and high-occupancy vehicles (HOV), and will accommodate both publicly and privately operated bus services (see Section 4.19.7 for list of existing bus services in the Goethals Bridge study area). Additional bus routes and services, beyond those currently crossing the Goethals Bridge for travel between New York and New Jersey, may be warranted by future travel demand in the corridor. As additional bus services are proposed for implementation and as traffic conditions dictate, the Port Authority may modify the mix of permitted vehicle types, the time periods and/or directions in which the MUL is operated, to maximize the MUL's efficiency, in coordination with the New York State Department of Transportation's bus lane/MUL on the Staten Island Expressway.

Also, as described in Sections 3.3.2 and 3.5 of this FEIS, the Preferred Alternative will be designed to include additional width between the east- and westbound roadways so as to not preclude potential future transit use, in the event that future conditions warrant inclusion of higher-capacity transit at higher service levels on the Goethals Bridge.

**6. *Peter King, New York State Department of Transportation, AG5:1-2***

**Section 5.20.2.1:**

Did network enhancements for the modeling effort include other important Hudson River crossings going as far North as the TZB?

**Response:**

The three Staten Island Bridges and the Verrazano-Narrows Bridge together comprise the New York/New Jersey region's southern travel corridor, one of four main travel axes within the greater metropolitan region that motorists can use to travel across the Hudson River and New York Harbor. The Tappan Zee Bridge, in combination with the George Washington Bridge, comprises the region's northern corridor for

Hudson River crossings. Given these travel corridors and associated travel patterns, the network enhancements done during development of the Goethals Transportation Model (GTM) from the New York Metropolitan Transportation Council's (NYMTC) Best Practice Model (BPM) were focused on the southern corridor, particularly for trips involving interstate crossings of the downstate Hudson River and via the three Staten Island bridges. Changes were also incorporated in the vicinity of the Holland and Lincoln Tunnels. No changes were incorporated further north.

Page 168 (bottom of page):

Forecasted transit enhancements should indicate SDOT's plans to extend the bus lane to Victory/Richmond (final determination on Western limit yet to be made)

Response:

The bulleted statement has been revised in Section 5.20.2.1 of the FEIS, per the comment.

Page 170 (top):

I would not use the word 'unacceptable' in describing LOS F-it's too subjective. Better to say that at LOS F (or corresponding density) conditions are severely congested or similar phrasing.

Response:

The text has been revised in Section 5.20.2.2 of the FEIS, per the comment.

Page 170 (bottom):

The document states; "As shown in Table 5.20-2, future No-Build travel demand at the Goethals Bridge is forecast to grow by 23 percent and 19 percent, respectively, in the peak hour, peak direction of travel, which is westbound in the AM and eastbound in the PM." Can the bridge absorb this growth or is it capacity-constrained?

Response:

The existing bridge in its current configuration cannot absorb the forecast level of growth during the peak hours. The peak-hour congestion will spread over the peak periods. The projected traffic growth is an integral element of the underlying transportation problem at the Goethals Bridge and of the purpose and need for the proposed 6-lane replacement bridge.

Table 5.20-2:

Are these throughput figures achievable given the capacity of the bridge (similar to above)

Response:

The projected volumes shown in Table 5.20-2 are demand volumes based on future growth forecasts. In some cases, these volumes exceed the capacity of the existing bridge. The peak-hour congestion will spread over the peak periods. These demand volumes are a factor in defining future capacity needs, determining the magnitude of impacts, and identifying mitigation options for traffic impacts.

Section 5.20.3.2:

Shouldn't the WSE be on the bulleted list? It is included on Table 5.20-3

Response:

The West Shore Expressway is not included in the bulleted list in Section 5.20.3.2, which comprises locations with potential project-generated traffic impacts, as traffic on the West Shore Expressway is forecast to decline with the proposed Goethals Bridge replacement, compared to the future No-Build

condition (see Section 5.20.4.1, particularly Table 5.20-11).

General:

The analysis focuses on changes in trip volumes due to shifts in the network. Also to be considered are new trips generated by construction of a new, higher capacity bridge. The trip generation phenomenon was explored analytically in the Staten Island Expressway MIS done in the 1990's where improvements to the SIE were shown not only to attract trips from other parts of the network but to generate new trips not formerly made.

Response:

As documented in the DEIS, the Goethals Transportation Model (GTM) was developed from the New York Metropolitan Transportation Council's Best Practice Model (BPM), which includes the metropolitan region comprising 28 counties in New York, New Jersey and Connecticut (see DEIS Appendix A.3 Model Development and Travel Demand Forecast Report). The GTM focuses specifically on the Goethals Bridge corridor, with a greater degree of detail for this project's study area to better reflect existing traffic and transportation conditions and forecast future conditions without and with the proposed Goethals Bridge replacement.

The GTM does not generate new trips regionally for a specific project. Total trip generation for the 28-county region remains constant within any given year. However, specific changes in a corridor, whether roadway- or transit-related -- such as the capacity increase with the proposed 6-lane bridge in the Goethals Bridge corridor -- will generate a different trip origin-destination pattern. Therefore, it may generate additional trips in the given corridor when comparing No-Build and Build conditions in the same year.

DEIS Table 5.20-10, which compares peak-hour traffic forecasts in 2034 in the No-Build and Build conditions, shows traffic growth in the Goethals Bridge corridor and reduced traffic volumes at the Outerbridge Crossing with the proposed Goethals Bridge replacement. As an example, over 1,100 additional trips are forecast to leave Staten Island via the four Staten Island bridges (Goethals Bridge, Outerbridge Crossing, Bayonne Bridge, Verrazano-Narrows Bridge) during the morning peak hour with the Goethals Bridge replacement in place. While the total number of trips going to and coming from Staten Island zones would remain the same, total trips leaving and staying on Staten Island would increase and decrease, respectively.

Page 176 (bottom):

The document notes, ".....travel demand due to its additional capacity, travel demand at the parallel Outerbridge Crossing would be moderately reduced in 2034." Is this reduction from current levels or projected 2034 no-build levels? This should be made clear.

Response:

The forecasted reduction in travel demand at the Outerbridge Crossing, following implementation of the proposed Goethals Bridge replacement, is in comparison to future (2034) No-Build levels (see Table 5.20-10).

Page 184 (top):

Changes in volume on the SIE east of the WSE between projected build and no-build should be small except for induced trip making and shifts from non-S.I. crossings such as the GWB.

Response:

There is no diversion of traffic expected from the George Washington Bridge to the Goethals Bridge

corridor as a result of the proposed Goethals Bridge replacement. Induced trip making as a result of the changes in Origin-Destination patterns would generally account for about 200 trips east of the Route 440 interchange.

Table 5.20-18:

Different tables in the document use different measures such as LOS, seconds of delay, and traffic density. Can these data be standardized or equivalents developed?

Response:

Different measures are used for different roadway situations in level-of-service (LOS) analyses performed using the Highway Capacity Manual (HCM). Delay is used for signalized and unsignalized intersections while density is used for freeway mainline, ramps and weaving sections.

Section 5.20.5:

Mitigations (under no-build) should include the recent addition of auxiliary lanes on the SIE at Todt Hill to the Region's Bus lane extension project.

Response:

At the time the traffic analyses were conducted and documented in the DEIS, neither the auxiliary lanes nor the bus lane extension were committed projects and, therefore, were not included in the No-Build network in the GTM. The proposed mitigation plan, discussed in DEIS Section 5.20., does include the bus lane extension (see DEIS Section 5.20.5.2).

Pages 192 & 193:

Note that the SIE bus/HOV lanes' extension to the GB was never part of the Region's capital program. Extension to the GB was only discussed. The current program will extend the lanes to the vicinity of Victory/Richmond, add auxiliary lanes at Todt Hill and remove the unused Sunnyside Interchange built for the Richmond Parkway.

Response:

The DEIS (see pages 5-192 and 5-193) recognized that the New York State Department of Transportation has not included an extension of the bus/HOV lanes to the Goethals Bridge. The DEIS examined various bus/HOV scenarios for the Staten Island Expressway to determine whether an extension to Richmond Avenue would be sufficient or extension all the way to the Goethals Bridge would be required to fully mitigate project-related impacts. The analysis showed that the extension to Richmond Avenue would be adequate to mitigate most impacts on the expressway, but some impacted locations west of Richmond Avenue would remain unmitigated. These latter locations would require the remainder of the bus/HOV lane to be built, and improvement to the Staten Island Expressway/West Shore Expressway interchange, for full mitigation.

Page 193:

It should be noted that the Region decided to defer the reconstruction of the WSE/SIE Interchange for more than resource reasons. There are also anticipated environmental and wetland issues and impacts from nearby development such as at the GATX site. Also note that MUL's don't mitigate volumes, more precisely, they mitigate the operational impacts of increased volumes.

Response:

The text has been revised in Section 5.20.5.3 of the FEIS, per the comment.

Page 201 (bottom):

The description of the SIE Operational improvements should be re-characterized to note that the reconfiguration of on/off ramps will better able to allow the service roads and Expressway mainline to function as a single system with better balance of traffic between the two.

Response:

The text has been revised in Section 5.20.5.6 of the FEIS, per the comment.

Section 5.20.8 (Transit):

It should be noted that with completion of the redecking of the Gowanus (last major project to be let in Jan. '10) the MTA-NYCT may well shift current bus routes to Manhattan which now go via N.J. to come to Manhattan via the Gowanus and BBT. Other shifts in bus route operation associated with the extension of the SIE bus lanes further west as well as additional work on the Gowanus may also be contemplated by NYCT.

Response:

The text has been revised in Section 5.20.8 of the FEIS, per the comment.

**7. Mike Kruimer, East Coast Greenway Alliance-NJ, EM6:1**

I want to note the importance of making the connection of the Goethals Bridge Multi-use trail to the Communities of Staten Island and Elizabeth. These connections MUST be made so that entire bridge can be utilized as a safe transportation corridor. This would be well within the scope of the bridge design because you already are looking as far away as the Verrazano Bridge and the Bay Way Circle/Route 278 connectors. We need to make this bridge a "complete bridge" so that it can serve us for the next 100+ years as a well thought out transportation corridor.

Response:

The proposed Goethals Bridge replacement's general use lanes, managed use lanes operating during peak travel periods for buses and high-occupancy vehicles, and the sidewalk/bikeway on the new bridge's north side will each be integrated into the roadway and bicycle networks on the east and west sides of the project in Staten Island, NY, and Elizabeth and Linden, New Jersey, respectively. The details of these physical and operational connections will be designed during subsequent project development phases.

**8. John Papetti, Jr., The Office of the Mayor of Elizabeth, NJ, FPM E1.3:33-36 and WS1:1-4**

This statement is submitted on behalf of J. Christian Bollwage, Mayor of the City of Elizabeth regarding the conditions that should be addressed before full support of the Goethals Bridge Replacement Project can be expressed.

During previous meetings between representatives of the City of Elizabeth and The Port Authority of New York and New Jersey, the City has stated its concerns about traffic in the area of the approach to the Bridge, the roadwork that would be required, as well as the impact on the local residents and merchants.

Certainly the addition of a second bridge will increase the traffic, in particular, truck traffic with a tremendous impact on our local roads.

One area of concern is the interconnection between Exit 13 of the Turnpike, Bayway Avenue, City streets and the Goethals Bridge, which is in need of significant improvement and will not be resolved simply by the current toll plaza widening.

**Response:**

Generally the traffic impacts near Interchange 13 and on the ramp system of Interchange 13 would be mitigated by the provision of the proposed Managed Use Lane on the Goethals Bridge replacement during peak travel periods. While the level of service in the area would remain poor, it will be no worse – and, in some cases, would be better – than in the future No-Build condition, i.e., without the proposed project. Any future improvements to Interchange 13 would be developed by and under the purview of the New Jersey Turnpike Authority.

Of equal importance to the City is the fact that access from the Bridge to relocated Bayway Avenue, an important industrial corridor for the city of Elizabeth, be significantly improved to ensure the smooth operation of business-related traffic.

**Response:**

The future traffic conditions in the area where the ramps connect to relocated Bayway Avenue are forecast to be similar in the No-Build and Build conditions, i.e., without and with the proposed Goethals Bridge replacement. Therefore, there would be no project-related impacts in this area and project-related mitigation is not required.

As we work to promote alternative transportation methods, the bicycle and pedestrian way inclusion in the widening or in any new construction is important. Consideration should be given to how the bike and pedestrian way will emerge from the Bridge to the City of Elizabeth streets.

**Response:**

The physical and operational connections between the sidewalk/bikeway on the proposed Goethals Bridge replacement and the City of Elizabeth’s local street network will be detailed during project development phases following conclusion of the environmental review process. The connections will be designed consistent with applicable design standards, notably including sufficient separation of bicycle and vehicular traffic for safety purposes.

**9. *Jonathan Peters and Alan Benimoff, The College of Staten Island, FPM E1.5:40-42 and WS5:1-3 and L3:1-8***

[Note to the reader: Mr. Peters and Mr. Benimoff presented an oral testimony on July 8, 2009 (FPM E1.5:40-42), submitted a written statement on July 8, 2009 (WS5:1-3), and provided a letter on July 28, 2009 (L3:1-8). The letter of July 28, 2009, provides more detailed comments, and captures the essence of those made in the oral and written statements. Therefore, the comments below are excerpted from their letter dated July 28, 2009.]

[Note to the reader: As captured earlier in this document under comments/responses to Section 5.4, the July 28, 2009, letter from Mr. Peters and Mr. Benimoff (L3:1-8) presents a background statement before providing a list of eight specific issues to be addressed in the FEIS. The reader may wish to read the background information provided in the comment letter first; comments related to Traffic & Transportation (Section 5.20 of DEIS) are addressed below (the remaining comments are addressed earlier in this document under comments/responses to Section 5.4 - Environmental Justice).]

Why is no transit proposed for implementation in this corridor? It is not clear that demand is lacking or that the service would not increase ridership on transit. In fact, the opposite is the case. [Issue #1 in L3:1-8].

Response:

New transit services are not proposed for implementation in the corridor with the proposed Goethals Bridge replacement because the studies conducted of potential bus and ferry routes and services forecast insufficient ridership to warrant their implementation at this time. The forecasting was performed with the Goethals Transportation Model (GTM), a travel demand forecasting model created and detailed specifically for study of the Goethals Bridge corridor and study area for this environmental review process (see DEIS Appendix A.3, Goethals Transportation Model (GTM): Model Development and Travel Demand Forecast Report).

As described in DEIS Appendix B, Alternative Actions and Screening Report, travel demand and ridership forecast modeling was conducted of the proposed 6-lane replacement bridge combined with either: 1) a bus rapid transit (BRT) system comprising 9 routes and favorable service parameters, with buses traveling in one dedicated lane in each direction on the Goethals Bridge replacement; or 2) a ferry system including three terminals served by feeder bus routes and favorable service parameters.

The results of the modeling forecast that the dedicated bus lanes would attract approximately 50 to 52 bus trips per hour, or an average of one bus per minute in the dedicated lanes, resulting in under-utilization of the bus lanes while the general-use lanes would become more congested. For the ferry system option, the modeling forecast that AM peak-period ferry ridership (i.e., the peak commutation period representing the most likely potential travel market) would be very limited, with just 274 passengers on all three ferry routes, spread across the four-hour peak period, in both peak and reverse/peak directions.

Given the low transit ridership forecasts, the BRT and ferry options were not advanced with the Goethals Bridge replacement proposal. However, as ridership potential in the Goethals Bridge corridor may become more robust in the future, the proposed Goethals Bridge replacement includes sufficient additional width between the west- and eastbound roadway decks so as to not preclude potential future transit use should future conditions warrant inclusion of transit on the Goethals Bridge crossing.

The current EIS models estimates transit usage by imputed riders based upon the driver behavior of existing bridge users – We question if this is a valid method of estimating mass transit demand. [Issue #2 in L3:1-8].

Response:

The comment is not correct. The GTM forecasts transit usage across the Goethals Bridge and in the corridor based upon regional transit usage parameters. The model has a mode-share model that is linked to the transit network characteristics. As transit networks change and are improved, additional riders are forecast to use a proposed service.

The proposed EIS did not include analysis of the existing transit services over the Bayonne Bridge – the MTA’s S-89 service. This service was implemented prior to the EIS release and provides us with useful knowledge about the impact of mass transit services in the New Jersey – Staten Island Corridor. It also provides validation of the value of cross connectivity between existing transit systems in this corridor. Ridership is strong and growing in this corridor and it should be used to augment the transit needs assessment. [Issue #4 in L3:1-8].

Response:

The bus route cited in the comment provides a direct connection to the Hudson-Bergen Light Rail system serving major job markets in Jersey City and Hoboken. A similar link near the western terminus of the Goethals Bridge does not exist and is no longer planned to be implemented (i.e., previously proposed New Jersey Transit Newark-Elizabeth Rail Link). Connections to other rail transit services and longer distance bus connections to major employment centers were examined during the DEIS studies. They did not demonstrate adequate ridership to mitigate the need for the proposed 6-lane bridge replacement nor to include transit in the current proposal. However, the proposed Goethals Bridge replacement includes sufficient width between the two roadway decks of the new structure so as to not preclude future mass transit if future conditions warrant it.

The EIS appears to ignore the value of cross connection to local New Jersey Transit bus routes in New Jersey to the existing MTA Service on Staten Island. Did the EIS cross validate the demand to move between these systems? [Issue #5 in L3:1-8].

Response:

The Goethals Transportation Model (GTM) forecasts of transit trips across the Goethals Bridge had the benefit of potential “cross-connections.” Local bus routes were included in the GTM’s transit networks and major hub points for potential transfers were included. The results still forecast low ridership potential in the Goethals Bridge corridor, as documented in DEIS Appendix B, Alternative Actions and Screening Report.

The Employment Center Size test as well as Residential Density test that are shown in Appendix B on page 48 of the Proposed EIS validated both BRT and basic bus service in this corridor – yet transit was discarded from implementation – why? The significant job centers in the City of Newark, Newark Airport and The Port of Newark and Elizabeth all serve as significant job destinations that create demand for transit services. [Issue #6 in L3:1-8].

Response:

Please see response to first comment, above. The GTM, which incorporates regionally adopted population and employment forecasts, was used to forecast ridership potential of BRT and ferry options that were studied in combination with the proposed 6-lane bridge replacement. These forecasts show insufficient ridership to warrant implementation of these transit services at this time.

The College of Staten Island performed Geographic Information System analysis of the proposed BRT routes (Appendix B – Page 92 & 93) in the EIS. We geocoded the routes and then evaluated the population surrounding these stops. We found an average of 8,885 people per square mile within a ½ mile radius of the proposed 34 stops on the BRT service. This is well above standard thresholds for bus service and is close to justifying a light rail system for these corridors (10,000 per square mile). In total, this system would put 237,277 people within walking distance of a cross state transit system. This data is provided in Attachment 4. [Issue #7 in L3:1-8 and see such letter for Attachment 4].

Response:

As noted above and described in DEIS Appendix A.3, the ridership forecasting conducted with the GTM - which was created and detailed specifically to forecast travel demand in the Goethals Bridge corridor and study area – show insufficient ridership to warrant implementation of new transit services across the Goethals Bridge at this time. The GTM modeling of the BRT and ferry options defined for analysis in the GBR EIS is a more analytically rigorous approach to ridership forecasting than GIS analysis of population densities and potential transit routes. Nevertheless, the proposed Goethals Bridge replacement

will be designed so as to not preclude potential future transit use should future conditions warrant inclusion of transit on the Goethals Bridge crossing.

**10. *Richard Raczynski, New Jersey Turnpike Authority, AG6:1***

The New Jersey Turnpike Authority is very supportive of the project as the Goethals Bridge provides a vital transportation link between the State of New Jersey and Staten Island, New York. The safety and operational problems along with the associated capacity limitations on the existing bridge as documented in the EIS, create significant operational problems for the Turnpike Authority. The congestion that regularly occurs in the eastbound direction across the bridge commonly backs up through the Authority's toll plaza and onto the mainline roadway, which many times results in congestion along the Turnpike mainline in both the northbound and southbound directions. Because of these issues, the Authority is a strong supporter of the planned improvements to the Goethals Bridge.

The Authority does, however, have concerns relative to the mitigation plan that is being proposed by the Port Authority with the goal of minimizing the secondary impacts associated with the project. The mitigation plan being proposed involves the incorporation of a managed use lane (MUL) across the 6-lane replacement bridge during peak periods of travel. The restriction associated with this MUL results in only 2 lanes being available across the bridge for general-purpose traffic, the same number of lanes that currently exist. It is understood that the future general purpose lanes will be able to accommodate greater volumes than the existing lanes because of the associated geometric improvements (lane widths, shoulders, etc.); however, the Authority is concerned as to the effect the plan will have on future traffic conditions at our Interchange 13, and we are interested in the working relationship of the lanes with our toll plaza.

**Response:**

Traffic studies have shown that New Jersey Turnpike Interchange 13 will not be able to accommodate future peak-period traffic demands in the future No-Build condition, i.e., without the proposed Goethals Bridge replacement. Several locations in the interchange will be bottlenecked due to vehicles weaving, merging and diverging in the interchange area. The provision of a Managed Use Lane (MUL) on the 6-lane Goethals Bridge would lessen the future traffic demands in Interchange 13, bringing traffic demand levels back to No-Build levels. Interchange 13 traffic conditions need to be improved even in the No-Build scenario, and will not be worse with the Goethals Bridge replacement and its proposed Managed Use Lane as mitigation during peak travel periods. The east- and westbound MULs on the Goethals Bridge would terminate before the Interchange 13 connection.

**11. *Yonatan Reinberg, No affiliation provided, EM4:1***

I think this new expansion of the Goethals Bridge is tragic for many reasons, least of which is the non-commitment to a dedicated bike and pedestrian path, which I think should be addressed in the larger scope of the project. I understand the Coast Guard has no jurisdiction outside of the bridge itself and cannot guarantee access; but just like traffic, which, will rise tremendously, we cannot continue to analyze traffic and transit options without seeing the community around.

A bridge is not just a bridge, it is a way between two existing places. This new expansion is a tragic, misguided attempt to address infrastructural problems with thinking that should have been outdated 20 years ago.

**Response:**

The proposed Goethals Bridge replacement and associated traffic mitigation measures will improve mobility in the Goethals Bridge corridor. As demonstrated on Tables 5.20-19, 20 and 21 conditions around the Bridge area will be better with the Bridge and the mitigation plan than with future No-Build conditions without a new Bridge. Details of the proposed new crossing's connections to the highway, local road, and bicycle networks east and west of the new bridge, in Staten Island, New York, and Elizabeth and Linden, New Jersey, respectively, will be designed during project development phases following this environmental review process.

**12. Kamal Saleh, Union County, Land Use & Transportation Planning, EM7:1**

Overall the Draft Environmental Impact Statement follows the appropriate process of land use, environmental, historical, and transportation analysis. In some of the transportation descriptions they didn't include I278 or Routes 1&9 in New Jersey but in the analysis those roads were represented. The major concern is that the build condition with mitigations found in Section 5.20, Volume I of the Draft EIS. Associated NJ Turnpike Ramps/I 278 ramps has 5 out of 8 ramps analyzed have a degraded Level of Service (LOS) and two intersections in Elizabeth/Bayway/Route 1&9 area out of 7 analyzed that have degraded slightly in LOS. The Port Authority should explain if these ramps and intersections could be improved further.

**Response:**

DEIS Section 5.20.5.4, including Tables 5.20-19 through 5.20-21, reports that most of the locations with potential project-related traffic impacts would be improved with the proposed mitigation plan. In the Bayway Circle area, the two locations that would remain unmitigated would continue to operate below capacity and could be further mitigated only if Bayway Circle were to be eliminated. At the I-278/Route 1&9 Interchange, an area where several ramps merge would remain unmitigated and would operate poorly. This area, which comprises a small part of the Interchange 13 complex, cannot be mitigated without reconfiguration of the entire Interchange 13 complex. As stated in DEIS Section 5.20.9, planning studies and design of a major reconstruction project for Interchange 13 are not currently contemplated by the New Jersey Turnpike Authority.

**13. Ron Stefanowicz, Linden Economic Development Corporation, FPM E1.6:43-44**

Councilwoman Yamakaitis articulated the issues and concerns about the traffic. In addition to her particular Ward, we know, we anticipate that there will be a lot more traffic coming into Linden primarily because we're in an economic renaissance and we're developing over 600 acres of industrial land, which will be bringing a lot of commodities and traffic.

In addition to that, we're building shopping centers that will be bringing in more shoppers. Currently, we did a few studies and we know that the Staten Island people, even people from Brooklyn, are using the Goethals Bridge to come to shop into Linden, so we need to mitigate that.

**Response:**

The Goethals Transportation Model (GTM), a travel demand forecasting model created and detailed specifically for study of the Goethals Bridge corridor and study area, incorporates forecasts of population and employment growth prepared by the Metropolitan Planning Organizations (MPO) with jurisdiction over the New Jersey and Staten Island portions of the Goethals Bridge corridor and study area (i.e., the North Jersey Transportation Planning Authority and the New York Metropolitan Transportation Council).

These demographic forecasts reflect anticipated growth in Linden, Union County, as well as in other counties within the New York/New Jersey metropolitan region. The GTM forecasts show that the traffic growth described in the comment would occur even if the proposed project is not implemented. The forecasts do not show additional growth in traffic going to Linden as a result of the proposed project.

**14. *Kenneth Vogel, No affiliation provided, EM5:1***

I am supportive of the Port Authority upgrading the Goethals Bridge since a direct connection for commercial vehicles between the Outer Bridge Crossing and the Verrazano Bridge does not exist in Staten Island to complete a regional loop.

Response:

Comment noted.

**15. *Kyle Wiswall, Tri-State Transportation Campaign, FPM S11.2:29-33***

Tri-State supports many aspects of the new Goethals Bridge design as presented in the Draft EIS. The Port Authority and the Coast Guard demonstrate foresight by providing space for future transit on the span. And the planned bus and HOV-3 Lane will help mitigate traffic congestion at the peak hours.

However, even with the mitigation, we are concerned about the level of traffic projected in the areas on either side of the Bridge and the effects these increases will have on the surrounding communities.

The DEIS notes that the new capacity will attract 28 percent to 40 percent more traffic on the roads and approaches to the bridges. We support, as I said before, the option 3 mitigation plan contemplated in the DEIS. This includes the bus and HOV-3 lane over the Goethals and traffic system management upgrades.

The mitigation will go a long way to ameliorate the traffic increase. However, the mitigation only brings traffic back to the No Build levels, which is still a very high level of congestion. In the hope of providing deeper congestion relief for the new Goethals, the approaches, and for other Staten Island crossings, especially the Outerbridge Crossing, we urge the Port Authority and the Coast Guard to further investigate variable tolling to respond to different volumes on the roadways.

Response:

The Port Authority has already implemented a basic time-of-day tolling system that varies tolls by time of day to encourage people to drive during non-peak travel periods. The Port Authority is currently studying high-speed, all-electronic, cashless tolling for the future toll plaza with the proposed Goethals Bridge replacement.

In addition, Tri-State has long been supportive of the Port Authority's study of electronic and cashless tolling and supports these technologies being implemented on the Goethals as well.

Traffic growth on the Staten Island expressway and the West Shore Expressway will increase due to the Goethals Bridge project and we recognize that improvements on these roads are out of the scope of the Port Authority in this project.

We agree that traffic relief on these roads and for some of the other roads on either side of the bridge will require the participation of the New York State Department of Transportation primarily.

Especially problematic for us right now, however, is the proposed HOV-3 lane on the bridge and the interaction with the so-called pilot program HOV-2 lane that has taken over the busway on the Staten Island Expressway. The New York State DOT's decision to allow HOV-2 cars in the dedicated busway undermines the utility of that lane and has been strongly opposed by Tri-State.

The Traffic projections in the Goethals DEIS underscore the critical role that the dedicated bus lane plays in moving people efficiently during peak hours. At the very least, the DOT's HOV Pilot project should be limited to HOV-3, which offers more congestion relief than HOV-2, as you know.

Now, the Port Authority can help this by keeping the implementation of HOV-3 on the Goethals Bridge and then request that the DOT reconcile their HOV lane and the differences between the two towards HOV-3. You should work with the DOT to get the entire corridor HOV-3. Having different requirements at different points in these proximate projects causes confusion, enforcement problems, and increased delays.

Response:

The mitigation measures proposed for implementation with the proposed Goethals Bridge replacement were developed in consultation with the New York State Department of Transportation (NYSDOT), as well as its counterpart agencies in New Jersey, the New Jersey Department of Transportation and the New Jersey Turnpike Authority. The NYSDOT continues its studies of future Staten Island Expressway operations and options. NYSDOT's pilot program that allows carpools into the Bus Lane was created to mitigate impacts from construction around the Verrazano Bridge and may continue to be used for that purpose as sections of the Expressway are under construction as part of a new access scheme that will go under construction east of Slosson Avenue in the Fall 2009.

Consultation and coordination between the Port Authority and NYSDOT, as well as the New Jersey transportation agencies, will continue through subsequent project development phases to design and detail the proposed Goethals Bridge replacement and associated mitigation measures.

Finally, Tri-State is happy to see the inclusion of a pedestrian and bike path on the north side of the new bridge. It is concerning that there is no mention of efforts to work with the communities on either side of the span to ensure that access to the facility is safe, easy, and guaranteed. As you are well aware, the current sidewalk has been closed for some time.

We urge the Port Authority and Coast Guard to pursue agreements with the communities regarding access to the bridge for pedestrians and cyclists and to include documentation and access plans in the Final EIS.

Response:

The physical and operational connections between the sidewalk/bikeway on the proposed Goethals Bridge replacement and the local street and bicycle networks in the communities on either side of the span will be detailed during project development phases following conclusion of the environmental review process. The connections will be designed consistent with applicable design standards, notably including ease of access and sufficient separation of bicycle and vehicular traffic for safety purposes. The Port Authority

will consult with New York City/Staten Island and City of Elizabeth representatives during the design process.

**16. Michelle Yamakaitis, Eighth Ward Councilwoman for the City of Linden, FPM E1.1:31**

The Eight Ward of Linden cannot withstand any impact of the traffic, further impact without something being done with the Goethals Bridge expansion. We need to have that in the City of Linden worked on and considered.

**Response:**

The traffic forecasts associated with the new Goethals Bridge shows that traffic to and from the areas south of the bridge will primarily use the New Jersey Turnpike to access the Goethals Bridge. The result will be a decrease of traffic using Route 1&9 through Linden to reach the Goethals Bridge in the future.

## 5.21 Air Quality

**1. Joseph Corleto, New Jersey Department of Environmental Protection, AG3:4-6**

The NJDEP's Bureau of Air Quality Planning (BAQP) has the following comments:

Section 4.20.1.4 – Regulatory Setting and Compliance with Standards (New Jersey):

The DEIS states that, “the Goethals Bridge Replacement project is a regionally significant project, which requires project-level compliance with the United States Environmental Protection Agency’s (USEPA) Conformity Rule. If the proposed project is either funded or approved by the Federal Highway Administration (FHWA) or the Federal Transit Administration (FTA), then the Transportation Conformity would apply. If the proposed project requires funding or approvals from any other Federal agency, such as the USCG, then General conformities apply to the project.”

A “regionally significant” project as defined in the General Conformity regulation (93.152 Definitions) means “a Federal action for which the direct and indirect emissions of any pollutant represent 10 percent or more of a nonattainment or maintenance area’s emission DEIS. The pollutant emissions associated with this project are not likely to represent 10 percent or more of the nonattainment area’s emission inventory. This differs from the definition of regionally significant as it pertains to Transportation Conformity.

The BAQP concurs with the USCG’s conclusion that this project requires a Federal General Conformity review. Section 7.1 (Federal Permits and Approvals) in the DEIS indicates that three Federal permits are required for this project. (Section 9 Bridge Permit from the USCG and a Section 44 Dredge and Fill Permit and Section 10 Rivers and Harbors Act Permit from the United States Army Corp of Engineers). As indicated in the Federal General Conformity regulation (40 CFR 93.150)(a), “No department, agency or instrumentality of the Federal Government shall engage in, support in any way or provide financial assistance for, license or permit or approve any activity which does not conform to an applicable implementation plan.” Since two Federal agencies will be issuing permits for this project, the General Conformity regulation would apply to this project. Also, this project should be included in the North Jersey Transportation Planning Authority’s Transportation Improvement Program, which is subject to Transportation Conformity.

**Response:**

The language related to conformity has been revised and characterization of the GBR as a regionally significant project has been deleted in Section 4.20.1.4 of this FEIS. Additionally, latest updates on the project's inclusion in NJTA's TIP and RTP are presented in the same section.

Section 5.21.7 – Conformity Analysis:

The DEIS states that, "Determination of full Conformity compliance will be made following the detailed construction phase air quality analysis, which will be conducted for the Port Authority's preferred alternative and documented in the Final Environmental Impact Statement (FEIS) (see Section 5.21.8)"

Section 93.153(b) and (1) (Applicability) in the Federal General Conformity regulation states, "...a conformity determination is required for each criteria pollutant or precursor where the total direct or indirect emissions of the criteria pollutant or precursor in a nonattainment or maintenance area caused by a Federal action would equal or exceed any of the rates in paragraphs (b)(1) of this section." Under the 1-hour Ozone National Ambient Air Quality Standards (NAAQS), the New York-Northern New Jersey-Long Island NY (NY-NY-CT) nonattainment area was classified as a "severe" nonattainment area. Under this classification, the de minimis level for Oxides of Nitrogen (NO<sub>x</sub>) is 25 tons per year (tpy) and the de minimis level for Volatile Organic Compounds (VOCs) is 25 tpy. The State of New Jersey continues to be in nonattainment for the 8-hour ozone NAAQS. In order to prevent backsliding and to meet the goal of the Clean Air Act (42 U.S.C. 7502(c)) to achieve attainment of the NAAQS, it is necessary to use the de minimis emissions levels established for the General Conformity projects under the 1-hour Ozone NAAQS at (40 CFR 93.153(b)(1)). When preparing the Applicability Analysis, please use the de minimis levels for the 1-hour Ozone NAAQS.

In addition, Section 93.158(a)(2) indicates that for ozone and nitrogen dioxide, "the total of direct and indirect emissions from the action are fully offset within the same nonattainment or maintenance area... so that there is no net increase in emissions of that pollutant." Section 93.158(d) states that, "any analyses required under this section must be completed, and any mitigation requirement necessary for a finding of conformity must be identified before the determination of conformity is made." In light of the above, a mitigation plan will be required for criteria pollutant emissions and precursors above the 1-hour de minimis levels.

**Response:**

The Conformity discussion in Section 5.21.8 of this FEIS has been revised to state that: 1) General Conformity applies; 2) project-related effects are below the General Conformity applicability threshold for the project's operational phase, but they are above the thresholds for CO, PM<sub>2.5</sub> and NO<sub>x</sub> for the construction phase; and, 3) therefore, a General Conformity compliance determination will be made for these pollutants for this project prior to the Record of Decision (ROD). The Draft General Conformity Determination is herein included for public review in Appendix N.4 of this FEIS.

Section 5.21.8 – Construction Impacts

The DEIS states, "Since it is not anticipated that there will be any construction-related detours or diversions during any of the construction phases, no CO analysis of these detours or diversion is needed. The construction phase analysis, therefore, will focus on the potential particulate matter impacts."

Section 93.153 (b) (Applicability) in the Federal General Conformity regulation states “...a conformity determination is required for each criteria pollutant or precursor where the total direct or indirect emissions of the criteria pollutant or precursor in a nonattainment or maintenance area caused by a Federal action would equal or exceed any of the rates in paragraphs (b)(1) of this section.” When preparing the Applicability Analysis for this project, the analysis should not be limited to direct PM, but must include the emissions of Volatile Organic Compounds (VOCs), oxides of nitrogen (NOx), fine particulate matter (PM2.5) and its precursors.

This section of the DEIS includes measures to control airborne particulate matter during construction. These include the use of ultra low sulfur diesel fuel and a 3-minute limit on idling. Due to the health risks associated with diesel exhaust, any project that involves concentrated sources of diesel exhaust such as heavy use of construction vehicles, the BAQP recommends that all construction equipment above 75 horsepower should meet Tier 4 non-road emissions standards. If Tier 4 standards cannot be met, construction equipment should have control technology verified by the USEPA or the California Air Resources Board (CARB) to reduce particulate matter emissions by a minimum of 85%.

**Response:**

See response to immediately preceding comment.

**2. John Filippelli, United States Environmental Protection Agency, AG9:1-2**

EPA would also like to take this opportunity to encourage the PANYNJ to undertake voluntary initiatives to use clean diesel fuel, emission control devices, and other measures to effectively reduce air pollution emissions during construction and operation of its facilities. In addition, the use of coal combustion products and recycled industrial materials in lieu of new materials, such as Portland cement, provide environmental benefits by reducing greenhouse gas emissions, solid waste disposal needs and energy use. Additional information on industrial material recycling can be found at [www.epa.gov/epawaste/conserves/rrr/imr](http://www.epa.gov/epawaste/conserves/rrr/imr). EPA also recommends the use of renewable energy for lighting during construction and operation of the new bridge.

**Response:**

The discussion regarding construction equipment and operations has been revised to include the Port Authority’s sustainability policy and guidelines.<sup>6</sup> Measures that will be used to minimize emissions are discussed in Section 5.21.7.3 of the FEIS.

**3. Elaine Lubas, Environmental Commissioner, City of Linden, FPM E1.11:54-55**

I’d like to say that as part of the environmental concerns, I would like to emphasize and stress minimization of air, noise and work time constraints during the – in the construction of the bridge in order to ensure the health, safety and quality of life of the residents of the City of Linden as well as the City of Elizabeth. I think it is a very vital issue. During construction, there is bound to be a lot of, either its traffic or noise or air pollution and I think the citizens should be taken into consideration.

<sup>6</sup> The Port Authority of New York & New Jersey, Office of the Executive Director, AP 45-2 – Sustainable Design (Effective July 13, 2006).

**Response:**

The construction-phase air quality and noise analyses conducted for the Preferred Alternative are documented in FEIS Sections 5.21.7 and 5.23, respectively.

The result of the construction-related air quality analyses for the New Jersey portion of the project area is that total estimated pollutant concentrations would not exceed the National Ambient Air Quality Standards (NAAQS) for all applicable pollutants except PM<sub>2.5</sub>. The PM<sub>2.5</sub> exceedance of the NAAQS is primarily due to background values, which already exceed the 24-hour NAAQS, without the Proposed Project's construction. However, this impact is not considered to be significant, per consultation with the New Jersey Department of Environmental Protection, due to the conservative assumptions used in the analysis and the temporary nature of construction activities.

The result of the noise analyses are discussed below in Section 5.23 (Noise), Comment #2 of this Summary Report.

**4. Elizabeth Lutak, Resident, City of Elizabeth, FPM E1.4:37-38**

I am a resident of the City of Elizabeth. Being a lifelong resident of the City of Elizabeth, we seem to be having an increase in the hearing problems in the City, and asthma, due to the fact that we have an overload of cars, buses and trucks.

The truck population here has grown tremendously and nobody takes into consideration – even though you have the new air controls, there is still a lot of pollution in the town. I wish someone would just take consideration of the school children, regular residents and seniors.

We are getting hoarse. We get bronchitis. We get asthma when it's not the season to get asthma. Strange things are happening. Car and truck traffic causes paint to peel on houses. Local residents have to get them fixed periodically. Roofs are supposed to last 30 years but they have to be replaced due to the car and truck traffic. Can you imagine what humans are going through if the roof can't withstand it?

**Response:**

See response to Mrs. Lubas under Section 5.21 (Air Quality) Comment #3 of this Summary Report.

**5. John Papetti, Jr., The Office of the Mayor of Elizabeth, NJ, FPM E1.3:34-35 and WS1:3**

We want to stress the importance of minimizing noise and air pollution during all construction phases. Besides the adverse effect to local residents in the vicinity of the construction, a local school will also be directly impacted.

**Response:**

See response to Mrs. Lubas under Section 5.21 (Air Quality) Comment #3 of this Summary Report.

**6. John Zamurs, New York State Department of Transportation, AG4:3**

Page 5-207, "Dispersion Model" subsection:

This subsection states that CAL3QHC was used for the analysis; however, Section 4.20.3.8 states

that CAL3QHCR was used. Please correct this inconsistency.

Response:

As stated in DEIS Section 4.20.3.8, CAL3QHC was used for the CO analyses and CAL3QHCR was used for the PM<sub>2.5</sub> analyses.

Page 5-209, "Changes in Vehicular Emission Rates" subsection:

In the first paragraph of this subsection, it appears that the PM<sub>2.5</sub> emission factors are reversed for 2006 and 2014.

Response:

The text has been corrected in Section 5.21.3.1 of this FEIS.

Page 5-212, Section 5.21.4:

The third paragraph states that there are no differences in VMT among the four build alternatives. However, Section 5.19.6.2 states that the lane miles under the New Alignment North Alternative are slightly less than that under the other build alternatives. This inconsistency should be corrected in the DEIS.

Response:

While the four Build Alternatives vary in alignment (see Section 3.3 Description of No-Build and Build Alternatives), they would not vary operationally nor result in different traffic effects in the future. Therefore, the travel demand forecasts and traffic impact analysis results that were used as inputs to the air quality mesoscale analysis did not differ, as stated in DEIS Section 5.21.4. However, alternative-specific differences in length of alignment and vehicle miles traveled were calculated for use in the estimation of direct and indirect energy usage, as such differences may be material to energy consumption, both during operational (direct) and construction (indirect) project phases.

The text in FEIS Section 5.21.4 has been revised to clarify this point..

Page 5-213, Section 5.21.5:

This section should list the six "priority" MSATs and reference the FHWA "Interim Guidance on Air Toxic Analysis Documents" (from which much of the text in this section was derived).

Response:

The MSAT discussion in FEIS Section 5.21.5 has been revised using language currently recommended by FHWA.

Page 5-220, Section 5.21.7:

The discussion of general conformity should reference the applicable *de minimis* thresholds.

Response:

The conformity discussion in FEIS Section 5.21.8, which compares project impacts with the conformity applicability thresholds, has been revised.

## 5.22 Public Health

### 1. *John Papetti, Jr., The Office of the Mayor of Elizabeth, NJ, FPM E1.3:35 and WS1:3*

An additional health concern is the design flaws due to settling of earth at the stanchion of the current bridge supporting pillars. Currently, the flaw has allowed for a concave configuration, which retains rainwater and results in potential breeding grounds for mosquitoes and West Nile Virus.

Response:

As part of the proposed new design, the Port Authority has corrected the noted problem. The design of the replacement bridge proposes to include stormwater management retention areas in this area. The reconfigured design will deter mosquito habitat.

## 5.23 Noise

### 1. *Joseph Corleto, New Jersey Department of Environmental Protection, AG3:3-4*

The NJDEP's Office of Local Environmental Management (OLEM) has reviewed the noise section of the Goethals Bridge Replacement DEIS. The following comments highlight our concerns regarding the potential noise impacts:

- Excessive noise, such as pile driving, should be conducted during normal working hours, when local nearby residents may not be home.

Response:

Comment noted. Noise levels from construction-related activities would at least be minimized, if not fully mitigated, through compliance with local noise ordinances and codes for construction activities, including typical noise-reduction measures and the development of a Construction Noise Mitigation Plan.

During construction, contractors would adhere to state requirements and local municipal ordinances regarding construction noise regulation, to prevent and minimize construction noise-level exceedances within residential neighborhoods. Measures to minimize construction noise within and adjacent to residential neighborhoods and areas with sensitive noise receptors would be incorporated into the construction contracts and made part of the construction specifications and conditions. It should be noted that those measures will be consistent with the Port Authority's sustainability policy and guidelines.<sup>7</sup> Section 5.23.5 of this FEIS was also revised to address the potential noise impacts related to the construction period.

- Please be aware that noise on public roadways is exempt under the New Jersey State Noise Control Regulations N.J.A.C. 7.29-1.5(9). Jurisdiction for noise on the New York side of the construction project should comply with New York State noise control regulations.

<sup>7</sup> The Port Authority of New York & New Jersey, Office of the Executive Director, AP 45-2 – Sustainable Design (Effective July 13, 2006).

Response:

Comment noted. Construction activity on the New York side would be conducted in conformance with the standards of the New York City Noise Code Local Law 113 of 2005, to the fullest extent practicable.

- Temporary sound barriers should be installed along the active construction corridors that may impact nearby residents.

Response:

Comment noted. Coordination with local officials will be conducted prior to the initiation of construction. This coordination will serve to confirm critical noise-sensitive areas that may warrant special attention and consideration. Where deemed necessary and practical, Best Management Practices will be employed to minimize excessive noise that may be generated by construction equipment. This may include, but not necessarily be limited to, use of temporary sound barriers around the construction site, as appropriate.

- Sensitive receptors such as the P.S. 22, William F. Halloran Elementary School should be offered some soundproofing insulation.

Response:

Comment noted. Minor noise level increases at P.S. 22, William F. Halloran School, would result from the combination of natural traffic growth along Brunswick Avenue and ramps to and from the New Jersey Turnpike and the Goethals Bridge. Also, since P.S. 22 and some Elizabeth residences are all located beyond the physical limits of the Proposed Project improvements, any minor noise level increases at those locations do not warrant mitigation associated with the Proposed Project.

- Residents within two hundred feet of the proposed construction sites should be notified in advance of the start and finish times and the potential for excessive noise when applicable. Construction hours should have curfews during the evening and early morning hours when near existing residential developments.

Response:

Comment noted. As noted above, during construction activity, contractors would be directed to adhere to the standards of all applicable regulations and ordinances regarding construction noise, to prevent and minimize construction noise-level exceedances at residential neighborhoods. Coordination with local officials and community groups will be conducted to advise local residents about construction schedules, notably including periods of higher levels of construction-related noise. Notices to local residents will be provided through the municipal offices of the affected municipality. Construction activity will be restricted to those periods of the day and evening stipulated in local municipal ordinances and all other applicable state and county regulations. Construction specifications, as part of the construction documents, will reference any and all time periods when the operation of construction equipment and related construction activities must be restricted. Section 5.23.5 of this FEIS was also revised to address the potential noise impacts related to the construction period.

- All motorized equipment used during construction should be equipped with factory-installed mufflers.
- A soundproofing jacket for jackhammers exists and should be used during construction.

Response:

Comment noted. Soundproofing of construction hardware and other means of reducing excessive noise from construction equipment will be incorporated in the construction documents and will comply with all appropriate local, county and state regulations and ordinances, as noted above. Section 5.23.5 of this FEIS was also revised to address the potential noise impacts related to the construction period.

- Truck routes used during construction should not traverse through residential neighborhoods whenever possible.

Response:

Comment noted. Construction of the Proposed Project would require temporary re-routing of traffic through the project area. Coordination with local officials and community groups will serve to advise local residents of detour routes and the periods of their duration. Efforts will be made to limit the re-routing of vehicular traffic and, in particular, heavy construction equipment through residential neighborhoods to the greatest extent possible. Public outreach will be conducted as part of the construction process to advise local residents and business property owners about the construction schedule, detour routes and periods of construction activity. Section 5.23.5 of this FEIS was also revised to address the potential noise impacts related to the construction period. In addition, Figure 3.3-14 of the FEIS depicts the anticipated construction vehicles access routes in New Jersey, which would principally avoid residential neighborhoods.

- The noise study mentions an effort to comply with the local noise ordinance for the City of Elizabeth. Please be aware that the Department disapproved the city's noise ordinance.

Response:

Comment noted. Since public roadways are exempt from the New Jersey State Noise Control Regulations N.J.A.C. 7.29-1.5(9) and NJDEP does not have any applicable regulations regarding construction noise in Elizabeth, the construction noise codes in each municipality's municipal code will be followed to abate noise during construction activity.

- Some of the noise studies were conducted using an averaging of sound (Leq). Please be aware that State noise investigations are conducted by taking real-time measurements from at or within a complainant's property line.

Response:

Comment noted. The DEIS was prepared under the direction of the U.S. Coast Guard, part of the Department of Homeland Security, as the lead Federal agency. The DEIS was prepared to comply with the requirements of the National Environmental Policy Act and its implementing regulations. The U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, and the Federal Highway Administration (New York and New Jersey divisions) are the Federal cooperating agencies in the preparation of the EIS. As such, the traffic noise study performed as part of the DEIS followed the regulations of FHWA's *Measurement of Highway-Related Noise (Final Report May 1996)*. FHWA uses the equivalent sound level (Leq) to describe continuous sounds such as traffic noise; hence the noise measurements were conducted with the Leq noise descriptor.

**2. Elaine Lubas, Environmental Commissioner, City of Linden, FPM E1.11:54-55**

I'd like to say that as part of the environmental concerns, I would like to emphasize and stress minimization of air, noise and work time constraints during the – in the construction of the bridge in order to ensure the health, safety and quality of life of the residents of the City of Linden as well as the City of Elizabeth. I think it is a very vital issue. During construction, there is bound to be a lot of, either its traffic or noise or air pollution and I think the citizens should be taken into consideration.

**Response:**

The construction-phase air quality and noise analyses conducted for the Preferred Alternative are documented in FEIS Sections 5.21.7 and 5.23, respectively.

Overall, it was also concluded that noise levels from construction-related activities would easily be minimized, if not fully mitigated, through compliance with local noise ordinances and codes for construction activities (i.e., as mandated in the municipal ordinances of the Cities of Elizabeth and Linden), including typical noise-reduction measures. More details on such mitigation measures in New Jersey are provided in Section 5.23.5.1 of this FEIS.

**3. John Papetti, Jr., The Office of the Mayor of Elizabeth, NJ, FPM E1.3:35**

We want to stress the importance of minimizing noise and air pollution during all construction phases. Besides the adverse effect to local residents in the vicinity of the construction, a local school will also be directly impacted.

**Response:**

See same response to Mrs Lubas under Section 5.23 (Noise) Comment #2 of this Summary Report..

**4. John Surmay, Health Officer for the City of Elizabeth, FPM E1.9:49**

Also, the noise – that's my area of expertise, noise and air pollution - I think it's one of the concessions that I got last time is that the air hammers that would be used in the pile-driving of the pillars that would be used in the construction of the bridge would all be noise compression, right?

**Response:**

Comment noted. To the extent possible and practical to the construction contractors, noise levels from construction-related activities would at least be minimized, if not fully mitigated, through conformance with the standards of local noise ordinances and codes for construction activities, including typical noise-reduction measures and the development of a Construction Noise Mitigation Plan.

## **5.25 Unavoidable Adverse Impacts**

**1. Joe Doherty, Elizabeth Resident, FPM E1.12:55-56 and WS2:1**

I would like to know if the Port Authority will take all the residential and commercial property south of the present structure between Krakow Street and Amboy Avenue to the North side of

Bayway Avenue. If so, when will this occur and how will monetary compensation for property and relocation expenses be determined? Also, will the often-dreaded eminent domain come into play?

Response:

The New Alignment South has been identified as the Preferred Alternative, whose right-of-way boundaries are generally identified in the FEIS. The New Alignment South would involve the acquisition of residential and business properties in the vicinity of Krakow Street in the City of Elizabeth, New Jersey. For authorized projects, the States of New Jersey and New York have empowered the Port Authority to acquire real property required for a public purpose by exercise the power of eminent domain by condemnation. Both the federal and New York and New Jersey Constitutions require payment of just compensation for private property taken by condemnation for a public purpose. It is anticipated that the Port Authority would acquire the real property interests necessary to effectuate the Proposed Project by negotiation and/or by condemnation. The exact timing of property acquisition cannot be predicted at this time as completion of the environmental impact review process, the issuance of permits and appropriate authorizations have not yet occurred. At the appropriate time (i.e., Project Authorization), the Port Authority's representatives would contact property owners in connection with the conduct of site investigations, including surveys and appraisals to assist in the evaluation of the fair market value of the properties.

Section 5.25.1 of this FEIS was revised accordingly.

**2. Michael Keszler, Waste Management, L4:1-2**

As noted in the Draft Environmental Impact Statement for Goethals Bridge Replacement Project, Waste Management of New Jersey, Inc. is the owner and operator of a solid waste transfer station facility located between South Front Street and Amboy Avenue, Elizabeth, NJ. This facility and a nearby WMNJ truck scale are among the properties that will be affected by the Goethals Bridge Replacement Project. The Draft EIS identifies a number of socioeconomic impacts that will result from the re-alignment of the Goethals Bridge, but there are several factors, which WMNJ wishes to make part of the record.

With respect to the two potential Northern Re-alignments of the bridge, and the possible displacement of WMNJ's current operation, please note the following, which are in addition to the impacts identified in the Draft EIS:

- The WMNJ facility is a transfer station and material recovery facility, which receives and consolidates solid waste for transport to final disposal sites located out of state. The facility also performs separation and recycling of various materials delivered to it, such as wood, concrete, and metals.
- The transfer station / material recovery facility is fully licensed by the New Jersey Department of Environmental Protection, and is permitted to receive 2000 tons per day of solid waste and/or recyclables. The facility operates 24 hours per day, six days per week.
- The transfer station / material recovery facility regularly serves in excess of 150 customers. These include other solid waste collectors, building and demolition contractors, and individuals.
- This facility is incorporated into the Union County District Solid Waste Management Plan. The Plan is required under New Jersey's Solid Waste Management Act; it has

been formulated by the Union County Utilities Authority, approved by the Union County Freeholders, and certified by the New Jersey Department of Environmental Protection.

- Given the difficulties inherent in siting and permitting a new solid waste facility comparable to the WMNJ facility (and incorporating it into the County Solid Waste Management Plan), it is unlikely that the services provided by the WMNJ facility can be replaced. Displacement of this business location will result in the users of the facility travelling greater distances to gain access to another facility. Dozens of heavy collection trucks and other vehicles will be forced to make these trips over local highways.
- WMNJ pays a monetary host community benefit to the City of Elizabeth for every ton of material that is received at the facility.

For the above-listed reasons, WMNJ supports the proposed Southern Alignments of the Goethals Bridge.

**Response:**

Noted. As presented throughout this FEIS, the New Alignment South has been identified as the Preferred Alternative. As a result, the main Waste Management of New Jersey facility to the north of the existing Goethals Bridge would likely not need to be acquired, although the company's weigh station and equipment storage area to the south of the existing Goethals Bridge would need to be acquired. It is anticipated that this portion of the Waste Management operation could be relocated near the main facility. Therefore, this proposal is consistent with Waste Management's support for one of the Southern Alignments.

**3. *Leroy McClain, Elizabeth Community Activist, FPM E1.9:47***

I hear rumors that you are going to relocate people. People are saying that this neighborhood is going to be done over. But you need to have more of these meetings and get that in time so the community really knows about it.

**Response:**

See same response to Mr. Doherty under Section 5.25 (Unavoidable Adverse Impacts) Comment #1 of this Summary Report.

**4. *Frank and Carol Navarro, Bayway Scrap Metals, CSI:1***

We have been in business since 1982. It started out as a swamp and at a great cost to us we filled it in and concreted the ground. We put up a building and truck scales, fencing and office trailer and a great amount of advertising for our business to succeed.

Our three children grew up working side by side with us and they are now in their 30's and 40's. Our business supports all of our families. We are all concerned about losing our business. I am 59 years old, my husband is 62. We don't want to start all over again. We would like to know what you provide for us financially and physically. Will you help us locate? How does this work?

**Response:**

As presented throughout this FEIS, the New Alignment South has been identified as the Preferred

Alternative. This alternative would not have any direct impact on Bayway Metals, which is located to the north of the existing Goethals Bridge.

**5. John Papetti, Jr., The Office of the Mayor of Elizabeth, NJ, FPM E1.3:34 and WS1:2-3**

Considering the overall critical impact the expansion will have on Elizabeth's residents and commuters, we want to make sure that the appropriate acquisition of current City property owners' rights, that those owners be adequately adjusted for their rights that have to be acquired for construction at fair market value.

Response:

See same response to Mr. Doherty under Section 5.25 (Unavoidable Adverse Impacts) Comment #1 of this Summary Report.

**6. William Sharkey, Linden Resident, FPM E1.10:51-53**

What I would like to know is, what does this mean? I keep going to these meetings for two years now. Got work to be done in the house. I've been putting everything off. I don't know what is going on. I can't see where it takes two or three years just to set up a job. I mean it's going to take longer to set it up than to actually build it. It's unbelievable.

Where are we at with this? 1000 Allen Street is a very -- I think everybody got a notice on the Linden side all the way to Route 1 and 9 about going to these meetings. That started like three years ago. I'm -- the Bridge -- as far as I'm concerned you need a bridge. It's just how you going to get there back and forth. That's the only problem.

But the Bridge was built in the 1900's. The thing's falling apart. They finally did some work on it a couple of years ago and that was it, just to reinforce why they build a new one. And that was \$83 million. But I don't know how this thing is progressing. It seems very slow. I don't know.

I'm not knowledgeable in that area. But to me I mean I keep getting these notices. I come here because I thought the bridge was done. I thought you had all the land, you were buying property and what not; is that true?

Response:

The Proposed Project requires the federal action of issuance of a Bridge Permit by the U.S. Coast Guard (USCG). Therefore, environmental review of the project's potential impacts is required in accordance with the National Environmental Policy Act (NEPA). Following issuance of this FEIS, the USCG will issue its Record of Decision (ROD) to document its findings and decision regarding the Proposed Project.

The Proposed Project will have no direct impact to any of the residential properties on Allen Street or adjoining streets.

**7. John Surmay, Health Officer for the City of Elizabeth, FPM E1.9:48-49**

I support the comments that Mayor Bollwage submitted as read by Mr. Papetti. We are here to make sure that the comments that were made by the elected officials are fulfilled. One of the things that Mayor Bollwage said right from the beginning, he urged that their meeting be done

between the City of Elizabeth officials, Linden officials and the County Union officials. And I understand that has been accomplished.

He also stressed that the houses in the Krakow Street area be given full value, not just what is required by law, full value for what they're giving up in that place and also for the economic development of the area for the benefit of Elizabeth and the roadways. It's a nightmare to come off of the Goethals Bridge on the Elizabeth side and we just can't absorb any more of that traffic.

Response:

See same response to Mr. Doherty under Section 5.25 (Unavoidable Adverse Impacts) Comment #1 of this Summary Report.

## DEIS Section 6.0 Agency and Public Involvement

### 6.2 Agency and Public Involvement Activities

#### 1. *Leroy McClain, Elizabeth Community Activist, FPM E1.9:46-47*

We do need more meetings to let the community know about this. There are a lot of people that should have been here that don't know about the meeting. I heard about it through word of mouth, I didn't see it advertised. And you need to work in the communities more, Elizabeth and other areas to let their citizens know about these meetings.

Response:

The following activities were undertaken by the US Coast Guard to publicize the Formal Public Meetings. Project Newsletter #7 -- which included information on the dates and locations of the meetings as well as how to obtain copies of the Draft EIS for review -- was mailed to 1,450 addresses on the EIS study's mailing list. The addressees to whom this newsletter was mailed include local property owners, businesses, government entities, civic and community groups, and all individuals and parties who have requested to be added to the mailing list over the course of the environmental review process. In addition, multiple copies of the newsletter were provided to libraries and community centers in the Proposed Project's vicinity and study area with a request that they be made available in public areas.

These meetings were also advertised in area papers. For the Elizabeth area, paid advertisements were published in the following: one in the *Elizabeth News Record*, three in the *Jersey Journal*, one in the *Star Ledger*, and one in *El Especialito*. Four additional papers in New York also ran paid advertisements for these meetings. In addition, the US Coast Guard issued a press release announcing the availability of the Draft EIS and the Formal Public Meetings to its list of media outlets.

The meetings were also publicized electronically on the GBR Project's web site ([www.goethalseis.com](http://www.goethalseis.com)) as well as on the following e-newsletter calendars: the North Jersey Transportation Planning Authority, the New York Metropolitan Transportation Council, the Regional Plan Association, and the Tri-State Transportation Campaign.

Prior to these Formal Public Meetings, the US Coast Guard hosted several meetings in Elizabeth and Staten Island to present information about the GBR Project. A Public Scoping meeting was held in October 2004. Public Open Houses were held in June 2006 and October 2008. Each of these meeting opportunities was publicized in a similar manner to that described above. In addition, the US Coast

Guard established a Stakeholder Committee of organizational representatives in both the Elizabeth area as well as New York, which met three times during the course of the study.

## 6.4 DEIS Public Meetings

### 1. *Richard Gualtieri, No affiliation provided, FPM S11.1:28*

I feel that this hearing could be more fruitful if more of a presentation were offered in terms of the alternatives being considered, being discussed openly and some of the pluses and minuses of all the decisions that the organization has to make.

In this way, I feel that people would be able to comment much more intelligently about what their feelings are about these various alternatives.

#### Response:

Public Open Houses were held in October 2008 in Elizabeth and Staten Island to provide the general public and project stakeholders with information about the GBR Project alternatives and their potential impacts. In addition to a detailed presentation, project information was provided on display boards, and EIS study team members and the USCG were available to answer questions and to conduct one-on-one dialogue with open house attendees. (Please see response to Comment FPM E1.9:46-47, above, regarding the publicity that was undertaken for all public meetings and open houses held by the U.S. Coast Guard for the GBR Project). Also, GBR Newsletter #7, which was mailed to all parties on the study's mailing list prior to the July 2009 Formal Public Meetings, summarized the project alternatives and DEIS findings, and noted that the full DEIS is available on the study website ([www.goethalseis.com](http://www.goethalseis.com)) and at local libraries and community centers.

The principal purpose of the July 2009 Formal Public Meetings was to receive comments from the public and project stakeholders on the DEIS. As the project alternatives and results of the impact evaluations documented in the DEIS did not change between the October 2008 Open Houses and the July 2009 Formal Public Meetings, it was deemed appropriate to provide an abbreviated presentation on the alternatives and potential impacts while maximizing the time for Public Meeting attendees to provide their comments on the DEIS to the USCG.

### 2. *Olaf Olsen, The New York City District Council of Carpenters, FPM SI2.2:61-62 and WS3:1*

The Carpenters Union applauds the United States Coast Guard for this inclusive public process and also greatly appreciates and admires The Port Authority of New York and New Jersey for taking on such a great construction initiative and being such a strong leader in regional transportation.

We have worked with the Port Authority before and I know they will ensure that the workplace will be safe, secure, clean and have the least impact to the surrounding communities in both New York and New Jersey.

Our hope is that others here tonight will join us in supporting this long overdue and extremely important connection between the great States of New York and New Jersey.

Response:

Noted.

**3. Ron Stefanowicz, Linden Economic Development Corporation, FPM E1.6:44**

In participating with the Port Authority, we'd like to thank you for the opportunities in keeping us abreast for this type of activities and the project. Because it does a lot in eliminating the anxiety of the people who do not know exactly what is going on.

And the comments from John Papetti, I think it's a great idea to have more meetings to share the progress because it does eliminate a lot of anxiety. So, we are looking for our continued relationship with the Port Authority and the project, even though Missing Link and Goethals Bridge is a part of our major problems, but it's a step in the right direction.

Response:

Noted.

## DEIS Section 7.0 Permits and Approvals

**1. Joseph Corleto, New Jersey Department of Environmental Protection, AG3:1-2**

The NJDEP's Division of Land Use Regulation (DLUR) has determined that the project will require a Waterfront Development Permit.

In addition, through a Letter of Interpretation (file no 2004-06-0007.1), the Division has determined that freshwater wetlands are present within the project limits. Any activities regulated under the Freshwater Wetlands Protection Act proposed within the wetlands or transition areas will require a permit from this office.

Response:

Noted and agreed.

**2. John Formosa, Federal Highway Administration, AG10:1-4**

NEPA Draft EIS Observations:

The document is well written and adequately defines the purpose of and need for the project, delineates the logical termini of the action, and frames the proposed improvements in light of other related actions in the region.

The Draft EIS sufficiently identifies and addresses FHWA NEPA requirements, including difficult and often confusing areas of analysis such as indirect and cumulative impacts.

The Draft EIS was developed with the USCG as the federal lead agency in anticipation of permit issuance. FHWA involvement has been limited to cooperating agency status under NEPA. This involvement includes both the NY and NJ Divisions.

The Draft EIS, under the direction of the USCG, documents extensive outreach to the public, stakeholders, and regulatory/advisory agencies.

The project design reflects the consideration and incorporation of public and agency input, including analysis methodologies and mitigation measures.

It would appear that the only FHWA requirements not met by the Draft EIS, are those unique to the USDOT, namely Section 4(f).

In recognition that funding through the USDOT may be accomplished at a later, as yet undefined time, then FHWA's role in the project may change. In such an event, two scenarios can play out. FHWA can become a joint federal lead agency, becoming a full partner in the continued development of the Final EIS, and ultimately leading to USCG and FHWA Record of Decisions. The second option would be for FHWA to continue in the role of a cooperating agency, ensuring FHWA's comments and concerns are made known to the USCG, and then adopting the USCG's analysis contained in the Final EIS and FHWA issuing its own ROD.

Recommendations:

Continue the role of FHWA as Cooperating Agency through the USCG's Record of Decision (ROD).

Response:

Noted and agreed.

If funding through the USDOT is accomplished and a FHWA NEPA document becomes necessary, then FHWA may adopt the USCG's analysis and findings contained within the USCG's EIS and issue its own ROD. There appears to be no substantive gain in having FHWA become a joint lead agency at this time.

Response:

Noted. At the time of issuance of this FEIS, no federal funding has been identified for the Proposed Project.

If the PANYNJ, USCG, or FHWA believe that FHWA involvement is necessary, then coordination with both FHWA Divisions should commence as soon as possible to ensure that the EIS contains sufficient data and consultation.

Response:

Noted. At the time of issuance of this FEIS, no federal funding has been identified for the Proposed Project.

Section 4(f) Evaluation. The proposed project includes Section 4(f) use that will require a Section 4(f) evaluation. This evaluation must include an avoidance alternatives analysis and demonstration of measures to minimize harm. Because of the existing documentation, consultation, and analysis conducted on historic properties in conformance of Section 106 and NEPA requirements, it is likely that the 4(f) evaluation can be substantially developed from the material produced to date. There is very specific terminology, procedures, and standards of review that must be met, including circulation of the 4(f) evaluation. Given the amount of work

conducted thus far, this should not pose a significant obstacle to the team or the schedule.

Response:

Noted. At the time of issuance of this FEIS, no federal funding has been identified for the Proposed Project. As a result, the need to comply with Section 4(f) requirements does not currently exist.

If FHWA is to be involved in funding the project, then FHWA should play a larger role in the determination and execution of mitigation commitments and agreements. For example, FHWA should become a signatory to the Section 106 Memorandum of Agreement to resolve adverse effects.

Response:

Noted. At the time of issuance of this FEIS, no federal funding has been identified for the Proposed Project.

Additional permits and approvals should be reviewed to determine if FHWA can or should be elevated in status.

Summary:

USCG Actions  
 Close comment period on Draft EIS.  
 Address substantive comments and prepare Final EIS.  
 Consult as necessary.  
 Circulate Final EIS.  
 Prepare USCG ROD.  
 Execute USCG ROD.

If FHWA involvement is deemed necessary, then additional steps include:

Prepare Draft Section 4(f) Evaluation.  
 Circulate Draft Section 4(f) Evaluation.  
 Prepare FHWA ROD/Final Section 4(f) Evaluation.  
 Permit requirements should be reviewed on a case-by-case basis.

Response:

Noted. At the time of issuance of this FEIS, no federal funding has been identified for the Proposed Project.

**3. *Stacey Jensen, United States Army Corps of Engineers, AG12:1***

The FEIS must contain or be contingent upon written approval from the U.S. Fish and Wildlife Service and NOAA Fisheries Service (NFS) for compliance with Section 7 of the Endangered Species Act; NFS approval for compliance with the Magnuson-Stevens Fishery Conservation and Management Act and the Marine Mammal Protection Act; and the New York State Office of Parks, Recreation and Historic Preservation for compliance with Section 106 of the National Historic Preservation Act.

Response:

Noted. Status on the above-stated consultations and reviews can be found in different places of FEIS (i.e., in Section 5.13 regarding the Endangered Species Act, the Magnuson-Stevens Fishery Conservation

and Management Act and the Marine Mammal Protection Act, and in Sections 5.7 and 5.8 regarding the National Historic Preservation Act).

## DEIS Appendix B (Alternative Actions and Screening Report)

### 1. *Daniel Saunders, New Jersey Department of Environmental Protection, AG2:4*

Please clarify Table 3 Project Goals Screening Matrix. It seems unusual that point scores were restricted to: 1=does not meet goal, 3=uncertain, 5=satisfies goal. It would seem reasonable to assume that some alternatives would partially meet project goals with a degree of certainty. Not allowing partial credit would seem to skew the numerical scoring of alternatives.

#### Response:

The USCG responded on November 4, 2008, to this comment, which was also attached to a July 24, 2009 letter (AG3:3) submitted to the USCG by Joseph Corleto of NJDEP during the DEIS Public Comment Period. Copy of the USCG response is provided in DEIS Appendix E.7 Section 106 Correspondence. Andrea Tingey, New Jersey Historic Preservation Office of the NJDEP, subsequently agreed upon the level of information that was then provided in the USCG's response. Please refer to DEIS Appendix E.7 for further detail.

## Comments Not Within the Scope of the Goethals Bridge EIS

### 1. *Richard Gualtieri, No affiliation provided, FPM S11.1:28-29*

The other thing that I would like to stress is the importance of doing something about the Outerbridge which is obviously in as serious a condition in terms of its physical attributes as is the Goethals Bridge. So I would most strongly urge that something should be done about improvement – replacement probably for the Outerbridge, which would help balance transportation on this island.

#### Response:

Noted, but the comment is beyond the scope of the GBR EIS.

### 2. *John Papetti, Jr., The Office of the Mayor of Elizabeth, NJ, FPM E1.3:33-36 and WS1:1-4*

The City of Elizabeth's last vital concern is vital to the success of the project as well as our overall transportation issues. The I-287, U.S. Routes 1 and 9 Interchange Ramp Improvement project, also known as the Missing Link portion of the Bridge project, will enable a critical connection to be made to Routes 1 and 9 north and southbound.

In order to ultimately alleviate vehicular traffic volumes on City Streets, traffic must be redirected via the Missing Link connection.

In addition, the Missing Link connection will have its own environmental process with the Federal Highway Administration serving as the lead agency. This initiative must be finished in conjunction or before the completion of the Goethals Bridge Replacement project.

If the inclusions of the bicycle and pedestrian way, as well as the Missing Link components are

not addressed in the Draft Environmental Impact Statement, it provides the U.S. Coast Guard with the opportunity to ignore the concerns of the city and its residents.

**Response:**

Noted, but the comment is beyond the scope of the GBR EIS, as the missing ramp connections at the I-278 / US Route 1 & 9 Interchange are independent of the Proposed Project. However, the Port Authority is coordinating with the Federal Highway Administration (FHWA), the New Jersey Department of Transportation (NJDOT) and with the representatives of Linden and Elizabeth, New Jersey, for advancement of the I-278 / US Route 1 & 9 Interchange Ramps Studies (formerly known as Missing Links Study) to address these concerns in a timely manner.

**3. Lynn Rich, New Jersey Department of Transportation, AG14:1**

The New Jersey Department of Transportation's (NJDOT) Division of Project Development in conjunction with the Division of Environmental Support Services reviewed the DEIS and offers no comments on it.

The Department's representatives attended several meetings during the alternative development phase and raised questions about the proposed project's impact in the City of Elizabeth especially at the intersection of US 1&9 with Bay Way Avenue (NJ Route 439). NJDOT agreed with the Port Authority's decision to mitigate the traffic congestion at Bay Way Circle by providing the missing moves to the existing partial interchange of Interstate 278 with US 1&9, thereby diverting the traffic from Elizabeth's streets. In addition, NJDOT concurred with the Port Authority's decision to start the planning work on this interchange modification immediately to complete the construction of Goethals Bridge Replacement and the interchange modification concurrently.

**Response:**

See same response to Mr. Papetti's above Comment #2 of this Summary Report.

**4. Kenneth Vogel, No affiliation provided, EM5:1**

The New York State Thruway Authority's Tappan Zee Bridge is outside of The Port Authority of New York and New Jersey's twenty-five mile radius jurisdictional rights, but the Goethals is not. But think of the Metro-North's Stewart Airport Access Proposal to connect to the Port Jervis Line. Plans are also envisioned beyond Access to the Regions Core's Tunnel by connecting Penn Station to Grand Central. Presently the Long Island Railroad will be able to access Grand Central too. When the Atlantic Yards tracks in Brooklyn are extended to World Trade Center, then the LIRR will be able to get you to the THREE Core Stations in NYC. When the ARC extension as mentioned is completed NJ Transit will be able to get you to the THREE Core Stations in NYC. When the Tappan Zee Bridge is completed Metro North, West of Hudson will be able to get you to the THREE Core Stations in NYC. Then if a tunnel between Port Chester and Glen Cove Long Island is completed to join up at Jamaica Station, Then Connecticut DOT Rail LIRR will be able to get you to the THREE Core Stations in NYC. Not to Mention the FOUR Core NYC Airports.

The desire to complete the loop around New York City by way of a completed I-287 is driven by the fact that each US city that has a completed loop around the city experienced economic growth greater on the loop than in the center, and NYC is one of the few cities left without one completed. This will only be possible with a Road / Rail tunnel between Port Chester and Glen

Cove Long Island. There is the changing of certain roads to Interstate Highway standards like the Belt Parkway, which would be a needed boost to Coney Island.

**Response:**

Noted, but such comment is beyond the scope of the GBR EIS.

**5. Michelle Yamakaitis, Eighth Ward Councilwoman, City of Linden, FPM E1.1:30-31**

One thing I didn't see expressed in the presentation was anything on the Missing Link. I know it is two separate projects, but I would like the Port Authority to take that into consideration.

Approximately two years ago, Bayway Avenue turned into a one-lane highway. The impact on Linden's Eight Ward was incredible. We've had increased traffic, cars. From 3pm to 6pm you get a traffic nightmare on the Ward. Bachelor Avenue has been affected, Route 1 and 9.

I request that we work on the Missing Link to coincide with any expansion of the Goethals Bridge. I also request that the public meetings regarding this be held in this (Formal Public Meeting) type of forum also. There are many rumors that are going around saying that houses were going to be taken. It causes panic.

**Response:**

See same response to Mr. Papetti's above Comment #2 of this Summary Report.