The Cross Harbor Freight Program Draft Scoping Document, Environmental Impact Statement (EIS) Methodology, and Needs Assessment were issued concurrently on September 15, 2010, which initiated the public scoping process. Five public scoping information sessions were held by the Port Authority of New York and New Jersey (PANYNJ) on October 5, 2010 at Bronx Borough Hall; October 7, 2010 at the North Jersey Transportation Authority (NJTPA) in Newark, New Jersey; October 7, 2010 at City Hall in Jersey City, New Jersey; October 12, 2010 at Brooklyn Borough Hall; and October 13, 2010 at Queens Borough Hall. Written comments on all three documents were received until November 15, 2010.

The following presents a summary of the comments on the Draft Scoping Document, EIS Methodology, and Needs Assessment. Section A lists alphabetically the elected officials, community boards, organizations, and individuals commenting on these documents. The following sections summarize these comments and respond to each comment, which are organized by subject matter. Where more than one commenter expressed a similar view, the comments have been grouped and addressed together. The commenter's name is listed in parentheses following each comment.

A. ORGANIZATIONS AND INDIVIDUALS WHO COMMENTED ON THE PROJECT DOCUMENTS

1. Joseph P. Addabbo, Jr., Senate Member, District 15, letter dated 15 November 2010
2. Patricia Burkhart, President, Friends of the Edgewood Preserve, email dated 10 November 2010
3. Denis Byrne, email dated 14 November 2010
4. Patrick M. Centolanzi, email 1, dated 20 October 2010
5. Patrick M. Centolanzi, email 2, dated 2 December 2010
6. Jonathan Chung, email dated 14 November 2010
7. Gary Giordano, District Manager, Queens Community Board 5, email dated 15 November 2010
8. Douglas Greenfeld, Supervising Planner, Jersey City Department of Housing Economic Development and Commerce, email dated 15 November 2010
9. Leon Goodman, P.E., PTOE, Transportation Professor, Stevens Institute of Technology, written communication (Comment Sheet) dated 12 October 2010
10. Sam Goodman, Bronx Borough President's office, written communication (Comment Form) dated 5 October 2010
11. Assemblyman Andrew Hevesi, New York State Assembly 28th District, email dated 15 November 2010
12. Robert Holden, President Juniper Park Civic Association, email dated 15 November 2010
13. Antoinette Maggio, President, Citizens for a Better Ridgewood, email dated 11 November 2010

14. John Maier, email dated 15 November 2010
15. Benjamin Miller, Senior Research Associate, Freight Programs, University Transportation Research Center, Region 2, email dated 15 November 2010
16. Michael Miller, New York State Assembly 38th District, email dated 15 November 2010
17. Joshua Nelson, Assistant Vice President, Maritime Department, New York City Economic Development Corporation (NYCEDC), letter dated 7 January 2011
18. Grace Musumeci, Chief, Environmental Review Section, United States Environmental Protection Agency, Region 2, written communication 17 November 2010.
19. Mary Parisen and Laura Zimmer, Co-Chairs CURES, emails dated 13 November 2010 and 17 November 2010
20. Jeffrey Reichman, email dated 28 September 2010
21. Arnold Reinhold, email dated 28 November 2010
22. Victoria Rutson, Director, Office of Environmental Analysis, Surface Transportation Board (STB), email dated 15 November 2010
23. Lydon Sleeper, Chief of Staff, Office of Councilmember Elizabeth Crowley, written communication (Comment Sheet), dated 13 October 2010
24. Joel Weber II, email dated 7 November 2010
25. Rep. Anthony Weiner, Congress 9th District, email dated 17 November 2010
26. Christina Wilkinson, email dated 17 November 2010
27. Jonathan Wolley, written communication (Comment Sheet), dated 7 October 2010
28. Anonymous member of Brooklyn Community Board 1, email dated 20 September 2010

B. DRAFT SCOPING DOCUMENT

GENERAL COMMENTS

Comment 1: Add language on page 2 of the Draft Scoping Document, under the section titled "Regulatory Context," to specifically state that the Tier I EIS will comply, as necessary, with the STB's regulations implementing the National Environmental Policy Act (NEPA) at 49 C.F.R. Part 1105. (Rutson)

Response: The Scoping Document will be revised to reflect this comment.

Comment 2: Change the language under the third major step of the alternatives evaluation process, titled "Screening Analysis," to read as follows: "Reduces the range of reasonable and <u>feasible</u> alternatives that do not meet the goals and objectives based on freight demand forecasting, mode choice, and broad qualitative data." (Rutson)

Response: The Scoping Document will be revised to reflect this comment.

Comment 3: A scoping meeting should be held on Long Island to address local concerns about expanded rail operations and potential intermodal facilities. (Byrne, Burkhart)

Response: A public information session was held on Long Island on May 5, 2011.

Comment 4: Please have the consultant outline a clear definition of the "east-of-Hudson" and "west-of-Hudson" regions in both the Draft Scoping Document and the EIS Methodology Report. It is unclear if the term "east-of-Hudson" is being used to identify (1) the area defined by Manhattan, King, Queens, Bronx, Nassau, and Suffolk counties or (2) the 17 counties in the study area that, technically, lie east of the Hudson River. (Nelson)

Response: The term "east-of-Hudson" refers to any counties and/or states located east of the Hudson River and the term "west-of-Hudson" refers to any counties and/or states located west of the Hudson River. Manhattan is east-of-Hudson. The study's analyses and discussions consider various geographic scales—the officially designated PANYNJ Port District, the New York Metropolitan Transportation Council (NYMTC) and NJTPA regions, the 54-county Cross Harbor modeling study area, and the nation as a whole. Depending on the context, the terms "west-of-Hudson" and "east-of-Hudson" may refer to Port District counties west or east of the Hudson River, or NYMTC counties east or west of the Hudson River, etc.

PURPOSE AND NEED/ GOALS AND OBJECTIVES

Comment 5: The purpose and need statement may be too narrow and confusing. The geographical term "New York Harbor" would appear to define the body of water known as "Upper New York Bay" bounded by Bayonne, New Jersey, the tip of Manhattan, Brooklyn, New York and the Verrazano-Narrows Bridge—a rather small geographical area. At the same time, the Goals and Objectives Section states that the primary purpose of the project is "to improve the movement of freight across New York Harbor between the east-of-Hudson and west-of-Hudson regions." By using the Hudson River in the narrative, it would appear that improving the freight movement destined for New England is part of the purpose and need. (Musumeci)

Response: The term "New York Harbor" includes the Lower Bay, Upper Bay, and their respective estuaries. Freight traffic that is crossing the Hudson River, including freight passing through the study area and destined to New England, will be considered in the analysis. The benefit and cost of accommodating pass through freight will be addressed and compared to the benefit and cost of accommodating freight with an origin or destination in the study area.

Comment 6: The Goals and Objectives do not include protecting and improving air quality and other environmental conditions in the communities impacted by the Cross Harbor Freight Program. (Parisen/Zimmer) There is no mention in the Goals and Objectives of energy or emissions reductions. Reducing energy use and reducing air pollution (emissions) should be extremely important in this study. (Centolanzi)

Response: As noted on page 1 of both the Draft Scoping Document and EIS Methodology Report, "The Cross Harbor Freight Program EIS will analyze alternatives that would provide near-term and long-term strategies for improving the regional freight network, reducing traffic congestion, improving air quality, and providing economic benefits."

The potential effects of the proposed alternatives on air quality, energy, and emissions of greenhouse gases will be evaluated in the Tier I EIS. Furthermore, the detailed evaluation of alternatives will consider both quantitative and qualitative performance measures and provide a comparative analysis of the relative benefits and detriments of each alternative. One purpose of the detailed evaluation is to analyze potential regional and localized effects based on more quantified measures. Reduction in air pollution and energy use will be among the performance measures used to evaluate alternatives and determine which alternatives would best meet the project goals and objectives.

Comment 7: It is imperative that the EIS seriously analyze freight movement alternatives that would provide near-term and long-term strategies for improving the regional freight network, reduce traffic congestion, and improve air quality. Because trucks carry the overwhelming majority of goods into and out of communities east of the Hudson River, many communities are overwhelmed with truck traffic. Projections are that truck traffic is anticipated to increase substantially by 2035, and seems to be more of a problem each year.

In the short-term and ongoing, every effort needs to be sincerely made to get the movement of goods and waste by trucks to be as efficient as possible. (Giordano)

Response: Comment noted. The EIS Methodology Report provides a detailed description of the framework that will be undertaken for the development and evaluation of alternatives that are intended to provide near- and long-term strategies for improving the regional freight movement network, reduce truck traffic congestion, and improve air quality. As described in the Scoping Document, Goal 2 is to "[p]rovide Cross Harbor freight shippers, receivers, and carriers with additional attractive modal options to existing interstate trucking services." The Tier I EIS will evaluate the movement of freight (including waste) and identify alternatives that meet the Goals and Objectives of the project.

C. ALTERNATIVES

MANAGEMENT ALTERNATIVES (TSM/TDM)

Comment 8: The EIS should include strong consideration of the Transportation Demand Management (TDM) Alternative, with an emphasis on congestion pricing options and regulatory approaches, since these are less costly than Build

Alternatives and could generate revenue for more strategic infrastructure improvements in the future. (Maier)

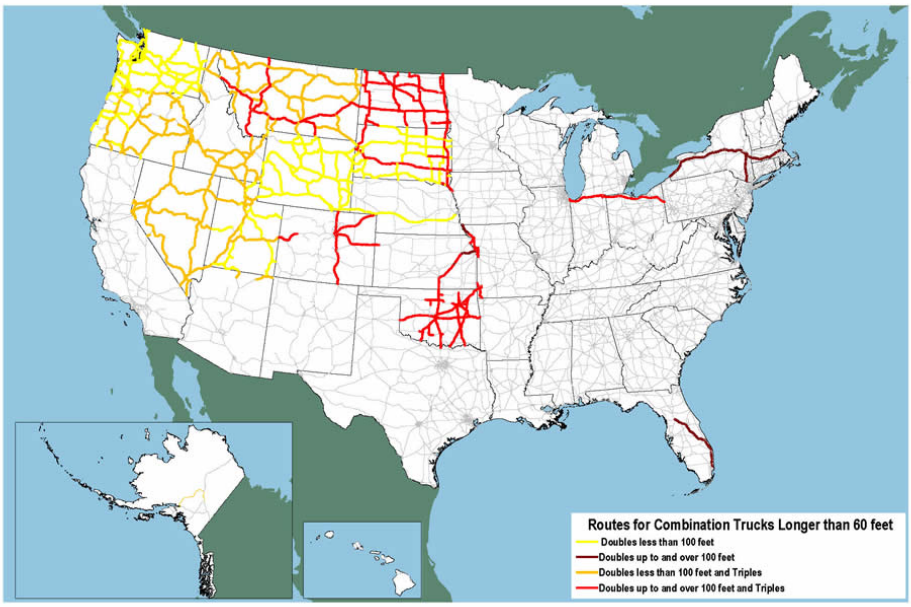
Instituting congestion pricing on Hudson crossings, to take advantage of extra capacity at off peak hours, should be considered. Truck traffic, particularly drayage, is less sensitive to time of day than commuter traffic. Congestion priced tolls can provide an economic incentive to shift truck movements to times when there is less automobile traffic. (Reinhold)

Response: The study will consider a full range of appropriate Transportation Systems Management (TSM)/TDM Alternatives, including congestion pricing on the region's toll crossings.

Comment 9: Allowing multi-trailer trucks (truck trains) late at night on the Verrazano-Narrows Bridge should be considered. While they have long been prohibited in New York City, multi trailer-trucks are common on many state controlled toll roads. Vehicle configurations permitted could range from a 40 foot-20 foot combo, to double 53 foot container loads. Allowing their use on limited routes and only during late night hours could provide additional incentive for off peak drayage, while materially increasing the carrying capacity of the bridge and the Long Island highway network. (Reinhold)

Response: Many states currently allow twin 29-foot trailers (see map below). However, there are few routes east of the Mississippi River that allow combination trucks longer than 60 feet. New Jersey does not allow them, nor does New York except on the New York State Thruway. If these longer combination vehicles were permitted on the Verrazano-Narrows Bridge, they would also have to be permitted on access roads in New Jersey (Turnpike, I-278, I-287, NJ 440, etc.), and New York City (Staten Island Expressway, Gowanus Expressway); ideally they would also be permitted in other states (Pennsylvania, Maryland, Virginia) through which freight bound for the study area passes. The Cross Harbor study could consider the possibility of longer combination vehicles, but only if New Jersey Department of Transportation (NJDOT) and New York State Department of Transportation (NYSDOT) deem it a feasible option.

Permitted Longer Combination Vehicles on the National Highway System: 2008



Note: Empty triples are allowed on I-80 in Nebraska.
Source: U.S. Department of Transportation, Federal Highway Administration, Office of Freight Management and Operations, special compilation by the Freight Operations and Technology Team, 2008.

BUILD ALTERNATIVES

GENERAL COMMENTS

Comment 10: Consider need for new Tappan Zee Bridge to include track service for passenger and freight trains. (Goodman)

This study should look at the alternative of carrying rail freight over the replacement Tappan Zee bridge instead of through the Cross Harbor rail tunnel, as the approximately 25 mile trip to the Tappan Zee Bridge would eliminate the majority of the 140 mile detour via Selkirk, while having the cost savings of being a bridge instead of a tunnel. Furthermore, collaboration between various transportation agencies to move the replacement for the Tappan Zee Bridge a bit to the south has the potential to save money with a shorter bridge, while also further reducing that northward detour. (Weber)

Response: The Tappan Zee Bridge Alternatives Analysis, completed in January 2006, included three levels of screening of the alternatives. The Level 2 Alternatives Analysis considered 16 scenarios to improve conditions in the Tappan Zee Bridge/I-287 Corridor. The ability to accommodate rail freight on a commuter rail alignment was included in some scenarios. At the conclusion of the Level-3 screening process, officials from NYSDOT, New York State Thruway Authority (NYSTA), and Metro-North agreed to build a new Tappan Zee Bridge that

would accommodate vehicular, bus rapid transit, and commuter rail traffic. The Tappan Zee Bridge Freight Rail Alternative was not considered beyond the second level screening for several reasons, including the following:

- Limited capability of serving intermodal and commodity freight. Only trailer/container-on-flatcar (TOFC/COFC) freight with axle loadings of up to 65,000 lbs could be accommodated on the bridge without significant additional bridge strengthening.
- Additional costs for bridge strengthening estimated to be between $300 and $500 million. There are also a number of infrastructure improvements and support systems beyond the bridge that would be needed to accommodate larger freight vehicles, such as expanded capacity of the ventilation systems, intermodal rail yards and possible raising of clearances in the shoulder tunnels and elsewhere in the rail network, bringing the total estimated incremental cost to $1 billion.
- Significant issues limit the movement of freight along the Hudson Line and Port Jervis Line, including weight restrictions, hours of operations, and operating rules.
- Vertical clearance restrictions and other infrastructure impediments are located along the Hudson Line.
- Circuitous rail routing is less cost-effective than over-the-road transport.
- Existence of a third rail for the commuter rail operation precludes double-stack intermodal service. The horizontal clearance is not adequate for the modern well cars used for double-stack intermodal service.

Comment 11: Consider the possibility of using either diesel or electric haulage in the tunnel (3rd rail or overhead wire). (Wolley) There should be some mention of electrifying freight trains that use a Cross Harbor freight tunnel. (Centolanzi)

We urge that the Tier I EIS Scoping Document include alternatives that incorporate freight rail electrification, both within the Management and Build Alternatives. As with passenger rail, electrification needs to be considered as a realistic option to mitigate impacts on the many residents who live near freight rail facilities. (Parisen and Zimmer)

Include an analysis of the prospects for electrified rail freight to reduce the environmental impact on our community. (Maggio)

Response: Any alternative that advances to preliminary engineering will be designed in such a way as to allow for future electrification. In addition, as noted in the Scoping Document, the EIS will consider a Rail Tunnel Alternative with Automated Guided Vehicles (AGVs). AGVs are self-guided power units that can carry loads or drag loads. Fleets of alternative-fuel AGVs could be used as truck cabs, hooking themselves to over-the-road truck chassis at designated transfer yards and dragging the chassis through a tunnel to transfer yards on the other side. The alternative-fuel AGVs could include electric motors running

from on-board batteries or other options. The Tier I EIS will also consider other means to decrease pollution from diesel locomotives, including ultra low emission locomotives.

Comment 12: The project should make more use of the Oak Point Link. (Reinhold)

Response: Both the Harlem River Yard and Oak Point Yard are under consideration as potential rail yards or terminals to support the Build Alternatives. The Tier I EIS will identify preferred combination(s) of Build Alternatives and rail yards that have the potential to divert the most amount of freight from the Cross Harbor truck crossings.

Comment 13: To increase use of the Oak Point Link, it will be necessary to build one or more trainload facilities and intermodal yards on Long Island. Building the facilities first should be a minimal requirement for further major investment and a good way to test the potential for more rail freight. (Reinhold)

Response: As noted above, the Tier I EIS will analyze multiple potential rail yard or terminal sites to serve the range of Build Alternatives under consideration. As shown on Figure 5 of the Draft Scoping Document, at least 17 sites will be considered on geographic Long Island (Nassau and Suffolk counties, Brooklyn, and Queens).

Comment 14: Establish a rail siding bank to provide low interest loans to businesses and other organizations that wish to make use of existing rail lines east-of-Hudson. It would fund the expenses of installing new sidings or refurbishing existing sidings. (Reinhold)

Response: The Tier I EIS will examine various funding mechanisms for proposed infrastructure improvements. However, the Cross Harbor Freight Program study will not implement or establish specific rail assistance programs.

Comment 15: Consider instituting TOFC service to Long Island**.** The Oak Point Link was built with clearance for TOFC, and while TOFC traffic has declined nationwide compared to COFC, it still accounts for millions of shipments each year and could be used to bypass congested highway crossings between New Jersey and New York City. (Reinhold)

Response: The market analysis (see Appendix B of the EIS Methodology Report) will quantify the potential demand for intermodal (TOFC, COFC, Double Stack, and piggyback) and bulk rail service to Long Island.

Comment 16: Consider using fillet-toupee container service to Long Island. Fillet-toupee is a railroading practice where the top layer of a double stack container train is removed (filleted) at a yard outside a city, at the limits of double-stack

clearance, and the remainder of the train, which now meets ordinary clearance limits, proceeds to a second intermodal yard inside the city for unloading of the remaining containers. The process is reversed for outbound trains (toupee). (Reinhold)

Response: This technique may be required for intermodal containers to reach parts of the east-of-Hudson region by rail. The demand for intermodal shipments in those areas, and service alternatives, will be considered in the study.

Comment 17: Establish a container ferry between Brooklyn and a southern Atlantic port such as Norfolk, Virginia. There is currently a weekly barge carrying containers from the Port of New York to Boston. While this operation serves international traffic, a similar operation could be established to carry domestic containers. Such a service would scale well, with larger ships and more sailings added as traffic grew. It could also be extended further south to Charleston, South Carolina or Savannah, Georgia, both well established container ports. The barge service could handle both container-to-barge and container-to-train-to-barge movements, as all the above ports have on dock rail. Such a service would eliminate the Selkirk penalty for shipments from the south, and could handle as many containers as the proposed rail freight tunnel, subject to local traffic limitations, which affect the rail tunnel as well. Avoiding the numerous tolls along the I-95 corridor would go part way to paying for such a service. (Reinhold)

Response: The barge service between New York and Boston is no longer in operation. Barge services have costs associated with them and typically require significant public operating subsidies. Barge operations along the eastern seaboard are currently unproven as a viable alternative mode for all but a few bulk commodities, though a number of studies (separate from the Cross Harbor Freight Program) are under way to determine if there are workable service alternatives.

Comment 18: Segment east-of-Hudson international container shipments through the Brooklyn Port. More than half of all container movements on the North American rail network are international shipments, much of it land bridge traffic between west coast ports and markets further east. It makes no sense for the Port of New York and New Jersey to invest in infrastructure that allows more goods to come to the New York area from west coast ports. An alternative it to use Brooklyn's container port to handle a larger share of international containers arriving via New York Harbor and destined for east-of-Hudson markets. The savings in bridge tolls and shorter drayage alone should provide an economic incentive if marketed properly. (Reinhold)

Response: NYCEDC is currently studying the potential for developing a major container port in Brooklyn. As appropriate, the Cross Harbor Tier I EIS will incorporate the NYCEDC study findings and data.

Comment 19: Use the CSX Corporation (CSX) West Springfield Yard in south-central Massachusetts, which is being upgraded to a full double-stack intermodal facility. Containers could be offloaded there and drayed via I-91 and I-95 to Long Island and the Throgs Neck or Bronx Whitestone bridges. These routes still have significant off-peak capacity. Encouraging this new lane for freight to Long Island would reduce cross-Hudson truck movements and better distribute truck traffic on Long Island. Higher peak tolls on the Hudson crossings could be used to reduce tolls for such movements on the Long Island Sound crossings. No new facilities would be required. (Reinhold)

Response: This suggestion would relocate CSX rail trip ends from the west-of-Hudson to the east-of-Hudson; therefore, truck drays to geographic Long Island would occur entirely east-of-Hudson. The truck dray distances are comparable—152 miles from Selkirk, New York to a location such as Floral Park in Queens via the George Washington Bridge, versus 140 miles from West Springfield, Massachusetts to Floral Park via the Throgs Neck Bridge. The key questions are: how many truck drays to geographic Long Island are generated from Selkirk today? How many are captive to warehouse/distribution facilities in the Selkirk area, such that they could not be easily relocated to Springfield? What is the traffic benefit from continuing on rail beyond Selkirk to Springfield (another approximately 80 miles) such that freight can be trucked to geographic Long Island, as compared to the existing condition (continuing on rail another approximately 130 miles to northern New Jersey), as compared to other potential Cross Harbor alternatives (that could provide rail freight directly on Long Island)? The Cross Harbor Freight Program study datasets and choice models will enable these choices to be examined.

Comment 20: Research a new urban freight model. The container revolution began when the United States military rethought transitional logistics. It may be time for a similar effort for urban freight. Many cities share New York's twin problems of traffic congestion and underutilized freight rail lines that are too expensive to upgrade for double stack clearance. Current supply chain models favor large distribution centers in the outer suburbs (e.g., New Jersey and even eastern Pennsylvania) with many trucks distributing goods to freight end users. Funding for some out-of-the-box research in this area should be included in any Cross Harbor plan.

One possibility might be an automated vertical distribution facility designed to straddle rail tracks and automatically load and unload containers from railcars or transit vehicles. This might be coupled with a taxi drayage system that used

computerized vehicle and container tracking via GPS, along with computer dispatching, to minimize dwell time at the terminal and eliminate the need for large upland storage acreage. The Empire Corridor tracks north of Penn Station might be a candidate for such a facility, could also feature a retail component that would take advantage of the lower shipping costs. (Reinhold)

Response: Researching a new urban freight model is beyond the scope of this study. However, opportunities to automate processes and reduce the per-container space requirements at rail terminals will be considered at any and all candidate rail terminal sites.

Comment 21: The rail lines servicing New York on the New York side do not have the vertical clearances needed. This would create major disruptions to the local community. (Holden)

Modernizing the Bay Ridge Line in Brooklyn is a key element for the success of Cross Harbor freight rail. The present sub-standard clearances need to be upgraded to at least provide double stack clearances. But innovative use of the Bay Ridge Line right-of-way can also be the key to improved truck and transit services for the region. (Goodman)

Response: Engineering investigations were conducted during the previous 2004 Draft EIS (DEIS) effort that identified the location of each inadequate vertical clearance and proposed a method for achieving full vertical clearance of 22′ 6″ along the entire length of the Bay Ridge Branch. In every case, the vertical clearance was proposed to be achieved by undercutting the bridge, not disturbing the street profile. These previous engineering investigations will be updated as appropriate for the current Tier I EIS. However, detailed design work is beyond the scope of a Tier I EIS. A new engineering investigation will be undertaken for any alternative that advances to any Tier II environmental review.

Comment 22: PANYNJ should also explore whether freight service on Manhattan's West Side Line could reduce the number of trucks crossing the Hudson River by highway to unload in Manhattan. (Weber)

Response: There are no feasible locations in Manhattan that could accommodate a freight rail yard. The original freight rail yards along the west side of Manhattan were removed with the development of Riverside South and the Jacob Javits Convention Center.

Comment 23: Explore using the Penn Station tunnels for freight. This might require building a third Hudson River tunnel to Penn Station. A third Hudson River to Penn Station tunnel might open up opportunities for two tracks across the Hudson to normally be in service around the clock, and there are four existing tunnels from Penn Station into Long Island. This would likely lead to ample capacity for off-

peak freight service. A third Hudson River tunnel to Penn Station could also accommodate some additional rush hour peak direction New Jersey Transit service into Penn Station, with New Jersey Transit's trains deadheading through the existing tunnels to Sunnyside Yard on Long Island for mid-day storage. (Weber)

Response: This alternative was addressed and eliminated in the 2004 DEIS for reasons that are still valid. The Access to the Region's Core (ARC) project—third Hudson River to Penn Station tunnel—was terminated by the State of New Jersey in 2010. The following can be found on pages 2-37 of the DEIS:

The Access to the Region's Core (ARC) Major Investment Study (MIS) was a separate study of strategic investments to improve passenger rail transportation in the heart of the New York City metropolitan area. Members of the Cross Harbor Freight Movement Project's Steering Committee suggested that the freight component of the ARC study—known as the "AA" Alternative—be evaluated as a stand alone alternative in the Cross Harbor Freight Movement MIS. This alternative proposed a new rail tunnel (for both passenger and freight cars) under the Hudson River from Hoboken to Penn Station in Manhattan. The freight portion of this alternative would also involve a new track connection from Penn Station to Amtrak's West Side Line to Oak Point Yard in the Bronx. The second-tier screening analysis raised concerns about potential operational and scheduling constraints on rail freight imposed by sharing track with passenger service along the nation's most heavily used passenger corridor. Transportation analyses conducted under the second-level screening revealed that this alternative could be expected to do as well as the low capital-intensive railcar Float Alternative. Thus, this alternative was not advanced beyond the second tier of the screening process.

Comment 24: There would be value in studying whether the West Side Yard could be adapted so that during the day, it would continue to be used as mid-day storage for the Long Island Rail Road (LIRR), and at night, part of the West Side Yard could be used as an intermodal container transloading facility. Alternatively, with LIRR's East Side Access project, the passenger train use of the West Side Yard may decrease, which might allow part of the West Side Yard to be converted to full time intermodal freight activity. One additional challenge here is that New Jersey to West Side intermodal trains might need to be relatively short, perhaps 15 cars, to fit the length of Penn Station if they need to avoid partially entering the Long Island tunnels while reversing direction, and/or to fit the available space in the West Side Yard. (Weber)

Response: The West Side Rail Yard was originally used as freight terminal in the early 20th century. However, by the 1970s, freight operations fell into disuse, and the Triborough Bridge and Tunnel Authority (TBTA), the site was redeveloped in 1986 as a storage and maintenance complex for the LIRR's electric commuter

car fleet. The Western Rail Yard currently contains LIRR tracks for off-peak storage of LIRR commuter trains and facilities that support the daily operation of the LIRR. The LIRR must have continuous access to the LIRR train yard and its facilities. Any reintroduction of freight trains would need to ensure that LIRR operations are not impacted.

Most recently, in 2009, the Metropolitan Transportation Authority (MTA) and New York City Planning Commission approved the Western Rail Yard Project—a mixed-use development over the western section ("Western Rail Yard") of the MTA-LIRR John D. Caemmerer Yard. For the Western Rail Yard project, a platform would be constructed above the rail yard and the mixed-use development would be constructed above the platform. According the *Western Rail Yard FEIS, October 2009*, the project has been carefully planned with the MTA-LIRR to ensure that the building foundations can be built while keeping interruptions of yard operations to a minimum. With the building foundations and the existing LIRR tracks and facilities located in the yard, there would be no space available within the Western Rail Yard to be used as an intermodal container transloading facility.

Comment 25: We would argue that the characteristics of the competitive circumstances in which rail freight service is offered in the region will have a significant effect on pricing and service and hence on demand and impacts. The alternative institutional arrangements in which rail operations will take place thus become an important consideration for the EIS analysis. Among the alternatives that should be considered in the scope are expansion of the currently defined "Conrail" area, which could include territory on both sides of the harbor, and open access, the system which is currently required throughout the European Union. (B. Miller)

Response: Institutional arrangements of asset ownership and operations will be examined as part of this study, and alternatives that could improve operational efficiency will be identified.

YARDS AND ANCILLARY FACILITIES

Comment 26: Based on the Project Purpose and Need in the Draft Scoping Document, the goal of the program is to increase rail's share of the freight transportation in east-of-Hudson counties, possibly to the level in the west-of-Hudson counties—a six-fold increase. Currently, the Fresh Pond rail interchange and the rail corridor through our communities and near our homes is the only route for freight to enter and leave Long Island by rail. Unless the Cross Harbor Freight Program explores alternatives, the entire impact of this dramatic increase will fall on the neighborhoods where we live. (Parisen and Zimmer)

Response: As noted above, the Tier I EIS will analyze multiple potential rail yards or terminal sites to serve the range of Build Alternatives under consideration. The purpose of examining multiple locations is to distribute and disperse freight related traffic such that is it not concentrated in one neighborhood. As shown on Figure 5 of the Draft Scoping Document, at least 17 sites will be considered on geographic Long Island (Nassau and Suffolk counties, Brooklyn, and Queens). The Tier I EIS will evaluate the potential for both regional and local environmental impacts. Where potential adverse impacts of the Build Alternatives are identified in the Tier I EIS, mitigation measures would be presented as a range of options that would be designed to avoid, minimize, or mitigate potential adverse impacts. It is possible that multiple communities may have impacts, which could require mitigation.

Comment 27: The alternatives considered in the Tier I EIS should include rail upgrades, construction, and restoration projects that would create new routes that ensure that Fresh Pond rail interchange and nearby tracks would no longer be the bottleneck where there is an exceptionally high level of pollution resulting from the operation and idling of old diesel locomotives. (Parisen and Zimmer)

While the Fresh Pond Yard in Glendale, Queens was identified as a "Build Alternative" area, there is no mention of how this rail yard could be improved upon to accommodate projected increases of rail traffic from Long Island, Queens, and Brooklyn. The document specifically references an expected 26 percent increase in freight tonnage by 2035 in this region, yet makes no mention in the Build Alternative section of how the Fresh Pond Yard could be expanded or improved upon to accommodate the 1.6 percent increase that will directly affect rail traffic on the east-of-Hudson corridor. This terminal also currently accommodates almost all incoming rail traffic from Long Island, disproportionately affecting the surrounding residential communities in Queens. (Hevesi)

Response: The Tier I EIS analysis will identify a range of potential improvements to accommodate projected increases in rail demand, which could include improvements to Fresh Pond Yard as well as other locations. The Tier I EIS will also identify, as appropriate, mitigation measures associated with the environmental effects from these improvements.

Comment 28: Preserve and expand existing facilities at Oak Point. Policies should be put in place to ensure continued and expanded rail freight activity at Oak Point in the Bronx. Zoning and land use policies should be examined with an eye to keeping this rail freight hub in service long term. It would also be worthwhile to investigate ways additional rail freight traffic could be generated. In particular, the Hunts Point Terminal Market has extensive rail sidings that are only partially utilized. (Reinhold)

Response: Oak Point Yard is under consideration as a potential rail yard or terminal to support the Build Alternatives. If the demand analysis warrants expanding the existing yard, the need for additional land will be assessed. The Tier I EIS will identify the procedures necessary to facilitate and implement the Preferred Alternative(s) including any land use and zoning changes. However, any zoning changes, if necessary, would be undertaken by the New York City Planning Commission, a cooperating agency for the Cross Harbor Freight Program, as part of the Tier II evaluation.

Comment 29: CSX has an exclusive freight line which comes down from the Bronx near the Robert F. Kennedy Bridge (formerly known as the Triborough Bridge). In the Bronx, CSX has yards in Oak Point, Hunts Point, and near the Harlem River. They have access to the Major Deegan, the Bruckner, and the Cross Bronx. Why are these yards not being expanded and used for intermodal facilities? One large intermodal yard would place massive amounts of trucks on the highway in the local neighborhood. Disbursing that would be a much better idea, i.e., having several small intermodal yards including at least one on Long Island. (Holden)

Response: Harlem River Yard, Oak Point Yard, and Hunts Point are all under consideration as potential rail yards or terminals to support the Build Alternatives. As shown on Figure 5 of the Draft Scoping Document, at least 17 sites will be considered on geographic Long Island (Nassau and Suffolk counties, Brooklyn, and Queens) as well as three potential sites in the Bronx. These sites will be evaluated along with their access to arterial roads. The Tier I EIS will study a range of options for unloading and final distribution associated with the various Build Alternatives. The Tier I EIS will identify preferred combination(s) of Build Alternatives and rail yards that have the potential to divert the most amount of freight from the Cross Harbor truck crossings.

Comment 30: Build more transload facilities on Long Island. Transload yards facilitate the transfer of bulk commodities, such as chemicals, lumber, flower, and plastics, from railcar to truck. They are efficient for railroads to service as they minimize switching requirements, since multiple carloads at a time are sent to each trainload yard. This is particularly important on Long Island, as heavy passenger use of LIRR limits freight movements. The types of freight cars that would go to a trainload yard are already suitable for the Oak Point Link connection and would require no additional capital investment to upgrade clearances. (Reinhold)

Response: As noted above, the Tier I EIS will analyze multiple potential rail yard or terminal sites to serve the range of Build Alternatives under consideration. As shown on Figure 5 of the Draft Scoping Document, at least 17 sites will be considered on geographic Long Island (Nassau and Suffolk counties, Brooklyn, and Queens).

Comment 31: The locations identified on geographic Long Island as potential rail-truck transfer facilities include sites that the City University of New York (CUNY) Institute for Urban Systems study of the Long Island Truck-Rail Intermodal Facility on behalf of NYSDOT found did not meet what they considered minimum-acceptable screening criteria. Conversely they do not include sites that the CUNY Institute for Urban Systems (CIUS) study found most likely to be feasible. Nor does the list of potential yard locations include any in Connecticut, where it could be argued that there would be sufficient demand to make a yard desirable, nor the Bronx, which may likewise merit a yard. (B. Miller)

Response: The Scoping Document will be revised to include the facilities on geographic Long Island included in the CIUS study. The Long Island Truck-Rail Intermodal Facility study and its minimum-acceptable screening criteria will be reviewed and considered in the context of the goals and objectives of the Cross Harbor Freight Program. As noted in the Scoping Document, three existing facilities are included in the Bronx. These locations, which currently support freight rail, may require expansion to accommodate some alternatives.

The Tier I EIS will evaluate the demand for trips that begin and end in Connecticut. If the demand warrants the need for additional yards, further investigations will be undertaken to identify potential locations in Connecticut.

Comment 32: The discussion of potential transfer facilities should include the possibility (of special importance given the constraints on readily developable space in the region, particularly east-of-Hudson) of "linear" truck-rail transload facilities that could take advantage of existing rail right-of-way. (B. Miller)

Response: We agree with the comment. The analysis of alternatives will consider the amount of available transfer space. The transfer of bulk commodities between rail and truck can often be accomplished in less space than the transfer of containers. And "linear" transload facilities within constrained rights-of-way may be practical solutions.

Comment 33: While truck-rail transfer yards are mentioned in the scoping document, warehouses and other ancillary logistics facilities are not. It might be argued that such "secondary" facilities are more appropriately the focus of the Tier II effort, but we think deferring the consideration of these needs is not appropriate since the location of these facilities, and the demands and impacts they impose (and opportunities they create), given the tight spatial constraints and intensive land use demands in the region, particularly east-of-Hudson, will have a major determinative effect on the location of various types of transfer yards/facilities. They will also have a significant effect on market demand (and transport volume), and on a wide range of impacts (e.g., truck miles traveled, economic development effects, etc.). (B. Miller)

Response: We agree with the comment. It is important to consider warehouse/distribution facilities as part of the Tier I effort since they are a critical variable in determining what types of freight shipments could potentially be diverted from truck to rail. Dependency on warehouse/distribution space is one of the key questions in the market analysis survey. Warehouse/distribution capacity and operations are key considerations not only in the market analysis, but also in the design and operating requirements of any new rail, truck, or ferry terminals that might be developed east-of-Hudson.

Comment 34: The proposed scope should mention operational changes that would need to be made in west-of-Hudson yards—including, notably, yards in the Harrisburg/Chambersburg vicinity—to make trans-harbor shipments and transfer as efficient as possible. (B. Miller)

Response: To the extent required, analysis of the rail network beyond PANYNJ's Port District will be conducted, including identification of bottlenecks that could impact movements into and out of the region. In addition, the demand analysis will consider how much freight is moving directly from warehouse and distribution centers in Harrisburg/Chambersburg to the east-of-Hudson. Freight currently arriving by truck today would be a candidate to remain on rail, and arrive east-of-Hudson by rail.

Comment 35: There is mention of the consideration of alternative yard technology for the various transfer yards. It is important that these alternatives be considered at the Tier I stage since the throughput efficiency will vary significantly with various yard technologies and configurations, which will in turn have an effect on the spatial footprint required for yards (and hence on the identification of appropriate potential sites). Alternative design and operating configurations can also vary significantly in terms of other impacts, such as noise, vibrations, truck-traffic volume. (B. Miller)

Response: We agree with the comment. The Tier I EIS will consider alternative yard technology.

Comment 36: Page 10 of the Draft Scoping Document identifies the 65th Street Rail Yard as "a 33-acre facility." The rail yard is a 24-acre facility. (Nelson)

Response: The Scoping Document will be revised to reflect this comment.

Comment 37: Also on page 10, the New Lots facility is described as being located in Brooklyn "on Foster Avenue between East 83rd and East 87th Streets." This is the location of the Brooklyn Terminal Market. The New Lots facility is located, generally, between Linden Blvd, Rockaway Ave, and Avenue D in Brooklyn. (Nelson)

Response: The Scoping Document will be revised to reflect this comment.

Comment 38: Again on page 10, the Draft Scoping Document describes Conrail-owned infrastructure at the Fresh Pond Yard in Queens. Please have the consultant update this to reflect CSX ownership. (Nelson)

Response: The Scoping Document will be revised to reflect this comment.

FLOAT/FERRY ALTERNATIVES

Comment 39: Self-propelled freight ferries to termini at various locations in New Jersey as proposed by NJTPA should be explored as an alternative and efficient method for regional freight distribution. (Greenfeld)

Response: As noted in the Draft Scoping Document, container floats and truck ferries (self propelled or otherwise) between a number of New Jersey and New York termini will be analyzed.

Comment 40: Explore ways to improve water and rail services to Hunts Point Market to reduce vehicular traffic in Bronx. (S. Goodman)

Response: NYCEDC is currently working with the Hunts Point Terminal Produce Market Co-op on redeveloping the market and improving site access. As appropriate, the Cross Harbor Freight Program will coordinate with NYCEDC, a participating agency for the project.

Comment 41: The EIS should include alternative methods of sending freight directly by water from New Jersey to locations west-of-Hudson, with a strong emphasis on float and ferry options over a tunnel option. (Maier)

Response: As described in the Draft Scoping Document, a variety of float and ferry options will be considered. The market demand analysis addresses all options—management, float/ferry, and tunnel—using the same methods and tools, without emphasis on any particular solution or strategy, and with a high degree of transparency.

Comment 42: In the short-term, every effort should be made to utilize waterways in New York City, on Long Island and throughout the study region for freight transport. (Giordano)

Response: As previously noted, a variety of float and ferry options will be considered. One of the advantages of ferry services is the ability to implement them relatively quickly, typically without major investments in offsite infrastructure, making them well-suited to meet near-term demand.

Comment 43: New York City is surrounded by waterways and should fully utilize barging of goods rather than expensive tunnels and intermodals that will bring more truck traffic to western Queens neighborhoods. (Holden)

Response: As described in the Scoping Document, Float/Ferry Alternatives—alternatives that describe the movement of freight by water, across New York Harbor—will be considered and evaluated. Waterborne alternatives could include: expanded railcar float system, expanded container float system, truck float system, and truck ferry system. Figure 6 of the Scoping Document shows potential routes for the waterborne Float/Ferry Alternatives.

Comment 44: Long Island and the boroughs of New York City are surrounded by water yet there is no alternative being studied by the Cross Harbor Freight Program that would increase barging from New Jersey and the rest of the east coast to barging docks in towns along Long Island's north and south shores. (Wilkinson)

Explore alternative methods of sending freight directly by water from New Jersey to the north and south shores of Long Island. (Maggio)

Response: As previously noted, a variety of float and ferry services will be considered, including services linking the west-of-Hudson region to Nassau/Suffolk counties.

Comment 45: Institute truck or container ferry service to Port Jefferson. Moving more freight through Port Jefferson would reduce congestion on the western Long Island roads and would keep the freight burden from falling entirely on Brooklyn and Queens. The existing ferries could be operated later at night for truck and container movements or additional ferries could be purchased. Trailers and containers could come from West Springfield, New London, or a new intermodal facility at Bridgeport, which is seeking to expand rail access to its port. (Reinhold)

Response: The study will consider a variety of ferry service locations in Nassau and Suffolk counties. The first step in the Cross Harbor Freight Program study is to determine the level of underlying freight demand; if demand warrants, the next step is to compare the cost, speed, and reliability of different freight services (such as ferry versus trucking) to determine if a Cross Harbor alternative offers a more attractive proposition.

Comment 46: The Draft Scoping Document includes technological methodology for highway and rail network analysis. However, there is no concomitant discussion of a marine network analysis. While the no-build options implicitly assume that the current floating barge link between New York and New Jersey would be retained, the alternatives do not consider the potential for expanding marine freight operations and implementing technological upgrades that would make

them more efficient. Any comprehensive planning project for the New York-New Jersey harbor region must consider the importance of marine freight operations. (Parisen and Zimmer)

A credible Tier I EIS scope must include a robust Marine Network analysis that yields scenarios and alternatives to trucks and trains. (CURES email)

Response: The Tier I EIS will include a robust analysis of marine-based alternatives. Based on the simplicity of the existing marine network, the methodology and technologies necessary to analyze the marine-based services are less complex than the rail and highway services. The study will consider the potential application of state-of-the-art vessels and transfer equipment.

Comment 47: Expanding barging operations would be more environmentally friendly than the current setup and less expensive than the proposed tunnel. Goods can be shipped from New Jersey, Connecticut, southern states or upstate directly to consumption points in Brooklyn, Queens, Nassau, and Suffolk. This would take thousands of trucks off the roads everywhere—not just in Manhattan. As far as longer-distance barging is concerned, PANYNJ seems to be limiting itself to looking at "international container traffic." (Wilkinson)

Response: Float and ferry services have the potential to divert trucks, and as previously noted, a variety of float and ferry services will be considered for a range of freight traffic, including bulk, container, and other commodities.

Comment 48: What are the regulatory requirements for air emissions from barges? (Brooklyn CB1 member)

Response: The Tier I analysis will consider the current and future proposed emission standards for marine engines as regulated by the United States Environmental Protection Agency (USEPA). Any additional analysis, such as site-specific impact assessments near waterfront facilities would be conducted in any Tier II environmental review for a particular site.

Comment 49: The Draft Scoping Document indicates that the Tier I EIS will consider the expansion of the current railcar float and container float systems to move freight across New York Harbor, as well as the possible addition of a truck float system or truck ferry service. Because STB has jurisdiction only over certain rate matters involving ocean carriers in the noncontiguous domestic trade, which includes transportation between the U.S. mainland and Alaska, Hawaii, and various U.S. territories or possessions, STB would not have jurisdiction over water transport across New York Harbor unless such water transport is part of transportation by a rail carrier. STB has jurisdiction over transportation by a rail carrier that is by railroad and water, if the transportation is under common control, management, or arrangement for a continuous shipment. (Rutson)

Response: Comment noted.

RAIL TUNNEL ALTERNATIVES

Comment 50: On 18 November 2010, the *Queens Chronicle* reported that the tunnel option is suspended. What exactly does this mean? Are the tunnel options no longer in play? (Centolanzi email 2)

Response: As noted in the Scoping Document, the Build Alternatives include various rail tunnel options. These tunnel alternatives will be evaluated in the Tier I EIS for the Cross Harbor Freight Program.

NYCEDC was the project sponsor for a DEIS published in April 2004 by the Federal Highway Administration (FHWA) and the Federal Rail Administration (FRA), acting as co-lead agencies. The 2004 DEIS considered: a No Action Alternative; a TSM Alternative; an Expanded Float Operations Alternative, which involved the expansion of capacity for the existing railcar float system across New York Harbor; and a Rail Freight Tunnel Alternative with two possible alignments and two potential tunnel designs. The 2004 DEIS was the subject of public hearings in May and June in 2004 and an extended public comment period, with many substantive submittals by public agencies as well as stakeholder interests. Subsequent to the hearings, NYCEDC suspended active work on the DEIS. The *Queens Chronicle* article referenced that the 2004 DEIS tunnel plan was suspended after public hearings.

Comment 51: [Jersey City] restates its concern that the Jersey City Greenville Yards site is the only alternative that continues to be pursued further for a rail freight tunnel to Brooklyn. Jersey City's previous comments noted the disparity in the level of analysis of impacts on environmental justice communities in New Jersey versus New York. (Greenfeld)

Response: The environmental justice analysis presented in the 2004 DEIS followed all relevant applicable analysis methodologies: the U.S. Department of Transportation's (USDOT) *Final Order on Environmental Justice*, April 1997; the USEPA *Guidance for Incorporating Environmental Justice Concerns in USEPA's NEPA Compliance Analyses*, April 1998; the Council of Environmental Quality's *Environmental Justice: Guidance under the National Environmental Policy Act*, December 10, 1997; and the FHWA's *FHWA Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,* December 2, 1998. To identify minority and low-income populations within the project study area, demographic information was obtained from the U.S. Census Bureau for the year 2000. Population and race information was collected using the block level, the smallest geographic unit for which the income and poverty data were available. Data for median household

income and poverty status were collected using the block group level data, the smallest geographic unit for which data were available.

For the purposes of the environmental justice analysis, the most pervasive environmental impact—noise impacts for the double tunnel system—was used to determine whether the project would result in disproportionate adverse impacts on minority and low-income communities along the tunnel alignment. The Federal Transit Administration (FTA) guidance manual, Transit Noise and Vibration Impact Assessment (April 1995) was used to assess noise impacts from rail operations. The manual identifies three land use categories for which operational noise impacts are determined: Category 1, comprising tracts of land in which quiet is an essential element of the intended purpose; Category 2, which includes residences and buildings were people normally sleep; and Category 3, comprising institutional uses with primarily daytime and evening use. A detailed noise methodology was used to predict impacts and to evaluate the effectiveness of mitigation measures. Under this methodology, adverse noise impacts are categorized into "impacts" and "severe impacts." Environmental justice guidance states that agencies should identify and address disproportionately high and adverse human health and environmental impacts. With respect to noise, "severe impacts" would be considered "high and adverse." Factors such as the size of the impacted area, the number of residents affected, and the feasibility of mitigation measures should also be considered when determining impact severity.

For the Greenville Branch segment of the New Jersey alignment, a segment stretching approximately 6,000 feet within Jersey City, severe noise impacts would occur up to 181 feet from the right-of-way. The number of residents in this environmental justice community totaled 1,330. For the Staten Island alignment, two segments of the Staten Island Railroad, between Arlington Yard and Nicholas Avenue and Nicholas Avenue and Alaska Street, met the criteria for environmental justice communities. These two segments stretched for approximately 12,000 feet along the right-of-way. The noise impacted area for Segments 1 and 2 were 450 and 871 feet from the rail line, respectively. The two segments of the Staten Island study area contained a combined total population of 11,550; both segments also met the thresholds identified for environmental justice communities of concern.

Overall, the analysis found that for the New Jersey alignment of the Double Tunnel System, an estimated total of 151,000 residents would be adversely impacted by noise (without mitigation). Fifty-one percent of these residents are minority and approximately 17 percent live in poverty. For the Staten Island alignment of the Double Tunnel System, approximately 169,000 people would be adversely impacted by noise (without mitigation). Fifty-four percent of these residents are minority and about 18 percent live below the poverty level. However, while both alignments would result in adverse noise impacts along

many segments of the rights-of-way, not all segments would be impacted to the same degree. The New Jersey alignment would result in a noise impact along the Greenville Branch study area described above at a distance of 181 feet from the rail line. Impacts along this segment would be considered far less severe than impacts identified in other communities, would affect only Category 2 residential and other nighttime land uses within a short distance of the rail line, and would most likely be imperceptible. Under the Staten Island alignment, a severe impact would occur along Segments 1 and 2 for Category 2 land uses. Category 3 land uses in Segment 2 would also experience a severe impact; in Segment 1 the impact would not be severe. Due to the distance the noise impact would involve in Segment 2 (871 feet from the rail line), adverse neighborhood character impacts were also identified. Mitigation of impacts along this segment, such as the installation of noise barriers would not be feasible, due to the elevated nature of the Staten Island Railroad in this portion.

Due to the number of residents affected by each alignment overall, and in specific minority and low income communities, the environmental justice analysis concluded that the Staten Island Alignment (under both the double or single tunnel systems) would result in unmitigated severe impacts, which may be disproportionate in environmental justice communities. In accordance with NEPA guidance, the identification of a disproportionate adverse impact on a community of concern "does not preclude a proposed agency action from going forward, nor does it necessarily compel a conclusion that a proposed action is environmentally unsatisfactory. Rather, the identification of such an effect should heighten agency attention to alternatives (including alternative sites), mitigation strategies, monitoring needs, and preferences expressed by the affected community or population."[1] Therefore potential impacts in other environmental analysis areas were also taken into account in moving forward the New Jersey alignment. In addition to minimizing potential noise impacts, the New Jersey alignment would avoid several significant environmental and neighborhood character impacts exclusive to the Staten Island alignment. The New Jersey alignment employed more direct routing to the western portal, resulting in a greater diversion of freight trucks to rail, subsequently yielding greater user benefits and travel efficiencies and creating greater business attraction than the Staten Island alignment. Overall, the 2004 DEIS found that the New Jersey alignment of the Tunnel Alternative achieved greater benefits than the Staten Island Tunnel Alternative and was more in line with the goals and objectives of the project.

Comment 52: The Rail/Vehicle Tunnel Alternatives should also include a single tunnel with rail tracks and managed roadway lanes, and associated connecting links, as

[1] Council of Environmental Quality's *Environmental Justice: Guidance under the National Environmental Policy Act*, December 10, 1997.

outlined in "The Gateway Project" proposal [attached to the comment letter]. (Goodman)

Response: A combined rail freight/passenger vehicle tunnel is not under consideration in this study because the Goals and Objectives are focused on the movement of freight. Improvements focused on passenger movements are being studied in other initiatives. However, a rail freight tunnel with scheduled truck access is being evaluated in the Tier I EIS.

Comment 53: I support a Greenville Yard to Brooklyn tunnel alignment and a two-track, double-stacked rail tunnel. (Chung)

Response: Comment noted.

Comment 54: The freight tunnel should have multiple exits and entrances to ensure that not all traffic is dumped in the laps of our neighbors in Maspeth and Middle Village. Dispersing the freight and truck traffic is essential to making sure the project causes more good than harm. (Weiner)

Response: While any tunnel alternatives would have one portal on each side of the Harbor, this does not effect where the ultimate destination of freight would be. Due to concerns on concentrating the effects of proposed yards and related truck traffic in one neighborhood, the Tier I EIS will analyze multiple potential rail yard or terminal sites to serve the range of Build Alternatives under consideration. The purpose of examining multiple locations is to distribute and disperse freight related traffic such that is it not concentrated in one neighborhood. Based on the demand results from the screening analysis, the detailed evaluation will then consider up at least 17 potential yard sites on geographic Long Island (Nassau and Suffolk counties, Brooklyn, and Queens) as well as three potential sites in the Bronx. These sites are shown on Figure 5 of the Draft Scoping Document. The Tier I EIS will study a range of options for unloading and final distribution associated with the various Build Alternatives.

Comment 55: The construction and operation of a new rail line that would provide common carrier service, such as a rail freight tunnel under the Hudson River or any new rail line that would extend the territory or markets that the owner or operator serves would require a license from STB before construction could begin. STB approval would also be required for a proposal to construct an extension to an existing rail line if it would enable a rail carrier to serve a new market. STB approval, however, is not required to realign an existing rail line or to construct and operate ancillary, "spur," industrial, team, switching, or side track, so long as the purpose and effect is not to extend the railroad's territory. Nor would improvements (such as track or signal improvements, bridge rehabilitation, or improvements to existing rail yards to increase storage capacity) require STB authorization. (Rutson)

Response: Comment noted.

Comment 56: The Build Alternatives section of the Draft Scoping Document describes a Rail/Vehicle Tunnel Alternative that utilizes AGVs. While we are supportive of investigating new technological applications, we are unaware of a proven large-scale deployment of this technology in an industrial setting. Absent a proven case study, we would recommend revisiting the utility of evaluating this alternative. (Nelson)

Response: AGV technologies for freight movement are well-established and well-proven within factories, warehouse/distribution centers, and marine terminals (for example, the Port of Rotterdam). Their application to transportation networks would be a new, but logically foreseeable, step in their evolution and deployment. Passenger applications (Personal Rapid Transit) of AGVs using guideway systems have been studied since the 1960s; modern technology makes it possible for AGVs to be guided by buried wires, or by GPS signals, without fixed guideways.

NO ACTION ALTERNATIVE

Comment 57: Please have the consultant include rail improvements slated to be undertaken by the City of New York in Sunset Park, Brooklyn, specifically, the BAT West Track Replacement, S-Curve Elimination and the SBMT Rail Extension, in the No Action Alternative—Railroad Projects portion of Appendix A of the Draft Scoping Document. (Nelson)

Response: These will be included in the No Action Alternative.

Comment 58: Please have the consultant clarify which agencies and/or private entities are responsible for undertaking the specific projects identified under the No Action Alternative. Furthermore, we recommend that the projects be associated with specific initiatives as necessary (e.g., "independent utility projects" being forwarded by PANYNJ.) (Nelson)

Response: These will be included in the No Action Alternative.

D. EIS METHODOLOGY

ALTERNATIVES EVALUATION PROCESS

Comment 59: The methodology appendix lists "incompatible with existing or planned operations of current rail providers" as a fatal flaw criterion. We would argue that, since the public investment required to develop improved Cross Harbor rail freight connections is likely to total billions of dollars and the facilities themselves are likely to be in operation for upwards of a century,

incompatibility with existing operations of current rail providers—which are inherently not designed to accommodate trans-harbor operations—is not an appropriate fatal flaw. (B. Miller)

Response: This fatal flaw criterion is intended to address current passenger rail services and any associated long-term investments. The EIS Methodology Report will be revised accordingly to note this as passenger rail service. Currently, passenger rail services share infrastructure with and take precedence over freight rail services, such as on the Metro-North Hudson and Harlem Lines as well as the LIRR Main Line. Alternatives that would be incompatible with existing or future passenger rail services would be considered a fatal flaw alternative.

Comment 60: For the same reasons (see Comment 59 above), we would argue that "results in severe impacts and/or cost implications to existing rail or highway infrastructure" should not be considered a fatal flaw either. (B. Miller)

Response: We disagree with the comment. This fatal flaw criterion is intended to avoid alternatives that result in significant capital costs to other public agencies not associated with Cross Harbor infrastructure.

Comment 61: The Build Alternatives section of the Draft Scoping Document reveals a large number of Build Alternatives, including 20 potential sites for yards and terminals, four Float/Ferry Alternatives, four Rail Tunnel Alternatives and three Rail/Vehicle Tunnel Alternatives. Obviously, these alternatives represent a menu of items that can be selected and combined with one another. We presume, however, that not every combination of alternative will be analyzed as this would represent a very high number of possible permutations.

Please have the consultant describe exactly how each of these alternatives will be approached. How will the consultant create a methodology for identifying an optimum combination of improvements and eventually arrive at a manageable combination of alternatives to analyze? For example, are specific alternatives mutually exclusive of or in conflict with one another and, conversely, are there those that are complementary? (Nelson)

Response: The comment is correct that a large number of permutations and combinations of options will be developed and studied. The first step of the analysis is to identify alternatives that successfully meet the future demand forecast. While not every option will be tested in the demand model a series of options testing a number of modes, alignments, operational characteristics and termini will be evaluated using the demand forecasting tools developed by the project. Possibly 30-50 options may be initially evaluated for demand potential. Next, the best performing alternatives will be combined into packages for a second round of demand estimation, to determine whether alternatives are better performing as packages than as individual projects. Based on those results, a limited

combination of yards, modes, and routes will be examined in the detailed analysis. Once viable alternatives have been developed based on demand a more detailed evaluation looking at specific sites for yards will proceed. This is intended to avoid looking in detail at sites that would not generate any demand. Agency and stakeholder input will be an important consideration throughout this process.

Comment 62: The robust demand analysis associated with the Cross Harbor Freight Program Tier I EIS presents a unique opportunity to create a blueprint for Management and Build Alternatives that will offer tangible benefits to regional goods movement with or without any of the seven Rail Tunnel Alternatives. We recommend that the EIS be used to identify clear, specific, actionable, near- and long-term alternatives and rank them in order of their associated positive impacts, essentially pinpointing what investments the region should make, where and by whom. (Nelson)

Response: The Tier I EIS will identify specific actionable alternatives and improvements applicable to the project Goals and Objectives. The Record of Decision (ROD) for the Tier I EIS will select preferred mode(s) (waterborne, rail, or a combination) and alignment(s) based on its ability to improve regional freight movement. The alternative(s) listed in the ROD are expected to be actionable and would likely advance to a Tier II environmental review.

MARKET ANALYSIS

Comment 63: The study does not clearly identify why people would change back to rail from truck. The private benefit cost analysis is totally misleading. (Holden)

Response: The description of the methodology for the benefit-cost analysis was not intended to be misleading. The Cross Harbor Freight Program study seeks to answer the question listed in the comment—determine how much freight could be diverted from truck movements. The purpose of the Cross Harbor Freight Program study and Tier I EIS, which has not yet been performed, is to determine at what cost, environmental effects, and benefits freight movements could be diverted from truck to rail or marine movements.

Comment 64: The study specifically recognizes that the CSX traffic coming down from Selkirk will not be diverted through the tunnel which begs the questions about calculating the number of cars that will go through the tunnel, if any. (Holden)

Response: The current Cross Harbor Freight Program study has not yet been performed, The project analyzed in the 2004 DEIS is not moving forward and is not part of the current Cross Harbor Freight Program Tier I EIS. As described in the response to the previous comment, the purpose of the Cross Harbor Freight Program study and Tier I EIS is to determine at what cost, environmental

effects, and benefits freight movements could be diverted from truck to rail or marine movements.

Comment 65: The Wikipedia article suggests that the Cross Harbor rail tunnel might carry as many as a million truckloads a year. This works out to roughly 3,000 truckloads a day. Given that a single train can probably carry 100-300 intermodal shipping containers, that would seem to imply that the tunnel is unlikely to carry much more than one train per hour per direction, assuming at least 100 intermodal containers per train, which would not seem to justify double tracking. However, the tunnel portals could be designed to accommodate a second tunnel being later added if freight volumes increase. (Weber)

Response: Demand estimates produced by previous studies, such as those cited in the Wikipedia article, are being updated with new baseline traffic data, shipper surveys and choice modeling tools, which may produce different estimates. However, it is important to note that as a result of the new analyses, the design of any recommended Cross Harbor improvements will be matched to the size of the demand.

Comment 66: The transport study area, as currently defined, does not succeed in capturing traffic that passes, or could pass, through the region, such as between Georgia and Maine, or between Los Angeles and Worcester. Not capturing this existing and potential traffic could have the effect of underestimating demand for an improved Cross Harbor connection. (B. Miller)

Response: As suggested in the comment, the study will consider the potential for pass-through rail traffic, originating or terminating in New England, to benefit from Cross Harbor improvements. Demand for this additional market will be assessed.

Comment 67: Market Analysis. This appendix lists only four types of demand. The following types of demand, which we believe should be included in the Scoping Document, are not among them:

a. Short-haul trucking which might be less than 400 miles but is not defined as "local warehouse/terminal" traffic. We would specifically identify traffic along the heavily trafficked Northeast Corridor and traffic from the region's major grounding points at Harrisburg/Chambersburg/Greencastle, Pennsylvania and Rotterdam, New York, if these trips are not already included.

b. Municipal Solid Waste (MSW), C&D, recyclables, sewage sludge, and other "removables."

c. Freight transported to and from a port to be developed in Brooklyn.

d. Freight transported between New Jersey port facilities and Long Island and New England.

e. Freight hauled by CSX which currently travels south from Selkirk via the River Line (and is then trucked from grounding yards on the New Jersey shore) or the Hudson Line. We would argue that either of these streams might plausibly provide traffic for a trans-Hudson tunnel—particularly given the changed competitive situation that would ensue if other rail carriers were providing east-of-Hudson rail deliveries.

f. We would likewise argue that CP and CN traffic should be considered as potential sources of demand for a tunnel or other improved crossing (again, particularly given the changed competitive dynamics that an improved harbor crossing would be likely to create). (B. Miller)

Response: All freight-carrying trucks crossing the Hudson River, from anywhere to anywhere, are part of the study. Traffic types identified in the comment are subcategories of the markets referenced in the Scoping Document and therefore will be examined.

Comment 68: Under the market analysis, level-of-service parameters will be identified for each alternative (EIS Methodology, page 8). One such parameter proposed is "Equipment availability – Equipment required for the shipment and storage of goods is available at the appropriate location." We would argue that, for reasons cited previously (level of public investment, project life) this is not an appropriate screening criterion. (B. Miller)

Response: Shipper surveys have cited rail equipment availability as a key factor in their decision whether or not to use rail. If a railroad is unable to deliver cars within needed service windows on a reliable basis, the shipper has no choice but to use truck instead. Therefore, it is appropriate to include this factor in the demand modeling process. As the models are applied, the alternatives can include different assumptions regarding equipment availability, and therefore the effects of those assumptions can be quantified.

Comment 69: Please have the consultant include waste and recyclable commodities in the freight flow analysis described in Appendix B, "Technical Methodology—Screening Analysis of the EIS Methodology Report." These commodities are often overlooked in traditional freight flow analyses, however, significant amounts of MSW, construction, and demolition waste and recyclables are exported outside of the region via truck and rail. Thus, the trips associated with this activity should be captured by the Cross Harbor Freight Program Tier I EIS. (Nelson)

Response: The demand analysis will consider both waste and recyclables.

Comment 70: Please incorporate waste shippers—both from the public and private sectors—in the interviews, focus groups and surveys described in the Freight Market Research section of the same appendix. (Nelson)

Response: Waste shipments are an important factor in Cross Harbor movements. Freight data has been obtained for recyclables and MSW. Waste shippers may be part of the random selection pool for revealed/stated preference surveys. If not, and if further detail is required, we will consider supplemental interviews may be performed.

Comment 71: What assumptions will the EIS make about future economic conditions that will impact freight flows and modal distribution in the region (and the country) regardless of the adoption of any of the Management or Build Alternatives? Freight volumes, for example, are expected to rise, generally, with economic expansion. Fuel costs, as well, which have historically affected mode shifts between truck and rail, are also expected to rise in the foreseeable future as are tolls on the region's bridges, tunnels, and thoroughfares. (Nelson)

Response: Economic forecasts are being developed in consultation with PANYNJ and its study partners. The specific assumptions are not available at this time.

Comment 72: Will the freight flow research capture international freight that moves from West Coast ports via rail to west-of-Hudson destinations as a potential candidate for rail drayage reduction as described on page 6 of the EIS Methodology Report? (Nelson)

Response: Yes. The study considers all freight trips that cross the Hudson River by any mode, from anywhere, to anywhere. Truck crossings that originate at west-of-Hudson rail yards because of rail traffic that originates at West Coast ports are included. Note that upon arriving in the United States, at any port or airport, the "next leg" of the trip is always considered domestic.

RAIL OPERATIONS ANALYSIS

Comment 73: The maps mentioned improvements would be necessary on the Amtrak line south of Oak Island Yard if the tunnel were to be built, but the study should examine how many cargo trains will really be able to use this line during daylight hours—or would cargo trains primarily use this line at night? Are the improvements going to impede or improve the operations of higher speed trains (Acela etc.) on the Amtrak line? (Wolley)

Response: The Tier I EIS will generally evaluate the daytime and nighttime capacity of freight train lines and analyze the potential effects. The Tier I EIS will not consider specific times or determine future operating schedules for specific

trains; however, it will examine the effects of daytime versus nighttime operations.

Comment 74: Operation of Global Terminal, Greenville Yards, and MOTBY properties must be analyzed holistically to determine if existing nearby regional rail infrastructure such as the National Docks Secondary has the capacity to support both the land side improvements in southern Jersey City and Bayonne as well as the Rail Tunnel Alternative. (Greenfeld)

Response: To the extent that these facilities have been planned or programmed by the PANYNJ, the No Action Alternative will assess estimates of future freight rail activity at those facilities and will be considered and assessed as part of the future freight network in evaluating the alternatives.

Comment 75: If there are plans to increase freight rail traffic into and out of New York City and Long Island, a great deal must be done to have freight travel on lines other than the Bay Ridge Line and Montauk Line of the LIRR. Unless there are reasonable freight rail alternatives to the already overwhelmed Fresh Pond Rail Yard in Glendale, into the CSX Line, the use of rail to carry more freight and waste places all of the burden on a few communities. (Giordano)

Response: The Bay Ridge Line and Montauk Line of the LIRR and Fresh Pond Yard are integral to the rail freight movement on geographic Long Island. The intent of the Tier I EIS it to examine various alternatives, determine how the alternatives would affect these existing freight lines and facilities, asses the potential environmental effects, and determine appropriate mitigation measures. The capacity of existing rail lines and rail yards east-of-Hudson, and the need for improvements to and/or alternatives to these lines and yards is a major part of the study.

Comment 76: The study area as proposed does not include the area that already produces a major proportion of the rail-to-truck transfers for goods arriving in the region, the Harrisburg/Chambersburg vicinity, where goods railed across the country or from the south by the region's two major Class I railroads, CSX and NS, are grounded and driven into the region. This area not only contains rail yards and warehousing/distribution facilities that serve the region's market (where impacts related to changed rail operations due to the development of new Cross Harbor shipping systems would be felt), but marks the beginning of the roadway corridor for the less-than-one-day drive that feeds New York City. Even from the perspective of the MSW market alone, the failure to include this trans-Pennsylvania corridor could significantly underestimate the beneficial impact on reduced truck traffic due to increased rail traffic. (B. Miller)

Response: We agree that Harrisburg/Chambersburg is an important freight-generating region. Freight movements between Harrisburg/Chambersburg and the 54-

county Cross Harbor modeling study area are being captured as part of the study process. All freight movements that generate Cross Harbor trips, from anywhere to anywhere, are captured in the demand analysis, and nothing is excluded. All trucks entering or leaving the region are represented in the highway network models (the national Freight Analysis Framework network, the regional North Jersey RTM-E, and the regional NYMTC Best Practice Model). All rail traffic entering or leaving the region is represented in a national rail network model. Therefore, current demand between Harrisburg/Chambersburg and the east-of-Hudson will be quantified, as will changes in demand resulting from improvements and alternatives and changes in rail and truck traffic.

Comment 77: Appendix B mentions "Rail terminal and warehouse/distribution facility surveys and observations aimed at developing defensible estimates of the volumes, types, and percentages of rail traffic that could proceed as full moves to the east-of-Hudson region, as opposed to rail traffic requiring handling in the west-of-Hudson region." This apparently ignores the possibility that warehouse/distribution facilities developed east-of-Hudson (which would be expected with the development of Cross Harbor improvement[s], including transfer yards) would significantly change this analysis. (B. Miller)

Response: Warehouse/distribution facility availability in the east-of-Hudson definitely has an impact on the potential demand for Cross Harbor improvements. This is precisely why the study asks shippers about their needs for warehouse/distribution space. It allows the market to be segmented into one set of users who need warehouse/distribution space east-of-Hudson to utilize Cross Harbor improvements, and another set who do not.

ENVIRONMENTAL ANALYSIS

Comment 78: Please deck over the CSX/New York and Atlantic Railway (NY&A) tracks between the Fresh Pond Rail Yard and the Long Island Expressway. (Sleeper)

Response: Once the potential environmental effects have been assessed, possible measures to minimize, mitigate, and avoid impacts will be identified. Decking over portions of the rail right-of-way will be one mitigation measure considered.

Comment 79: The Tier I EIS should qualitatively discuss sea level rise, and its general impacts on the alternatives that undergo a more detailed analysis. (Musumeci)

Response: As described in the EIS Methodology Report, Appendix C, "Technical Methodology – Detailed Evaluation," the environmental analysis of Natural Resources in the Tier I EIS will discuss future conditions within the study areas associated with global climate change and the potential for sea level rise and flooding (page C-23).

Comment 80: FHWA should address the six livability principles when discussing alternative impacts. The principles include: provide more transportation choices; promote equitable, affordable housing; enhance economic competitiveness; support existing communities; coordinate and leverage federal policies and investment; and value communities and neighborhoods. For additional information on the Partnership, please refer to http://www.dot.gov/livability/. (Musumeci)

Response: The Tier I EIS will address the livability principles in the land use, zoning, and public policy analysis as part of the public policy assessment.

Comment 81: Numerous zoning and master plan changes that have been adopted by Jersey City since 2004 must be incorporated into the Tier I evaluation. (Greenfeld)

Response: As described in the EIS Methodology Report, Appendix C, "Technical Methodology – Detailed Evaluation," the environmental analysis of Land Use, Zoning, and Public Policy will describe current land use and zoning within the local study area defined for the specific project element. These various study areas are described on page C-14. Appendix C also notes that current regional public policy goals will be described and areas in the region that are targeted for growth and development will be identified.

Comment 82: Since the DEIS was released in 2004 the New Jersey Turnpike Authority has undertaken concept development of several alternative improvements to the exit 14A interchange and toll plaza. Potential impacts on this congestion mitigation project must be incorporated into the Tier I evaluation. (Greenfeld)

Response: As described in the Scoping Document, the No Action Alternative includes projects that are currently programmed, planned, or reasonably expected for the study area, independent of the Cross Harbor Freight Program. The project team is coordinating with the New Jersey Turnpike Authority to determine if the proposed exit 14A interchange and toll plaza alternatives would adversely affect or be affected by any of the proposed Cross Harbor alternatives.

Comment 83: USEPA, when commenting on the proposed Long Island Rail-Truck Inter Modal (LITRIM) at Pilgrim in Brentwood, advised that the Cross Harbor tunnel and any intermodal on Long Island, especially the Pilgrim intermodal, should be reviewed under one EIS, for its cumulative impacts, since they are so intricately linked. Why has this not been addressed? (Burkhart)

It does not appear that a letter from USEPA that recommended that the separate EIS studies being done for the intermodal sites be combined with the larger Cross Harbor EIS was considered either. This may lead to an improperly segmented study, under State Environmental Quality Review Act (SEQRA) rules in place in New York State. (Byrne)

Response: The LITRIM site in Brentwood is one of potential locations to be assessed in the Tier I EIS as potential intermodal or bulk yard sites on geographic Long Island. However, it should be noted that the Cross Harbor Freight Program and the NYSDOT's proposed LITRIM facility at Pilgrim are two separate and distinct initiatives that have independent utility. Either project could proceed without the other. The NYSDOT site at Pilgrim could receive goods as part of the current operating scenario wherein CSX uses the Hudson Line/Hellgate Bridge/Freemont Secondary to NY&A at Fresh Pond junction. Furthermore, any Cross Harbor alternative could proceed using a number of yard facilities that that may or may not include NYSDOT's proposed facility at Pilgrim. If the Pilgrim site is proposed for use in one or more Cross Harbor alternatives that site would be assessed similar to any other proposed yard location in the Tier I analysis.

Comment 84: I am concerned that the EIS Scoping Document does not account for the impact this might have on Queens residents whose neighborhoods sustain large volumes of freight rail traffic. (Addabbo)

A full accounting of quality of life issues, property value assessment, and safety concerns of [the communities of Ridgewood, Middle Village, Maspeth, and Glendale should be] included in any final EIS accounting for each of the different build options. (Maier) An increase in rail traffic would further degrade the quality of life in these neighborhoods, and should be considered as part of an Environmental Impact Statement. (Hevesi)

The EIS Scoping Document must include both a comprehensive study of the cumulative impact of increased freight rail traffic on the health and environmental welfare of communities along railroad corridors, as well as consideration of technologies that can mitigate adverse impacts. (Parisen and Zimmer)

There is a need to account for the pre-existing residential communities adjacent to the east-of-Hudson lines when proposing upgrades, improvements, and expansion. All of the data points incorporated in your analyses fail to capture this data in a way that highlights actual day to day effects on the people living adjacent to any and all of these proposed upgrades.

Countless references are made to the commercial effects on a local economy, but fail to recognize that the findings also need to be related to residential life. I propose that a specific section of your analysis and impending DEIS include "Residential Communities," or a title that PANYNJ and FHWA feels appropriately captures the cumulative effect of noise and vibration, diesel emissions, increased traffic, type of freight carried, construction, etc., will have on the health, economic, social, and environmental conditions of the residents of communities adjacent to these proposed upgrades. (Hevesi)

Response: As described in the Scoping Document, the Tier I EIS will include an analysis of cumulative effects. Cumulative impacts result from the incremental actions added to other past and reasonably foreseeable actions over time. As described in the Scoping Document cumulative effects of an action may be undetectable when viewed in an individual context but, when added to other actions, could eventually lead to a measurable environmental impact.

The Tier I EIS will evaluate the potential for both regional and local environmental impacts. As described in the Scoping Document, the study areas for the evaluation of local impacts will depend greatly on the elements of each specific alternative, and to a lesser extent, on the environmental analysis in question. For the Tier I EIS, the local study areas for the environmental analyses are described in the EIS Methodology Report, Appendix C, "Technical Methodology – Detailed Evaluation." For a majority of the analysis areas, potential impacts will be evaluated for local study areas surrounding intermodal yards, float facilities, tunnel entrances, rail lines and tunnel alignments.

As described in the EIS Methodology Report, Appendix C, "Technical Methodology – Detailed Evaluation," the environmental analysis of Land Use, Zoning, and Public Policy will describe existing land use and neighborhood character within the local study area defined for the specific project element. The Tier I EIS will assess potential local impacts from construction and operation of the project alternatives. The analysis will begin by discussing the compatibility of project elements with existing land use and neighborhood character and whether project elements would significantly alter the character of local study areas or block access to area amenities.

The Tier II evaluation will explore in greater detail those alternatives that fulfill the project purpose within the mode(s) and alignment(s) chosen in Tier I. The analysis will be based on more detailed engineering and operating data and site-specific environmental information to provide a more refined impact assessment, leading to the development of site-specific mitigation measures and their efficacy and cost, as appropriate.

Where potential adverse impacts of the Build Alternatives are indentified in the Tier I EIS, mitigation measures would be presented as a range of options that would be available to avoid, minimize, or mitigate potential adverse impacts.

Comment 85: Include a comprehensive accounting of the environmental impact of increased rail freight during the last decade on the communities of Maspeth, Ridgewood, Middle Village, Glendale, and on Long Island as a whole. (Maier, Maggio)

Any study must include a retrospective look at the last ten years. Many of our communities in Queens have seen an unprecedented growth in freight both heading to and coming from Long Island. (Weiner)

The Tier I EIS should include a comprehensive study of the environmental impact of the past decade of expanded freight rail on Long Island. There has been no systematic study of the cumulative impact of all of these projects on increased rail traffic affecting communities throughout the railroad corridor. To accurately evaluate the impact of the Cross Harbor Freight Program, we urge the FHWA and PANYNJ to do a comprehensive scientific study of the air quality, water quality, noise, and health effects of freight rail as it is operating today in our communities. Many of these problems involve rail traffic on weekends and late at night. Therefore, a study cannot be limited to just sporadic measurements. It must include continuous monitoring of air quality, noise and vibration over a long enough period to adequately capture the scale of the impact on residents.

An appropriate baseline for the EIS should be carefully defined that does not allow past environmentally harmful activities to establish the grounds for future environmental damage to communities along the rail corridor.

An accurate EIS must have realistic assumptions, which should be based on current and recent experience with freight rail on Long Island, to accurately develop models for risk and future impact.

Moreover, analysis of environmental justice issues should consider the past impact of freight rail and other industrial activity on our communities. (Parisen and Zimmer)

Response: In order to understand the current existing conditions and its affect on the surrounding communities, the Tier I EIS will describe how freight rail in the region, particularly within the NY&A service area, has changed over the years. In order to assess potential impacts of the various project alternatives, the existing conditions will then be used to forecast the future condition. Specifically, the existing environmental and neighborhood conditions are forecasted into the future to assess whether any alternatives would result in adverse environmental impacts. This is determined by comparing the future condition with and without the alternatives in place.

Comment 86: The study must look at what kind of cargo will be carried. It is no secret that the impact on my neighbors is dramatically different if the majority of cargo is solid waste. Just ask those who live near the rail yards at Fresh Pond Road. (Weiner)

Include a full accounting of the environmental burden on communities along the rail corridors in light of the types of freight being moved, particularly demolition waste and MSW. (Maier, Maggio)

I also request that the EIS takes freight type into account. The increased frequency of trains carrying MSW, for example, is associated with several local issues. The smell is a matter of ongoing concern among my constituents. The vermin related to MSW also generates frequent complaints to my office. Please

include freight type in your EIS, so that it will fully reflect all aspects of the impact of the Cross Harbor Freight Program. (M. Miller)

While we agree that expansion of railroad traffic is a positive trend, it would be irresponsible to expand freight transportation by rail without first mitigating its negative impacts, which include noxious odors that emanate from poorly sealed and contained MSW, adversely affecting my constituents' quality of life. (Addabbo)

The Tier I EIS Scoping Document should include an analysis of the environmental impacts of the kinds of cargo that will likely be carried by rail, such as solid waste. The EIS Scoping Document must be designed to recognize that there are in fact two sources of potential environmental impacts: (l) air quality impacts due to diesel emission from locomotives, noise and vibration of trains, and other impacts that are due to the traffic itself, and (2) the impact of the cargo that is actually carried by the trains, such as the result of increasing the amount of waste and other toxic traffic carried by rail. We are concerned that the Draft Scoping Document ignores this critical issue completely, since so much of the freight that is currently and will in the future be carried by rail consists of waste. For example, the document includes no reference to the Clean Railroads Act of 2008, which addresses issues related to solid waste rail transfer stations. (Parisen and Zimmer)

Response: The Tier I EIS will assess freight transport by commodity, including MSM. The Tier I EIS will evaluate potential impacts from both the facilities and operations associated with the Build Alternatives, which will account for the type of commodity associated with the alternative. The evaluation will assume that the Build Alternatives, and any associated facilities, will operate in accordance with all applicable laws and regulations, including the Clean Railroads Act of 2008.

Comment 87: In addition to waste trains, our residents must deal with the presence of tanker cars that often sit on rails for extended periods of time without any security. The Tier I EIS should consider the potential impact of security risks due to the kind of cargo transported. (Parisen and Zimmer)

While it would be impossible to predict which accidents will happen where, the EIS should acknowledge the aging infrastructure and the other factors contributing to accidents. (M. Miller)

While we agree that expansion of railroad traffic is a positive trend, it would be irresponsible to expand freight transportation by rail without first mitigating its negative impacts, which include increased potential for accidents due to a higher volume of rail traffic (Addabbo)

Response: In accordance with FHWA Guidance for Preparing and Processing Environmental and Section 4(f) Documents (October 30, 1987), the Tier I EIS will evaluate potential social impacts. The assessment of social impacts will

include the evaluation of potential impacts of alternatives on highway and traffic safety as well as on overall public safety and security. The Scoping Document will be revised to reflect this. The Tier I EIS will also include an analysis of safety and security. The Scoping Document will be revised to reflect this.

Comment 88: The proposed scope for the analysis of air quality emphasizes the analysis of mesoscale impacts. As our experience has shown, it is the localized regions near the rail yard and tracks where severe health impacts occur. Even today, the residents who live near the rail corridor and experience emissions from diesel locomotives experience high asthma rates.

Recently, proximity analysis by GIS (geographic information systems) has been applied to develop a more sophisticated and accurate approach to assessing localized environmental impacts. Modern mapping technology can be used to integrate information and develop a distance-based model of impact that avoids the homogenization of regional mesoscale models that "wash out" potentially severe health problems at the local level. Notably, proximity analysis is essential for modeling and measuring impacts in an urban area with residential areas located close to polluting sources. We therefore strongly urge that the final Tier I EIS Scoping Document ensure that new construction and rail operation will comply with the Clean Air Act by using this more appropriate and modern methodology. (Parisen and Zimmer)

Response: As described in the Scoping Document, the Tier I EIS will assess potential regional effects and potential local effects from the proposed alternatives on ambient air quality. The local study area for the air quality analysis is described in the EIS Methodology Report, Appendix C, "Technical Methodology – Detailed Evaluation." The potential for local air quality impacts from operation of alternatives include:

a. **Rail traffic associated with the proposed project**. Potential impacts will be estimated based on the number of locomotives passing sensitive receptors.

b. **Intermodal facilities and bulk yards.** Potential impacts will be estimated based on the size of the yards and their location near sensitive receptors.

c. **Truck traffic associated with project elements**. A screening of impacts for the rail yards, located in the east-of-Hudson region, will be conducted utilizing procedures outlined in the NYSDOT Environmental Procedures Manual.

This analysis will be conducted to a level of detail appropriate for a Tier I NEPA document. It should be noted that the information developed within this study does not include the refined engineering and operating data that would be necessary to predict ambient pollution concentrations in the vicinity of the rail

yards as well as any proposed barge and intermodal facilities. However, while detailed dispersion modeling is beyond the scope of this study, potential mitigation measures will be discussed to avoid, minimize or mitigate any potential adverse effects. Furthermore, additional studies would be suggested, where appropriate, that would be required in any Tier II document if a Build Alternative was suggested for further consideration.

Comment 89: We are concerned that the DEIS Scoping Document fails to adequately address the modeling of health impacts resulting from expanded freight rail. Health risks need to be modeled over a sufficiently long period of time. Expanded freight rail will impact neighboring residents throughout their lifetimes. This means that cancer risk due to diesel locomotive emissions needs to be modeled based on decades of exposure. We urge PANYNJ and FHWA to develop a proximity-based model of cancer risk near the Fresh Pond rail interchange, rail corridor, and other rail yards that takes into account an adequately long time period for diesel particulate matter exposure. We strongly recommend consideration of the 30- and 70-year exposure durations and other aspects of the methodology used in the Roseville Rail Yard Study conducted by the California Environmental Protection Agency. (Parisen and Zimmer)

I urge that any study accurately investigates the localized impact of increased rail traffic on the health of our community. I share the concern expressed by my constituents CURES that the negative health impacts of increased exposure to diesel fumes cannot be ignored. (Weiner)

Response: A detailed quantitative health risk assessment is beyond the scope of a Tier I EIS. It requires detailed information about the physical layout, operating scenarios, and equipment roster that is not available at this point in the study. Quantitative risk assessments have been conducted for operating rail yards where all the input parameters are available and are used to evaluate alternate future emission scenarios. Typically, even project specific (Tier II) EISs do not conduct quantitative risk assessments—rather they utilize comparisons against the National Ambient Air Quality Standards (NAAQS) as a measure of a project's potential heath risk. Mitigation measures are then used to lower the predicted air quality concentrations until the predicted concentrations are within acceptable levels. However, the PANYNJ recognizes the concern of the potentially affected communities and will examine previous health risk assessments to determine the order-of-magnitude risk associated with facilities of a certain size in close proximity to residential uses. Most importantly, the Tier I analysis will focus on measures to reduce any potential health risk including changes in operations and equipment to lower future emissions of harmful air pollutants and noise.

Comment 90: In its consideration of environmental justice and other social impacts, we urge that the analysis be based on a comprehensive and current study of the population within the affected areas. Currently, the proposed EIS methodology relies heavily on the 2000 Census. However, any social impact analysis should recognize that there has potentially been significant demographic change since then and update demographic and other critical data accordingly. (Parisen and Zimmer)

Response: The 2010 Census data is now available and will be used in the Tier I EIS.

Comment 91: While we agree that expansion of railroad traffic is a positive trend, it would be irresponsible to expand freight transportation by rail without first mitigating its negative impacts, which include outdated locomotive engines, some dating back to 1978, which creates large emissions of diesel fumes that have a detrimental impact on air quality. (Addabbo)

There also should be some mention of minimizing noise and vibrations from diesel hauled freight trains that are new with the implementation of this project. (Centolanzi)

Because railroads have great latitude in how they do business, the Scoping Document needs more refined scenarios that reveal impacts near the rail corridor—what happens when railroads use different types of equipment—in addition to looking at the number of tracks and trains, routes and infrastructure. (Wilkinson)

The deterioration of tracks and bridges exacerbate the environmental impacts described above, such as adding to noise and vibration and slowing the transit of noxious cargo through residential neighborhoods.

In our experience with waste trains and the transportation of toxic chemicals by rail, we have consistently seen that railcars are older and in poorer condition than trucks. (Parisen and Zimmer)

Response: The ROD for the Tier I EIS will select preferred mode(s) (waterborne, rail, or a combination) and alignment(s) based on its ability to improve regional freight movement. The alternative(s) listed in the ROD, would likely advance to a Tier II environmental review—the primary purpose of Tier II is to analyze the localized environmental impacts of the alternative. This would include detailed air quality and noise/vibration modeling along rail lines and around the selected rail yards. It should be noted that in January 2012, new regulations will go into effect that require a 50 percent reduction in particulate matter emissions in newly manufactured locomotives.

As mentioned previously, an engineering study was conducted during the previous 2004 DEIS effort that showed a complete rebuilding of the Bay Ridge Branch along its entire 11.5-mile length, including the installation of

continuously welded rail and dynamic fasteners to dampen noise. To the extent appropriate, these previous engineering studies will be used for the current Tier I EIS. However, detailed design work is beyond the scope of a Tier I EIS. A new engineering investigation will be undertaken for any alternative that advances to a Tier II environmental review.

Comment 92: The social and environmental impact analysis of the Tier I EIS should include realistic projections of the impacts of freight carried by rail as they are likely to be operated under current regulations. (Parisen and Zimmer)

Response: The environmental effects of the proposed alternatives must consider not only current operating regulations but also those that are expected to occur by the future analysis years. This is a standard practice for developing the future No Action condition. For example, the emissions from all fossil-fueled mobile sources including autos, trucks, buses, non-road construction equipment, marine engines and locomotives are regulated by the USEPA pursuant to the 1970 Clean Air Act and its subsequent amendments. As such, equipment manufactured in the past will emit higher levels of a pollutant than those currently produced. Moreover, some of the allowable emission levels continue to decrease in the future and a critical issue is how quickly those vehicles or equipment will penetrate the market. For example, it will take longer for the newer cleaner locomotives to completely penetrate the market than it does in the automobile market. For any impact assessment, USEPA data will be used to determine future emissions based on vehicle turnover (i.e., the replacement of older higher polluting vehicles with new less polluting ones).

Comment 93: Appendix C, in the section on detailed evaluation, environmental effects: land use, zoning, and public policy: study areas, says "a. Rail yards – land use and zoning will be described within 1000 feet from the boundaries of existing and proposed sites; b. Intermodal yards – land use and zoning will be described within 1000 feet from the boundaries of the proposed yard sites, and within 400 feet from any truck routes connected to the regional highway network." These statements apparently ignore the fact that warehouses and other ancillary logistics facilities mentioned above would be expected to be developed in conjunction with such yards. Such ancillary facilities would be expected to have significant effects and would require that land use and zoning characteristics at distances considerably greater than 1,000 feet be considered. (B. Miller)

Response: The impact assessment for the Tier I analysis is intended to focus on the direct effects of the proposed facilities such as rail line and yards, float/ferry and intermodal facilities and tunnel. Hence the land use study area of 1000 feet. In the Tier I analysis, the potential effects of possible secondary effects, such as from the development of warehousing and other ancillary logistics facilities, would be assessed on a more regional basis. Depending upon the alternative, it

may be possible to approximate the amount of ancillary facilities that may be developed; however, the analysis may be restricted to determining if properly zoned land is available within a given distance. Detailed analysis of these uses would not be possible in the Tier I study.

ECONOMIC AND FINANCIAL ANALYSIS

Comment 94: What are the economic costs to the Bronx due to the inter-state highways that pass through our borough? (S. Goodman)

Response: Benefit-cost analyses will be performed as part of the EIS. The analyses will focus on the incremental effects of potential Cross Harbor alternatives. The analysis will not specifically address the totality of effects from all interstate highways traversing the Bronx.

Comment 95: Serious consideration needs to be given to realistic funding at a time of great deficits, and realistic recovery of funds spent on infrastructure from railroads and shippers should also be studied in greater detail. Serious vetting of all the listed alternatives also needs to be evaluated more in depth to reveal a true cost-benefit analysis. (Byrne)

Response: We agree that cost is a fundamental consideration for the alternatives. Costs for the alternatives will be weighed against their potential benefits. However, as a Tier I analysis, the identification of a specific funding mechanism for some or all of the alternatives may not be known at this time. Therefore, viable alternatives in the Tier I analysis will not be eliminated for consideration in Tier II based only on the uncertainty of funding. While the process proceeds and more costly alternatives are deemed viable const funding mechanisms may need to be discussed more fully in the FEIS or the Tier 1 Record of Decision. The cost-benefit analysis will not include an evaluation of the risk of available funding options. It will be solely based on the capital and operation costs as well as benefits from the movement of goods.

Comment 96: The current Draft Scoping Document emphasizes the analysis of relative economic benefit accrued by each of the various alternatives, such as assessing increased employment due to construction, expanded rail operations, and subsequent growth in industrial activity. We are concerned that in the methodology for economic impact analysis, specific categories are established for Asset Providers, Service Providers, and End Users as project stakeholders—while community residents are folded in with other businesses in an "Other Impacted Parties" section.

It is critical that the EIS Scoping Document for analysis of all the alternatives include realistic estimates for the generation of unmitigated environmental damage in predictive modeling potential reduction of residential property

values. The reality of rail on Long Island and in particular Queens and Brooklyn communities is that heavily used rail yards and corridors go through what are principally residential areas inhabited by people who are employed in many different sectors throughout the region. (Parisen and Zimmer)

Response: In accordance with FHWA Guidance for Preparing and Processing Environmental and Section 4(f) Documents (October 30, 1987), the Tier I EIS will evaluate potential social impacts. The assessment of social impacts will include the evaluation of changes in the neighborhoods or community cohesion for the various social groups as a result of the alternatives. These changes may be beneficial or adverse. The Scoping Document will be revised to reflect this.

E. GENERAL COMMENTS

Comment 97: More rail freight and barge should be used by government agencies. Government agencies, including PANYNJ, can directly contribute to reducing Cross Harbor truck movement by making greater use of rail freight and barge themselves. Opportunities for such use should be cataloged and explored. (Reinhold)

Response: As described in the response to Comment 45, Float/Ferry Alternatives—alternatives that describe the movement of freight by water, across New York Harbor—will be considered and evaluated. The EIS will also consider the types of freight movement, including those generated by government agencies.

Comment 98: Encourage more barge facilities, especially on the Gowanus Canal and Newton Creek. Major efforts are under way to remediate past pollution on the Gowanus Canal and Newton Creek. PANYNJ should be vigilant to insure that opportunities for commercial use of these waterways are preserved. (Reinhold)

Response: The Cross Harbor Freight Program will study the use of barges at the system level by looking at demand over a larger geographic area and then focusing on suitable waterfront sites. The City of New York is exploring use of the Gowanus Canal and Newtown Creek for the expansion of maritime support services, such as barge berthing, along with retention and expansion of marine cargo handling. These plans will be reflected in the Cross Harbor Freight Program study.

Comment 99: Allow trash to energy plants on Long Island. These would reduce net on-island truck traffic for trash haulage, while at the same time providing local electric energy generation. Such plants have been quite successful in environmentally conscious Europe. (Reinhold)

Response: As described in the Scoping Document, the Tier I EIS will evaluate alternatives to enhance the movement of freight across New York Harbor. The comment does not refer to an alternative that would address the purpose of this project.

This suggestion is beyond the scope of this study and is not within the purview of FHWA and PANYNJ to develop or approve these facilities.

Comment 100: The Cross Harbor study should not be limited to freight facilities. Expanded passenger rail could shift commuter movements from car to public transportation and free bridge capacity for trucks. Projects that should be considered in this regard include:

- The recently canceled ARC tunnel to midtown Manhattan.
- The proposal to extend the New York Subway No. 7 line to Secaucus, New Jersey.
- Extending the LIRR to lower Manhattan. While this does not affect cross-Hudson traffic, it would reduce road congestion in Brooklyn.

The possibility of a freight component to the first two should at least be considered. Note that the Secaucus station is adjacent to a large NS intermodal rail yard and a major U.S. Postal Service facility. (Reinhold)

Response: As described in the Scoping Document, the primary purpose of the proposed project is to enhance the movement of freight across New York Harbor. There are numerous projects, some under construction and others in various stages of planning, to expand rail passenger service between New Jersey, Manhattan, and Long Island. The Cross Harbor Freight Program is the only project in the NEPA planning process that is examining the movement of goods through this corridor and as such is focused on the freight component.

Comment 101: Overall, we are deeply concerned that the Tier I EIS Scoping Document should not be neutral with regards to rail operations generally. Moreover, if current regulations are inadequate to prevent rail operators from polluting the environment and threatening the health of local residents, then any comprehensive regional Freight Program must include provisions for new and more strongly enforced regulations as a means of mitigating adverse impacts. (Parisen and Zimmer)

Response: As previously discussed (see Comment 92), the air quality impact assessment will be based on the expected level of emissions from rail operations using USEPA estimates of future emission levels from locomotives. The future emission levels are based upon the market penetration of newer, lower emitter locomotives replacing older higher-polluting equipment. In addition, the Tier I EIS will identify additional improvements that can be made using best available technology to further improve emissions including alternate technologies, increased penetration of newer less-polluting equipment into the market, and further emission controls suggested by USEPA among others.

Comment 102: PANYNJ has engaged Halcrow, Ltd. to conduct a comprehensive study of goods movement in the region. Since this study will presumably provide an overall strategic context which may affect specific proposals for improved Cross Harbor rail freight connections, it would be appropriate to describe how the EIS will be guided by this study. Or, if it will not, to explain why not. (B. Miller)

Response: Both the Cross Harbor Freight Program study and the goods movement study are being carried out in coordination by the same agency.

Comment 103: There is no need for a billion dollar freight tunnel. The freight tracks pass through residential areas of Brooklyn and Queens and would, if heavily utilized, bring noise, dirt, foul odor and disturbance to the lives of thousands and drastically reduce property values along the tracks by millions of dollars. It would be a disaster to increase usage with the tunnel. Dangerous cargoes and trash will be hauled through residential areas. (Reichman)

Any scenario proposed, either the Cross Harbor tunnel or an alternative plan, would have a large impact on our community. We are more than a way station for rail or truck traffic and deserve to be given full consideration before we are subjected to a proposal that would benefit other communities at the expense of ours. (Maggio)

Response: Comment noted. The Tier I EIS is intended to address both the beneficial and adverse effects of the project alternatives including the No Action Alternative.

Comment 104: There is a problem with putting intermodal yard in an area of greatest congestion, in a place of largest population. Every square mile is already built on. No one wants a truck yard near them. (Schatz)

Response: Comment noted. The project will evaluate the benefits of the proposed alternatives along with the adverse effects on local communities that would be subject to new or expanded rail facilities. The Tier I EIS will also include measures to avoid, minimize, and mitigate adverse impacts.

Comment 105: This issue is never put up to a vote—it is always dealt with in some quiet meeting and funding is quietly obtained by Congressman Nadler to keep this alive. If this was ever put up to public vote it would be voted down by a landslide. Any public official or agency that moves forward with this will, I predict, eventually be removed and stopped by public outrage. Please oppose the Cross Harbor freight tunnel. (Reichman)

Response: Comment noted

Comment 106: In summary, this whole project has obviously been pre-determined to be a rail-to-truck plan and PANYNJ will come up with the data to support its feasibility

and minimize its impact on affected communities. That is how studies for these megaprojects generally work. They certainly are not doing a study to choose the No Action Alternative that they already rejected once and it is obvious they are not looking very closely at real alternatives that do not involve building the tunnel or shipping via rail. (Wilkinson)

Response: Comment noted

Comment 107: Citizens for a Better Ridgewood (CBR) is a civic association based in western Ridgewood, Queens near the railroad line that runs into the Glendale Yard. All rail freight traffic on Long Island (Kings, Queens, Nassau, and Suffolk counties) must go through our community. If the Cross Harbor Freight Program proceeds as originally proposed, not only will we be subject to increased rail traffic, we will suffer from vastly increased truck traffic. Accordingly, we oppose this proposal. (Maggio)

Response: The Scoping Document submitted for public review is associated with the Cross Harbor Freight Program Tier I EIS. The project analyzed in the 2004 DEIS is not moving forward and is not part of the current Cross Harbor Freight Program Tier I EIS. The Tier I EIS is intended to address both the beneficial and adverse effects of the project alternatives including the No Action Alternative.

In addition, a number of comments on the 2004 DEIS were submitted during the scoping process for the current Tier I EIS. The Scoping Document submitted for public review is associated with the Cross Harbor Freight Program Tier I EIS. The project analyzed in the 2004 DEIS is not moving forward and is not part of the current Cross Harbor Freight Program Tier I EIS. Therefore, those comments are not applicable and not addressed.

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