

4.5 Navigable Waterways

4.5.1 Existing Conditions

The area in which the Meadowlands Railroad and Roadway Improvement Project is located does not depend heavily upon navigation of its waterways. Berry's Creek is the largest, most navigable waterway located within the vicinity of the Project. The United States Coast Guard defines navigable waterways as those waters that are subject to the ebb and flow of the tide shoreward to the mean high water line and/or are presently used, or have been used in the past or may be susceptible to transport of interstate or foreign commerce (33 CFR Part 329). Because Berry's Creek meets the definition of a navigable waterway, a US Coast Guard Bridge Permit approval will be required prior to the commencement of construction. The US Coast Guard has been delegated the authority to issue permits for the construction, reconstruction or alteration of bridges spanning navigable waterways within the United States under Title 33 of the United States Code (U.S.C.).

Berry's Creek currently experiences little if any recreational and no commercial maritime traffic. While much of the area adjacent to Berry's Creek is developed for industrial or commercial uses these establishments rely solely on land-based rail or truck transport to receive and deliver their products. None of the establishments located upstream of the proposed viaduct utilize Berry's Creek for transporting their products.

The proposed rail alignment would traverse Berry's Creek approximately 1,400 feet downstream of the NJ Route 120 Bridge. At this location the creek is approximately 190 feet wide. The viaduct would span the Berry's Creek in four separate steel spans. Three reinforced concrete piers supporting the railroad viaduct would be placed in the waterway 50 feet apart except at the channel where the viaduct would have a 70-foot span between the two piers. The viaduct is designed to accommodate 23.5 feet of clearance above mean sea level (0.0 NGVD) at the channel. Channel depth at this location is approximately -7.0 feet NGVD at the center.

Design criteria for the viaduct was discussed with representatives from the U.S. Coast Guard during a pre-application meeting in October of 2004. While a formal permit approval has not yet been applied for nor granted, it is expected that the US Coast Guard will approve the design criteria for the viaduct.

4.5.2 No-Action Alternative

It is anticipated that navigable waterways under the No-Action Alternative will be similar to existing conditions.

4.5.3 Preferred Alternative Impacts

No impacts to navigability of Berry's Creek are anticipated as a result of the Meadowlands Rail Project. Berry's Creek's small size and shallow depth are insufficient to support the transportation of intrastate, interstate or foreign commerce in the current economy. No impacts to recreational navigation are anticipated because Berry's Creek is not a popular recreational waterway. Upon completion of the viaduct, Berry's Creek would remain a navigable waterway to nearly the same extent prior to construction.

4.5.4 Mitigation

Mitigation will not be necessary because the viaduct extending over Berry's Creek would meet the US Coast Guard parameters. The viaduct would allow the passage of vessels suitable for navigating Berry's Creek from passing beneath the rail alignment.