

## **RESPONSE TO COMMENTS**

### **Preliminary Environmental Impact Statement Meadowlands Railroad and Roadway Improvement Project**

#### **Comment:**

Mr. Stephan Marks, Planning Director, Hudson County, submitted a letter dated May 27, 2005 advocating the extension of the Hudson Bergen Light Rail (“HBLR”) line to the Meadowlands Sports Complex.

#### **Response:**

The New Jersey Sports and Exposition Authority (“Authority”) appreciates the merits associated with extending the HBLR system to the Sports Complex and has retained a qualified engineering firm, Booz Allen Hamilton, to perform an environmental and concept development study of such an extension of the system. Upon conclusion of the study, its findings will be shared with appropriate agencies responsible for state transportation planning and implementation.

#### **Comment:**

Mr. Eric Martindale of Hackensack, NJ submitted a letter dated July 6, 2005 in support of the proposed alignment and also proposed additional rail system initiatives in the Meadowlands region.

#### **Response:**

The Authority appreciates the author’s detailed proposal on potential transportation improvements in the region and has shared his recommendations with planning officials at New Jersey Transit for their consideration during Transit’s Master Planning process for the region.

#### **Comment:**

Mr. Damien Newton of The Tri-State Transportation Campaign commented at the PEIS Public Hearing held on June 16, 2005 on the transportation planning for the Sports Complex and the surrounding region, as well site-specific issues related to pedestrian flow.

#### **Response:**

The Authority agrees with the Tri-State Transportation Campaign’s objective to use sound planning practices so that development of the Sports Complex will be done in a manner that is mindful of the effects on the greater Meadowlands region. Similarly, New Jersey Transit is mindful of the transportation needs of the region and, as the commentary suggests, weighs said

demand and various transportation alternatives as part of its ongoing Master Planning process for the region.

The Meadowlands Railroad and Roadway Improvement Project will benefit the region in a multitude of ways, primarily through its capacity to provide increased access to one of the country's premier sports and entertainment destinations. New Jersey Transit analysis forecasts ridership of the rail line to total approximately 10,000 – 12,000 passengers for certain events at the Sports Complex, such as a football game or major international soccer match, concert, or sporting event at the Complex.

Consistent with the comments offered, the Authority remains attentive to the site-specific transportation and pedestrian planning required in connection with the Project, and is committed to continued efforts to foster a site plan that appropriately integrates the Rail Project into the Sports Complex's ongoing operations and initiatives and ensures a safe, enjoyable visit for our patrons.

**Comment:**

Ms. Barbara Sachau submitted commentary via electronic mail dated May 28, 2005 objecting to the Project.

**Response:**

The Authority disagrees with the submission and considers the Project to be a most appropriate initiative for the region and state.

**Comment:**

A letter dated July 13, 2005 from Mr. Kenneth Koschek, signed by Mr. Thomas Micai, of the NJDEP Office of Permit Coordination provided comment on the Project.

**Response:**

The NJSEA will abide by the technical recommendations provided in the correspondence. Any specifics outlined in the correspondence will be addressed via specific Project permit applications.

**Comment:**

A letter dated July 15, 2005 from NY/NJ Baykeeper indicated questions to Section 4.11, Hazardous Waste.

**Response:**

The proposed Project is being designed and constructed to minimize any sedimentation within the Project area water bodies. There will be very little, if any, displacement of hazardous material during the construction of the rail alignment. Construction methods and engineering techniques for the construction of the rail alignment techniques will be discussed in the Project description of the NJDEP Multi-Permit Application and the Army Corps of Engineers (ACOE) Department of the Army (DA) Permit Application. The NJSEA is currently working closely with the USEPA and the NJDEP Site Remediation Program to determine the appropriate sampling and testing protocol for any excavated materials associated with the Project. Any excavated material which may be produced as a result of the Project will be sampled and tested and will, if required, be disposed of at a permitted hazardous waste handling facility. An application will be submitted to the Bergen County Soil Conservation District for a Soil Erosion and Sediment Control Certification for the entire alignment. The NJSEA will consult specifically with the District to

determine the best management practices to minimize any sedimentation within the Project's water bodies. As stated previously, there will be little, if any, excavated materials associated with the Project. However, if there is a need to "stage" any excavated material, the construction contractor will be directed to utilize "upland" areas which will eliminate any further disturbance of wetland areas.

**Comment:**

A letter dated July 15, 2005 from the United States Department of the Interior, Fish and Wildlife Service, provided the following comments and suggestions:

1. Additional information regarding the alignment alternatives;
2. Clarification of regulatory restrictions regarding Walden Marsh stemming from conditions in the original federal permit for the Sports Complex;
3. Measures to minimize impacts to wetland vegetation from shading;
4. Revised compensatory mitigation plan involving preservation and enhancement of the parcel adjacent to Anderson Creek site and/or purchase of credits from the Marsh Resources, Inc. mitigation bank;
5. Preliminary plan for restoring and monitoring 1.11 acres of wetland vegetation temporarily distributed during construction;
6. Revised stormwater management plan providing treatment for all sections of the Project, and the determination of the NJDEP regarding compliance with the State stormwater regulations;
7. Revised information regarding State-listed species;
8. Reference to a revised contaminants sampling plan;
9. A determination from the EPA Superfund Program whether the proposed rail facilities will preclude options for necessary remediation of contaminated acres and whether any Project associated interim remedial measures are consistent with the final remedy;
10. Summary information regarding contaminant levels in the vicinity of the proposed piles, and a preliminary plan to monitor erosion and environmental contaminants around the piles following construction;

11. Evaluation of the extent and duration of sediment re-suspension during construction, associated impacts to fish and wildlife, and measures to minimize these effects;
12. Preliminary plans to remediate and monitor wetland areas temporarily disturbed during construction (1.11 acres), including placement of a clean fill cap throughout the area of disturbance, and restoration to original elevations;
13. Assessment of the Project's consistency with the Corps' Hackensack Meadowlands Environmental Restoration Study; and
14. Discussion of past cumulative impacts to Walden Marsh and future cumulative impacts from connection of the proposed rail facility to NJT's Bergen County Line.

**Response:**

The EIS is being prepared in compliance with Executive Order No. 215 (EO 215) of the Governor of the State of New Jersey. It is not subject to the requirements of the National Environmental Policy Act (NEPA) or the regulations of the U.S. Army Corps of Engineers (ACOE) and the United States Environmental Protection Agency (EPA) thereunder. However, the NJSEA has voluntarily included extensive information beyond the scope of EO 215. A Department of the Army (DA) application will be made to the ACOE which will consider the extent to which proceedings under NEPA should be required.

Responses to particular comments, as listed previously, are as follows:

1. In order to provide an attractive level of service to and from the Meadowlands Site, it is advantageous to connect the new rail spur into NJ TRANSIT's existing Pascack Valley line. This allows existing commuter rail equipment the opportunity to shuttle passengers from NJ TRANSIT's Secaucus Station and maximize access to the new service for most rail patrons in New Jersey and New York City. The long-range plan is to connect the new spur directly with the Bergen County Line just west of the NJ Turnpike. Phase 1, which is the subject of this FEIS, is aligned to accommodate this Phase 2 connection at a later date. When completed, the "full build out" will allow through service from the Bergen County Line to the Pascack Valley Line and make the new Meadowlands Station a regular stop on the "new" Pascack Valley Line. The Phase 1 alignment takes advantage of the existing commuter rail infrastructure and minimizes the need to acquire additional property. The new service allows the opportunity to provide direct commuter rail service from both Hoboken and the Pascack Valley Line. The use of ten car commuter trains during high volume events allows for enough capacity to handle the projected 10,000 to 12,000 patrons that will utilize the station immediately after a major event concludes. The new Meadowlands Rail spur and station is designed to be able to remove these patrons within one hour of the end of the event.
2. The NJSEA understands the conditions and restrictions which were placed on construction activities within Walden Marsh and will provide a detailed explanation and analysis of the mitigation of any environmental impacts to the Marsh in the ACOE DA permit application associated with the Project.

3. The proposed alignment was designed to accommodate the vertical rail design requirements for the connection between the NJ TRANSIT Pascack Valley Railroad Line and the proposed station. Consultation has taken place with United States Coast Guard to determine the best vertical clearance above the navigation channel for the proposed bridge to be at twenty three (23) feet above the Mean High Water Line (MHWL). Therefore, the rail alignment has been designed to the maximum height possible above the marsh and wetland surface.

The Service has suggested a grid or plank design to minimize the amount of shading above the marsh and wetland areas, however, NJ TRANSIT design criteria requires a closed deck (solid) viaduct that is ballasted to support the concrete ties and rail. This requires a box type structure that will allow for maintenance of the track alignment. Ballasted track is most desirable for durability of the track and comfort of ride. Open deck structures would require what is called direct fixation of track, a method that is much more costly to construct and much more difficult to maintain. In areas where special trackwork is needed (turnouts and crossovers), additional apparatus is necessary (switch machines and track signal components). The construction to support these is very difficult to provide in an open deck type structure. Utilizing a box type viaduct eliminates these difficulties.

4. The NJSEA plans to propose a wetland mitigation plan as part of the DA permit application to the ACOE. The application will contain the facts which will be reviewed by the ACOE in accordance with applicable regulations and guidelines. The Authority expects the ACOE will consult with the MIMAC and will consider its recommendations. As a member of the MIMAC, the Service will be able to join with other members in developing its recommendations to the ACOE. The Authority is aware of several regulations and guidelines outlined in your letter, as well as other and further applicable regulations and guidelines.
5. The NJSEA will provide a restoration plan to the ACOE for all areas temporarily disturbed during the course of construction activities to ensure that all restoration activities are acceptable and effective in order to return disturbed areas to the pre-existing condition. Monitoring of the restoration will be discussed with the NJSEA and NJ TRANSIT to determine the available resources and personnel to conduct the monitoring activities for the proposed three (3) to five (5) year period.
6. A multi-permit application consisting of a Waterfront Development Permit and a Stream Encroachment was submitted to the New Jersey Department of Environmental Protection (NJDEP) on August 1, 2005. The stream encroachment application portion of this multi-permit application contains a hydrologic and hydraulic analysis and stormwater management plan for the Project. The application is currently under review by the NJDEP and the Project will adhere to any forthcoming permit conditions.

The NJSEA maintains that the groundwater in and around the Project Area, and more specifically in the area of the UOP Superfund Site, is not potable water source currently serving the local population. The discrepancy is related to the EPA Fact Sheet for the

- Universal Oil Superfund Site (USEPA, 2004), which states that the groundwater in area serves the local population. This contradiction will be further examined in the ACOE DA permit application being prepared for the Project.
7. The NJSEA will provide the necessary information in the Project's ACOE DA permit application concerning the minimization of exposure to contaminants to wildlife during the course of construction activities. The NJSEA will consider the May 5, 2005 letter from the Service in determining the potential impact to Federally Listed Species in the Project area. As offered by the Service, if consultation between the ACOE and the Service is required pursuant to Section 7 of Endangered Species Act (ESA), the NJSEA will address any requirements at that time.
  8. The NJSEA is working closely with the USEPA and the NJDEP Site Remediation Program to produce a soil sampling plan which will indicate the type and level of contamination with the railroad alignment right of way to ensure that all areas will be accessible for future remedial efforts.
  9. Same as Item 8. above.
  10. The NJSEA is currently producing a scour analysis for the specific pier locations proposed in the Berry's Creek. The design of these pier locations will ensure that there will be no increase in the suspension of contaminated sediments within Berry's Creek. The scour analysis will be forwarded to appropriate regulatory agencies for review and comment.
  11. The NJSEA will apply to the Bergen County Soil Conservation District (BCSCD) for a Soil Erosion and Sediment Control Certification for the entire alignment.
  12. The NJSEA will work with the regulatory agencies having jurisdiction to ensure that all restoration activities are acceptable and effective in order to return disturbed areas to the pre-existing condition. Monitoring of the restoration will be reviewed with NJSEA and NJ TRANSIT to determine the available resources and personnel to conduct the monitoring activities for the proposed three (3) to five (5) year period. Specifics of the restoration to all disturbed areas will be discussed in detail in the ACOE DA Permit Application.
  13. An assessment of the Project's consistency with the ACOE's Hackensack Meadowlands Environmental Restoration Study will be included in the ACOE DA Permit Application.
  14. Subject to necessary funding, the second phase of the Project, which would entail a connection to the Bergen Line from the Sports Complex, will be considered in a manner comparable to this Project, including consultation with the New Jersey Meadowlands Commission and New Jersey Department of Environmental Protection, permitting with appropriate state and federal agencies, and presentation of an Environmental Impact Statement for consideration and comment by NJDEP and the public.