

**GATEWAY DEVELOPMENT COMMISSION  
REGULAR MEETING**

July 12, 2021

**Public Comments Received**

*The public was encouraged to submit public comments via the comment form on  
[www.GatewayProgram.org](http://www.GatewayProgram.org).*

*Comments were distributed to the Board, posted on the GDC website, and recorded in the public  
record.*

Name	Bruce Hain
Organization	Individual
Comment Topic	CONCERNS ABOUT THE EXISTING TUNNEL AND THE ADVISABILITY OF CURRENT PLANS
<p>Core samples from the 2014 study of the six Penn Station tunnels show that deterioration of the inbound Hudson tunnel, the South Tube, had progressed further than that in the other five tunnels - with the samples taken probably in 2013, the year after the tunnels were inundated owing to the negligence of those charged with their stewardship, by Hurricane Sandy.</p> <p>It is often said by engineers that deterioration of reinforced concrete structures involving salt water, where spalls and exposed re-bar are present, ""progresses exponentially"" - and we have just witnessed a saddening and completely avoidable reminder of this veritable maxim of engineering parlance.</p> <p>The warmed-over ARC Tunnel replacement, or supplement, for the current Penn Station tunnels, possesses a number characteristics of the decadent-age planning machinations though which its design emerged, involving the now-usual dithering and full-stop direction reversals seen with the East Side Access Project and many others.</p> <p>It is questionable whether the proposed action has been devised and revised with well-meaning intent, given its sharp curves and steep grades, involving a lateral alignment that is four tenths of a mile longer than the existing tunnel, and the necessity for a program of ground stabilization on the Manhattan side expected, optimistically, to last one and a half years.</p> <p>A properly aligned replacement/supplement would be nearly a full mile shorter than what is now planned. And the location of the currently planned tunnel might very likely preclude any attempt to expeditiously demolish and rebuild the existing one, with its superior alignment, causing a situation in which the condemned tunnel sits wasting away while decades more of paid dithering and speculation ensues.</p> <p>Given its superior alignment and the relative ease of demolishing and rebuilding it to modern standards, as against current plans, that scenario would seem to be the correct and prudent way of proceeding at this point.</p> <p>In any case your commenter is not convinced that the London Bridge Consultants, or Governor Cuomo, have had the last word concerning tunnel restoration - and importantly, a feasible and safe timeline for getting that work done. It is now questionable whether indeed it can be effectively done at all.</p> <p>That no plan has yet been adopted, and given the state of the tunnel during the governor's 2018 video tour of it - now four years ago - things would seem to indicate there is no workable plan for restoring it. Your commenter hopes to be fully informed as to details of the plans to be adopted - as</p>	

well as the likelihood of their lasting success - prior to the second groundbreaking for this new tunnel - and will be actively seeking your input in that regard."

Name	Brian Fritsch
Organization	Build Gateway Now Coalition
Comment Topic	Support for the Gateway Program
<p>"Hello, I'm Brian Fritsch, Campaign Manager for the Build Gateway Now Coalition. Build Gateway Now is a coalition of over 45 civic, labor, business, and elected groups united by a single tenet - the Gateway Program is the nation's most urgent infrastructure project.</p> <p>We are thrilled the Hudson Tunnel project is finally in a position to move forward. With the long-awaited Record of Decision (ROD) and Final Environmental Impact Statement (FEIS) completed, significant barriers facing the project have been cleared. As we continue our pandemic recovery, we can't afford one more delay.</p> <p>To that end, we were especially pleased Secretary Buttigieg joined Senators Schumer and Booker as well as many Congressmembers from New York and New Jersey for a tour of the Hudson Tunnel last week. It was fantastic to hear about the commitment the Biden Administration has made to this project. They clearly understand its urgency-- given both the underlying age of the infrastructure and the impacts of climate change on our transportation systems-- highlighted by significant delays caused by Tropical Storm Elsa late last week.</p> <p>With the clarification from the U.S. DOT earlier this year that federal loans can be used to pay for the local share of the project cost, we hope the Hudson Tunnel project will soon meet or exceed the threshold for an improved rating in the Capital Investment Grant (CIG) process. The Build Gateway Now Coalition sent a letter to the States of New York and New Jersey, urging them to meet the July 30th deadline for identifying how they will support their local shares of the project cost. We also urge the other project partners--Amtrak, the Port Authority of NY and NJ, and U.S. DOT-- to do the same, so we can reach a full funding agreement for the project that will allow construction to begin in earnest. If New York and New Jersey do not state how they'll contribute their share by the end of this month, it could mean Gateway will be significantly delayed yet again for another year.</p> <p>Recent public ridership numbers also underscore the need for the Gateway Program to move forward. While weekday rail ridership on NJ Transit hovered at around 20% - 25% of pre-COVID levels for several months, it has now increased to approximately 50%. Weekend ridership has rebounded even more strongly, at approximately 80% of pre-COVID levels.</p> <p>We urge the Federal Delegations of New York and New Jersey to pass legislation that will fund rail programs of regional and national economic significance. As outlined in an earlier letter to U.S. DOT the current federal funding sources available for infrastructure rebuilding are too limited in their scope. We know what a profoundly positive impact the Gateway Program will have on the regional and national economy, considering the Hudson Tunnel project alone will add over 70,000 construction jobs and create over \$19 billion in economic activity. Now is the time to act.</p>	

Many thanks to the members of the Gateway Development Commission for your continued service, and for the opportunity to submit our public comment to you today. We look forward to continuing to move the Gateway Program forward to promote equitable and sustainable transportation for all."

Name	Peter Kiernan
Organization	Venable LLP
Comment Topic	Contracting and Project Management
<p>"This comment is submitted by the nationally acclaimed Construction Law Group of Venable LLP.</p> <p>It is vital to complete the Gateway Project efficiently and cost effectively. To maintain schedule, cost and project integrity, recent mega project experience in the United States offers lessons that should be heeded:</p> <ol style="list-style-type: none"> <li>1. There are several contractual methods from which to select. Each has significant and distinguishing advantages. It is important to acknowledge that there is not a contractual mechanism in the world that can shift all risk from the owner to the contractor consortium. Designers and builders are not financiers.</li> <li>2. It is paramount to have effective project controls. Risk cannot be wholly shifted and the need for an owner to develop and understand necessary project data in real time never abates. Comprehensive data production and contemporaneous analyses thereof permits the anticipation of problems and the resolution of them as they arise, not after their effects are being disputed.</li> <li>3. Change orders are inevitable. Key to successful project management is collaborative negotiation of change orders centered on fully developed data and orderly exposition of all relevant interpretations. Litigation is a blunt and inefficient instrument, and threats of litigation create rather than solve problems. Deferring litigation to a project's end forsakes the ability to affect schedule positively and only can adjust cost negatively.</li> <li>4. Trade offs between cost and schedule often are necessary as events occur and conditions change. But such trade offs can be avoided or minimized if there are commitments to address issues contemporaneously and in good faith. A means to that end is to have balanced dispute resolution processes in the contract.</li> <li>5. Great care should be devoted to the preparation of the contract. The drafters should be very involved in every stage of the contract's implementation.</li> <li>6. Procurement documents also need careful attention. Ideally, the drafters and implementers of the contract(s) also should be contributors to the preparation of the procurement documents."</li> </ol>	

Name	Maurice Wills
Organization	Individual
Comment Topic	Funding for projects
<p>"I would like to take this opportunity to thank President Biden and Transportation Secretary Buttigieg for recognizing how important these projects to not only the New York Metropolitan region, but the whole Northeastern United States..</p> <p>Funding for the Portal Bridge, and Gateway Tunnel must be made available for this very important rail corridor. The more we wait, the more expensive these projects will become. The previous administration has delayed these projects for three years These projects must not be delayed any further . These projects will provide plenty of construction jobs, and will help the economy ."</p>	

Name	Laura Colacurcio
Organization	Association for a Better New York (ABNY)
Comment Topic	Gateway Program
<p>The Association for a Better New York (ABNY) remains steadfast in its support for the Gateway Program. We must build on the momentum and public support for this essential project fostered as a result of U.S. Transportation Secretary Pete Buttigieg’s visit to the aging Hudson River Tunnels last month. Along with Senators Schumer and Booker, Secretary Buttigieg demonstrated confidence in the project’s ability to catalyze economic activity and transform the northeast corridor. We are eager for the Gateway Program to commence to provide for an equitable and inclusive recovery for the New York City region and improve the reliability and quality of life for commuters, travelers, and all who utilize this critical regional rail link. With commuter rail ridership rebounding and centers of economic activity experiencing a resurgence, the time is now to move this project forward to ensure the competitiveness and vitality of New York City and the region.</p>	



Name	Henry Ickes
Organization	Individual
Comment Topic	Sub-Hudson (North) River rail traffic level
<p>"In case you missed Amtrak's recent announcement of their projection for rail passenger service between now and 2035, I commend to you their fact sheet at <a href="https://www.amtrakconnectsus.com/wp-content/uploads/2021/04/Amtrak-Connects-US-Fact-Sheet-2021-04-16-1.pdf">https://www.amtrakconnectsus.com/wp-content/uploads/2021/04/Amtrak-Connects-US-Fact-Sheet-2021-04-16-1.pdf</a></p> <p>They're looking to add service between New York City and both Allentown and Scranton, PA. There's a decent possibility that NJ Transit may jump on those coat-tails, as well. In case you run into folks who downplay the traffic levels into NYP, this might come in handy . . ."</p>	

Name	Linden Wallner
Organization	Individual
Comment Topic	The Hudson Tunnel Project
<p>While I am thrilled that the Record of Decision was approved for The Hudson Tunnel Project, I believe that The GDC should consider moving forward on building the 3rd segment of the Concrete Casing in addition to the approach tracks between Secaucus and the Tunnel portal. These two sections of The Hudson Tunnel Project could be completed in a relatively short period of time.</p>	

Name	Leon Zaharis
Organization	Individual
Comment Topic	What tunneling and tunnel construction method has been chosen?
Has/have the final tunnel depths been decided upon and if so what tunneling method has been chosen??	

Name	Earl Stephenson
Organization	Homeland Construction Services, Inc.
Comment Topic	Construction Contracting Employment for MBE, SBE
<p>Hello, my name is Earl Stephenson from NJ. I was an SBE/MBE NJ Transit spokesman for minority participation for NJ/NY Tunnel Project that was on the table. Unfortunately, Governor Christie took it off the table and the dream laid dormant for years. I would love to become a spokesman again for this project and would love some information when smaller contractors can get some information so we can be involved in this process. I look forward to hearing from someone. My contact information is e.step12@verizon.net, or 732-245-2677.</p>	

Name	Charles Eigner
Organization	Retired
Comment Topic	about time
yes its about time to start.PLEASE USE UNION HELP	

Name	Carlos Castell Croke
Organization	New York League of Conservation Voters
Comment Topic	Gateway Support
<p>"The New York League of Conservation Voters (NYLCV) is a statewide environmental organization that is dedicated to fighting climate change, conserving land and water, and protecting public health.</p> <p>NYLCV strongly supports the \$11.6 billion Gateway Project and implores Governors Andrew Cuomo and Phil Murphy to seek accelerated pathways for the project's funding. Over 200,000 people and 450 trains access or depart from New York City daily through Amtrak and NJ Transit lines. The 10 mile span of the Northeast Corridor (NEC), including the tunnels beneath the Hudson River, are over 100 years old and were heavily impacted by Hurricane Sandy. Vulnerable, outdated infrastructure necessitates the construction of a new tunnel. Closure of just one tube due to another storm or simple wear and tear could reduce capacity by 75%. The Gateway Program will erect a new Hudson Tunnel, rehabilitate the existing tunnels, create a concrete casing for future projects, and update bridges so that we can keep the corridor open.</p> <p>From an environmental and economic standpoint, the Gateway Program will relieve the threat of environmental damage from closing one tunnel, and help to alleviate congested bridges, tunnels, streets, and highways through providing public transportation. Doubling the capacity of the NEC train lines will reduce the commuting carbon footprint, the localized air pollution felt by neighboring communities, and improve overall traveler safety. Finally, with the approval of a federal environmental impact statement, pre-construction can begin.</p> <p>The time to commit to the Hudson Tunnel Project is now. Senators Chuck Schumer and Cory Booker, Secretary Pete Buttigieg, and the Biden Administration must work in tandem to swiftly outline and secure the proposed 50/50 funding between New York and New Jersey with the federal government. Post-pandemic ridership has improved to 50% and on weekends boasts a near 80% return of pre-COVID levels. The Hudson Tunnel project will add over 70,000 construction jobs and \$19 billion in economic activity--each day waiting adds an additional \$1.2 million in inflation to the project's overall cost. The Gateway Program has the potential to ignite post-pandemic projects across the country and is a step we must take now."</p>	

Name	Felicia Park-Rogers
Organization	Tri-State Transportation Campaign
Comment Topic	Gateway Program- Hudson Tunnel Project
<p>"Good afternoon. I am Felicia Park-Rogers, Director of Regional Infrastructure Projects of Tri-State Transportation Campaign. TSTC is a 27-year old non-profit organization fighting for cleaner, fairer, and more accessible transportation options that reduce greenhouse gas emissions and support the economies of New York, New Jersey, and Connecticut.</p> <p>I would like to once again state Tri-State Transportation Campaign's strong support for the Hudson Tunnel Project. Our region needs this project to move forward swiftly and with as little delay as possible to move our regional and national economies forward, to combat climate change, build regional resilience, and to avoid potential catastrophic failures in the current tunnels.</p> <p>There can be no more delay. As Secretary Buttigieg and Senators Schumer and Booker stated following their recent tour of the current tunnels, there has never been a better opportunity to move the Hudson Tunnel Project forward. We must take advantage of this great opportunity at the federal level to get this transformational project started.</p> <p>While some critics say there needs to be further evaluation, or even that this project is unnecessary, we at Tri-State say the time to act is now. Our biggest enemy is time--further delay creates further inflation of cost. Each day of additional delay is adding \$1.2 million in inflation to the project's overall cost. Each day of delay also increases the risk of the tunnel needing a partial shutdown due to unsafe or hazardous conditions for our region's commuters.</p> <p>It's clear that ridership is strongly rebounding post-pandemic. While weekday rail ridership on NJ Transit hovered at around 20% - 25% of pre-COVID levels for several months, it has now increased to approximately 50%. Weekend ridership has rebounded even stronger yet, at approximately 80% of pre-COVID levels and some trains approaching pre-COVID levels.</p> <p>In addition to creating more reliable, timely, and increased capacity for our region's commuters, the Hudson Tunnel project will greatly benefit our communities by adding over 70,000 construction jobs and creating \$19 Billion in economic activity. This is sorely needed economic activity as our region attempts to rebound from the COVID-19 pandemic slow downs.</p> <p>With previously promised support from New York and New Jersey, the Hudson Tunnel project can pursue a full funding grant agreement to finally get the project underway in earnest. While the federal government still must fund half of the project cost, with an active federal partner in the Biden administration, there may never be a better opportunity to build this absolutely essential infrastructure.</p> <p>Tri-State calls on New York and New Jersey to begin to assemble their funding packages in advance of the likely August update of the FTA's project rating. Previously, New York and New Jersey promised to</p>	

share in covering approximately half of the project's overall cost -- most recently totaling \$5.5 Billion. While \$2.7 Billion of those funds have already been identified by the Port Authority of New York and New Jersey, the balance of the local share has not yet been firmly identified. Every moment of delay only causes the costs to rise and the need for the project to reach an unnecessary crisis point.

We thank the GDC for its work on this critical infrastructure project and look forward to supporting its progress from now to completion."



Name	Peggy Brockmann
Organization	Individual
Comment Topic	Cost of Insurance
<p>As a risk management &amp; insurance professional that has worked for 20+ years, and a New Jersey - to - New York - commuter, I am deeply interested and committed to the success of this project. I strongly believe that The Gateway Commission should work with NY DFS and NYS legislature to suspend the NY Labor Law ss 240 and 240(1) for the duration of the project. There is precedence set that having to purchase insurance to financially cap the exposures of the project will increase costs exponentially. Just ask the Port Authority of NY/NY what the cost differential was on the Tappan Zee / Mario Cuomo Bridge construction. Tens of millions of dollars, is what the insurance industry has reported. It's significant to note that NYS is the only jurisdiction left in the country that maintains the so-called "scaffold law". With the multiple jurisdictions of NJ, NY and Federal Agencies, it only makes sense that we bring NYS in line with the rest of the country.</p>	