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Gateway Corporation Chairman Calls for Record of Decision on Hudson Tunnel Project Under Trump Administration’s “One Federal Decision” Policy

NEWARK – Noting that the Federal government shutdown has stopped work by the relevant agencies, the Chairman of the Gateway Program Development Corporation (GDC) today issued a letter to U.S. Department of Transportation (USDOT) Secretary Elaine Chao calling for immediate completion of the environmental review and issuance of a Record of Decision to allow the Hudson Tunnel Project to go forward under the Trump Administration’s “One Federal Decision” policy.

In April, Federal agencies including USDOT, agreed to establish a cooperative relationship for the timely processing of environmental reviews and authorization decisions for proposed major infrastructure projects under the One Federal Decision policy established by President Trump in Executive Order 13807.

GDC Chairman Jerry Zaro highlighted the year long time period since the GDC partner agencies submitted an Environmental Impact Statement (EIS) for the project to USDOT. In recent months, the Federal Railroad Administration (FRA) reviewed the EIS and turned it over to the Federal Transit Administration, another USDOT agency. Work on the EIS has again stopped, however, during the Federal government shutdown.

“Given the current Federal Government shutdown and its impact on ongoing projects, we are calling today for FRA to publish the Final EIS and to issue a positive Record of Decision on the Hudson Tunnel Project that would also serve as the Final EIS and Record of Decision for the Federal Transit Administration (FTA), consistent with this Administration’s One Federal Decision policy,” the letter states.

Without a Record of Decision, work on the next construction phases of the Hudson Tunnel Project cannot continue. The project replaces a 108-year-old, one-track-in, one-track-out system with a 21st Century, reliable, resilient and safe tunnel serving 200,000 daily passengers, 450 trains a day and linking to 10-20% of the nation’s economy.

Chairman Zaro added, “The shutdown is having a very negative human and economic impact that can’t be overlooked. At the same time, it’s also making it harder to deliver on the promise of progress. Gateway is just one example, and we hope that Secretary Chao and USDOT take action to help remove another roadblock to building the most urgent transportation infrastructure project in the county.”

The full text of the letter is included below.

Attachment

The Gateway Program is the most urgent infrastructure program in the country – a comprehensive rail investment program that will improve commuter and intercity services, add needed resiliency and create new capacity for the busiest section of the Northeast Corridor (NEC). The NEC is the most heavily used passenger rail line in the country hosting more than 2,200 train movements and 800,000 passenger trips daily. The Gateway Program Development

Corporation (GDC) is a New Jersey not-for-profit entity with Board members representing Amtrak and the States of New York and New Jersey. It was incorporated in 2016 to oversee and effectuate the Gateway Program in coordination with federal and local partner agencies. Follow the GDC on Twitter [@GatewayProgNews](#).

January 18, 2019

The Honorable Elaine Chao
Secretary of Transportation
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: Hudson Tunnel Project – Environmental Impact Statement – One Federal Decision

Dear Secretary Chao,

Almost a year ago in February 2018, NJ TRANSIT, on behalf of the Gateway Program Development Corporation (GDC) and its partners, submitted an Administrative Draft of the Final Environmental Impact Statement (EIS) to the Federal Railroad Administration (FRA) for the Hudson Tunnel Project, incorporating edits from multiple rounds of federal and local agency reviews. The submittal was in keeping with the project timeline, which, as noted on the Federal Infrastructure Permitting Dashboard, called for completion of the EIS on March 30, 2018.

Given the current Federal Government shutdown and its impact on ongoing projects, we are calling today for FRA to publish the Final EIS and issue a positive Record of Decision on the Hudson Tunnel Project that would also serve as the Final EIS and Record of Decision for the Federal Transit Administration (FTA), consistent with this Administration's One Federal Decision policy.

Construction of a new tunnel under the Hudson River is widely, and justifiably, referred to as the most urgent transportation infrastructure project in the nation because of its outsized potential impact on the nation's economy. The Hudson Tunnel Project, as you know, will replace the 108-year-old, one-track-in, one-track-out tunnel that currently serves 450 trains a day and 200,000 daily passenger trips with a modern, reliable, safe new tunnel and a rehabilitated tunnel that links 10-20% of the nation's economy. The project is supported by a broad, national, bi-partisan coalition of elected officials, business leaders, riders, and other stakeholders.

Work by the local partners on the Final EIS was completed in 22 months, less than half the average time for a project of this magnitude. Nearly a year later, however, a Record of Decision, which will allow us to move the project forward to construction, has not been issued.

The current Federal Government shutdown further holds up this process. In October 2018, when FRA re-engaged with the project partners, the draft FEIS document was updated to address federal agency comments, incorporated the role of the Port Authority of New York and New Jersey (Port Authority) as Project Sponsor, and incorporated minor technical updates to keep the document current. It was subsequently forwarded by FRA to the FTA on December 10, 2018, but because of the shutdown, no further work has taken place. FRA notified the project team on December 26, 2018 that no FRA employees would be able to communicate about this project via

phone or email during the shutdown. Furthermore, a joint FRA-FTA meeting with the project team scheduled for January 9, 2019 to discuss the EIS did not occur due to the shutdown and has not been rescheduled. As you are aware, a Record of Decision is currently required from both FRA and FTA in order to meet federal funding requirements of each modal agency.

In April 2018, various federal agencies, including the U.S. Department of Transportation (USDOT), entered into a Memorandum of Understanding to establish a cooperative relationship for the timely processing of environmental reviews and authorization decisions for proposed major infrastructure projects under the One Federal Decision policy established by President Trump in Executive Order 13807.

Given that it is the policy of the Federal Government to “speak with a coordinated voice when conducting environmental reviews and making authorization decisions,” and the suspension of the on-going review during the current government shutdown, we are requesting today that you apply the One Federal Decision policy to the approval of the Hudson Tunnel Project’s EIS and issue a positive Record of Decision that applies to FRA and FTA and that moves the project forward.

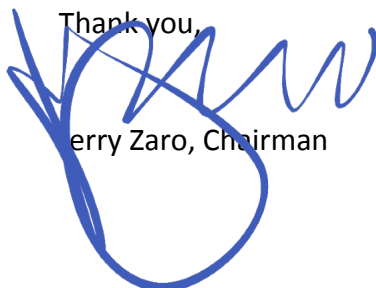
Each day that goes by with continued delay adds another \$1.2 million to the project’s cost. Just as critically, it is another day longer that 200,000 riders and the nation’s economy must wait for relief from a failing, century-old system that causes massive delays, hurts our economy, and threatens a crisis if even one of the existing two tubes is closed over an extended period of years.

It’s time to complete the EIS process and advance the new Hudson Tunnel to construction. The GDC and its partners in New York, New Jersey, Amtrak and the Port Authority have done all we can to bring the project to this stage. In addition to completing the EIS, the concrete casing for the first two sections of the tunnel on Manhattan’s West Side was constructed using Superstorm Sandy recovery funds and local funds, and financial plans including a commitment of more than \$5.5 billion from the States of New York and New Jersey and the Port Authority have been submitted, updated, and refined to meet federal grant requirements.

As you know, the project has advanced to 30% design, and we are actively working with the private sector to develop the best procurement strategies and construction methods to ensure long term value and tunnels that last through this century and beyond. Now, we need a Record of Decision to continue moving forward. The current Federal shutdown is the longest on record, but it shouldn’t mean new and additional roadblocks to rebuilding the nation’s infrastructure.

Please allow the FRA’s detailed and coordinated review of the Hudson Tunnel Project EIS to inform an approved Final EIS and Record of Decision that serves as USDOT’s One Federal Decision.

Thank you,

A handwritten signature in blue ink, appearing to read "Jerry Zaro", is written over the typed name. The signature is fluid and cursive, with a large loop at the end.

Jerry Zaro, Chairman