

TITLE VI/NONDISCRIMINATION PROGRAM PLAN

Gateway Development Commission

For
Federal Transit Administration
Office of Civil Rights

October 16, 2023
Version 2.0

Revision Record

Version	Issue Date	Notes
1.0	September 5, 2023	Initial Draft
2.0	October 16, 2023	Revised to Address Comments Received from FTA

TABLE OF CONTENTS

1	INTRODUCTION.....	5
1.1	About the Gateway Development Commission	5
1.2	Hudson Tunnel Project Overview.....	5
2	#1023-03: AUTHORIZATION TO ADOPT THE TITLE VI/NONDISCRIMINATION PROGRAM PLAN.....	7
3	NONDISCRIMINATION POLICY STATEMENT	8
4	GDC DIRECTOR OF CIVIL RIGHTS	12
5	GDC’S TITLE VI AND RELATED NONDISCRIMINATION COMPLAINT PROCEDURES	13
6	GDC TITLE VI/NONDISCRIMINATION COMPLAINT FORM.....	17
3.	TÍTULO VI/FORMULARIO DE DENUNCIA RELACIONADAS A LA NO DISCRIMINACIÓN DE LA GDC	20
7	TITLE VI AND DISCRIMINATION RELATED COMPLAINTS (REQUIRED TABLE)	23
8	GDC PUBLIC PARTICIPATION PLAN.....	24
9	GDC’S LANGUAGE ASSISTANCE PLAN/FOUR FACTOR ANALYSIS.....	25
10	TABLE DEPICTING MEMBERSHIP OF NON-ELECTED COMMITTEES AND COUNCILS.....	26
11	MONITORING OF SUBRECEIPIENTS FOR COMPLIANCE WITH TITLE VI....	27
12	TITLE VI EQUITY ANALYSIS/CONSTRUCTION OF FACILITIES	28
	APPENDIX A – PUBLIC PARTICIPATION PLAN (“PPP”)	30
	APPENDIX B – LANGUAGE ASSISTANCE PLAN (“LAP”)	31
	APPENDIX C – GDC PUBLIC OUTREACH AND COMMENTS RECEIVED	32

ACRONYMS

Abbreviation	Definition
ADA	Americans with Disabilities Act
CEO	Chief Operating Officer
DBE	Disadvantaged Business Enterprise
EEO	Equal Employment Opportunity
EIS	Environmental Impact Statement
EJ	Environmental Justice
FEIS	Final Environmental Impact Statement
FRA	Federal Railroad Administration
FTA	Federal Transit Administration
GDC	Gateway Development Commission
LAP	Language Assistance Plan
LEP	Limited English Proficiency
LOF	Letter of Finding
NEPA	National Environmental Policy Act
NJ TRANSIT	New Jersey Transit Corporation
PANYNJ	Port Authority of New York and New Jersey
PPP	Public Participation Plan
ROD	Record of Decision
USDOT	United States Department of Transportation

1 INTRODUCTION

The Gateway Development Commission (“GDC”) has prepared this Title VI/Nondiscrimination Program Plan in compliance with Title 49 CFR Section 21.9(b) and with the Federal Transit Administration (“FTA”) Circular 4702.1B “Title VI Requirements and Guidelines for Federal Transit Administration Recipients,” issued October 1, 2012. This Title VI/Nondiscrimination Program Plan is being submitted to FTA to meet the requirements set forth by Title VI of the Civil Rights Act of 1964.

The Plan was developed through coordination and collaboration with members of the Gateway Development Commission to ensure all activities as part of the Hudson Tunnel Project (“HTP”) include accessible and fair public participation methods to all persons in the geographic areas impacted by the HTP. Further, this Plan provides policies and procedures to submit Title VI discrimination complaints via the Title VI complaint form included in the Plan.

1.1 About the Gateway Development Commission

The GDC is a public authority and government-sponsored authority created by the Gateway Development Commission Act (2019 NY Laws, ch.108) and (N.J.S.A. 32:36-1, et seq.) (referred to hereafter as the “GDC Act”) to facilitate the passenger rail transportation project (Gateway Program) between Penn Station, Newark, New Jersey, and Penn Station, New York, New York.

GDC was formed via parallel legislation in New York (“NY”) and New Jersey (“NJ”) in July 2019 to oversee and deliver the Gateway Program. GDC works closely with stakeholders, including the United States Department of Transportation (“USDOT”), Federal Transit Administration (“FTA”) Amtrak, NJ TRANSIT, and the Port Authority of New York and New Jersey (“PANYNJ”), to advance this critical Program.

The Gateway Program’s first phase includes the construction of a new tunnel under the Hudson River, the rehabilitation of the existing tunnel, the completion of a concrete casing on the West Side of Manhattan to preserve right-of-way for the future tunnel to Penn Station, and the replacement of the Portal Bridge.

The GDC Board of Commissioners consists of seven voting members with enumerated powers as specified in the GDC Act, including but not limited to overseeing the finance, design, construction, and implementation of the Gateway Program.

1.2 Hudson Tunnel Project Overview

The purpose of the HTP is to preserve the current functionality of Amtrak’s Northeast Corridor (“NEC”) service and NJ TRANSIT’s commuter passenger rail service between New Jersey and Penn Station New York (“PSNY”) by repairing the deteriorating North River Tunnel; and to strengthen the NEC’s resiliency to support reliable service by providing redundant capability under the Hudson River for Amtrak and NJ TRANSIT NEC trains between New Jersey and PSNY.

The HTP includes the development, design, and construction of a new two-tube tunnel connecting New York and New Jersey and certain ancillary facilities, the construction of the final segment of the concrete casing under western Hudson Yards in Manhattan, New York, the rehabilitation of the existing North River Tunnels, and certain projects necessary to connect such projects to the contiguous Amtrak NEC facilities. At the completion of the HTP, the NEC would have four tracks (two in the new Hudson River Tunnel and two in the North River Tunnel) between New Jersey and New York under the Hudson River.

2 #1023-03: AUTHORIZATION TO ADOPT THE TITLE VI/NONDISCRIMINATION PROGRAM PLAN

The Gateway Development Commission (“GDC”) is a public authority and a government sponsored authority by the States of New York and New Jersey that is empowered to facilitate critical passenger rail improvement projects known as the Gateway Program.

Title VI of the 1964 Civil Rights Act and subsequent federal and state legislation direct the fair treatment and meaningful involvement of all people — regardless of race, color, religion, sex, sexual orientation, gender identity, disability, age or national origin — in programs and activities receiving federal funds, including transportation funds.

Title VI of the Civil Rights Act of 1964 and Executive Order 12898 on Environmental Justice are integral to the process of planning and implementing the Gateway Program.

The United States Department of Transportation (“USDOT”) requires governmental entities receiving federal funds to develop a Title VI Program that address how such entity integrates nondiscrimination practices into its planning, decision-making and implementation activities.

Through the Federal Transit Administration’s (“FTA”) Title VI Circular C4702.1B, USDOT provided additional guidance for the Title VI Programs of governmental entities.

GDC is committed to compliance with Title VI of the 1964 Civil Rights Act, the Civil Rights Restoration Act of 1987, Executive Order 12898 on Environmental Justice (“EJ”) and all related federal and state nondiscrimination statutes, rules, regulations and executive orders.

In anticipation of applying for and receiving one or more grants for federal transportation funding, GDC has prepared a Title VI and Nondiscrimination Program Plan, attached hereto as **Exhibit A**, in order to be in compliance with all relevant federal requirements.

Section 3.06 of the GDC Bylaws provides that “[t]he Board may delegate in whole or in part any power, authority, discretion or obligation to any Officer, in each case to the extent to which the Board deems appropriate.”

Pursuant to the foregoing report, the following resolutions were adopted, with Commissioners Barbas, Bauer, Coscia, Glen, Grewal-Virk, and Rosen voting in favor.

RESOLVED, that the GDC Board of Commissioners hereby adopts the attached Title VI and Nondiscrimination Program Plan.

RESOLVED, that the GDC Board of Commissioners authorizes the GDC Chief Executive Officer and other applicable GDC staff to take any and all actions consistent with this Resolution and to take all other steps necessary to implement and comply with the provisions of the Title VI and Nondiscrimination Program Plan.

EXHIBIT A

TITLE VI/NONDISCRIMINATION PROGRAM PLAN

3 NONDISCRIMINATION POLICY STATEMENT

The GDC is committed to compliance with Title VI of the Civil Rights Act of 1964; as amended, 42 U.S.C. 2000d-2000d7; the Civil Rights Restoration Act of 1987; Section 303 of the Age Discrimination Act of 1975, as amended; Title II of the Americans with Disabilities Act (“ADA”); Section 504 of the Rehabilitation Act of 1973; Executive Order 12898 on Environmental Justice; Executive Order 13166 on Limited English Proficiency (“LEP”), and all other related nondiscrimination statutes, rules, regulations, and executive orders cited in its Title VI/Nondiscrimination Program.

GDC assures that no person or group(s) of persons shall, on the grounds of race, color, religion, sex, sexual orientation, gender identity, disability, age or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in connection with the activities undertaken by GDC, whether the activities are federally funded or not.

It is also the policy of GDC to ensure that its plans, programs, procedures, policies, and activities do not have disproportionate adverse effects based on race, color, religion, sex, sexual orientation, gender identity, disability, age, or national origin. In addition, GDC will provide meaningful access to its information for persons with limited English proficiency.

Regarding the distribution of federal-aid funds to eligible subrecipients, if any, GDC will include Title VI/nondiscrimination language in all written agreements and will monitor those agreements for compliance. GDC is responsible for initiating and monitoring the organization’s Title VI/Nondiscrimination Program, for preparing related reports, and for other requirements and responsibilities under Title 23 Code of Federal Regulations (CFR) Part 200 and Title 49 CFR Part 21.

GDC will post the Title VI/Nondiscrimination Policy Statement which appears above on its website and in its written materials. The statement will be translated per GDC’s adopted Language Access Operating Procedures. This statement will be made available to subrecipients, consultants, vendors or other parties under direct contract with GDC. GDC will physically post this Policy Statement in the lobby/reception area of its offices, at locations where GDC Board or other public meetings are held, and at GDC construction sites.

To obtain a complaint form, or otherwise make an inquiry concerning a Title VI/nondiscrimination complaint, please see information at www.gatewayprogram.org/ or contact Tracey Mitchell at (929) 696-2596 or via email at, CivilRights@gatewayprogram.org.

Where space and/or costs are issues, GDC may use the abbreviated version of the notice as follows:

ABBREVIATED TITLE VI/NONDISCRIMINATION NOTICE TO THE PUBLIC

The GDC fully complies with Title VI of the Civil Rights Act of 1964 and other related nondiscrimination statutes, rules, regulations, and executive orders identified in the GDC Title VI/Nondiscrimination Program. GDC assures that no person or group(s) of persons shall, on the grounds of race, color, religion, sex, sexual orientation, gender identity, disability, age or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in connection with the activities undertaken by GDC. For more information, or to obtain a Title VI/Nondiscrimination Complaint Form, see www.gatewayprogram.org/ or contact Tracey Mitchell, at (929) 696-2596 or via email at, CivilRights@gatewayprogram.org.

DECLARACIÓN DE POLÍTICA DE NO DISCRIMINACIÓN

La Comisión de Desarrollo de Gateway ("GDC") está comprometida con el cumplimiento del Título VI de la Ley de Derechos Civiles de 1964; según enmendada, 42 U.S.C. 2000d-2000d7; la Ley de Restauración de los Derechos Civiles de 1987; Sección 303 de la Ley de Discriminación por Edad de 1975, según enmendada; Título II de la Ley de Estadounidenses con Discapacidades ("ADA"); Sección 504 de la Ley de Rehabilitación de 1973; Orden Ejecutiva 12898 sobre Justicia Ambiental; Orden Ejecutiva 13166 sobre Dominio Limitado del Inglés ("LEP"), y todos los demás estatutos, reglas, reglamentos y órdenes ejecutivos relacionados con la no-discriminación citados en su Título VI/Programa de No-Discriminación.

La GDC garantiza que ninguna persona o grupo(s) de personas, por motivos de raza, color, religión, sexo, orientación sexual, identidad de género, discapacidad, edad u origen nacional, será excluida de la participación, se le negarán los beneficios o será objeto de discriminación en relación con las actividades realizadas por la GDC, ya sea que las actividades estén financiadas por el gobierno federal o no.

También es política de la GDC garantizar que sus planes, programas, procedimientos, políticas y actividades no tengan efectos adversos desproporcionados basados en la raza, el color, la religión, el sexo, la orientación sexual, la identidad de género, la discapacidad, la edad o el origen nacional. Además, la GDC proporcionará un acceso significativo a su información para las personas con dominio limitado del inglés.

Con respecto a la distribución de fondos de ayuda federal a los subreceptores elegibles, si los hubiera, GDC incluirá el lenguaje del Título VI/No Discriminación en todos los acuerdos escritos y supervisará el cumplimiento de esos acuerdos. La GDC es responsable de iniciar y monitorear el Título VI/Programa de No Discriminación de la organización, de preparar informes relacionados y de otros requisitos y responsabilidades bajo el Título 23 del Código de Regulaciones Federales (CFR) Parte 200 y el Título 49 CFR Parte 21.

La GDC publicará el Título VI / Declaración de Política de No Discriminación que aparece arriba en su página web y en sus materiales escritos. La declaración será traducida de acuerdo con los Procedimientos Operativos de Acceso Lingüístico adoptados por la GDC. Esta declaración se pondrá a disposición de los subreceptores, consultores, proveedores u otras partes bajo contrato directo con la GDC. La GDC publicará físicamente esta Declaración de Política en el vestíbulo/área de recepción de sus oficinas, en los lugares donde se lleven a cabo reuniones de la Junta Directiva de la GDC u otras reuniones públicas, y en los sitios de construcción de la GDC.

Para obtener un formulario de queja o realizar una consulta sobre una queja del Título VI o de no-discriminación, consulte la información en www.gatewayprogram.org/ o comuníquese con Tracey Mitchell al (929) 696-2596 o por correo electrónico a CivilRights@gatewayprogram.org.

Cuando se trate de problemas de espacio y/o costos, la GDC puede usar la versión abreviada del aviso de la siguiente manera:

TÍTULO VI/AVISO DE NO-DISCRIMINACIÓN AL PÚBLICO

La GDC cumple plenamente con el Título VI de la Ley de Derechos Civiles de 1964 y otros estatutos, normas, reglamentos y órdenes ejecutivos relacionados contra la discriminación identificados en el Título VI/Programa de No Discriminación de la GDC. La GDC garantiza que ninguna persona o grupo(s) de personas, por motivos de raza, color, religión, sexo, orientación sexual, identidad de género, discapacidad, edad u origen nacional, será excluida de la participación, se le negarán los beneficios o será objeto de discriminación en relación con las actividades realizadas por la GDC. Para obtener más información, o para obtener un Formulario de Queja del Título VI/No Discriminación, consulte www.gatewayprogram.org/ o comuníquese con Tracey Mitchell, al (929) 696-2596 o por correo electrónico a CivilRights@gatewayprogram.org.

4 GDC DIRECTOR OF CIVIL RIGHTS

GDC has designated its Director of Civil Rights as responsible in all regards for its implementation of this Title VI/Nondiscrimination Program. As required by the FTA, the Director has direct and independent access to the GDC Chief Operating Officer (“CEO”) and reports via a dotted line to the CEO. The responsibilities of the Director include the following:

- Ensuring all organizational activities comply with the Title VI/Nondiscrimination Program while monitoring the implementation of the program and addressing any related compliance issues.
- Ensuring the collection and analysis of relevant data related to the Title VI/Nondiscrimination Program, including statistical data (i.e., race, color, religion, sex, sexual orientation, gender identity, disability, age, or national origin) for use in compliance planning and monitoring by GDC, its partners and the public.
- Ensuring and monitoring the dissemination of Title VI/Nondiscrimination Program information to GDC staff and other interested parties.
- Ensuring the inclusion of the Title VI/Nondiscrimination Policy Statement and necessary assurances in contracts and organizational materials, and that the Title VI/Nondiscrimination Program policies, provisions, and related requirements are provided, as applicable, to consultants, vendors or other parties under direct contract with GDC.
- Providing appropriate Title VI/Nondiscrimination Program training for GDC members and staff.
- Identifying, investigating, and addressing discrimination and complaints of discrimination.
- Preparing an annual report which evaluates the effectiveness of GDC’s Title VI/Nondiscrimination Program and related effort, documents related accomplishments over the past year and establishes goals for the forthcoming year.
- Monitoring federal and state laws, rules, regulations, guidelines, and other resource information pertaining to GDC’s Title VI/Nondiscrimination Program.

5 GDC'S TITLE VI AND RELATED NONDISCRIMINATION COMPLAINT PROCEDURES

This Title VI/Nondiscrimination Complaint Procedure is the process by which GDC receives and investigates complaints of discrimination while ensuring due process for complainants and respondents. The procedure does not preclude GDC from attempting to informally resolve complaints where possible.

The Title VI/Nondiscrimination Complaint Procedure applies to all external complaints of discrimination received by GDC, filed under Title VI of the Civil Rights Act of 1964 (including related Disadvantaged Business Enterprise (“DBE”) and Equal Employment Opportunity (“EEO”) provisions); Section 303 of the Age Discrimination Act of 1975, as amended; Title II of the ADA; as well as other related laws, regulations, executive orders and directives as specified in this Title VI/Nondiscrimination Program which prohibit discrimination on the basis of race, color, religion, sex, sexual orientation, gender identity, disability, age or national origin.

Any person who believes they have been discriminated against on the basis of race, creed, color, national origin, sex, marital status, disability, age, sexual orientation or income level by the GDC may file a Title VI/Nondiscrimination complaint by completing and submitting the agency’s Title VI Complaint Form to GDC’s Director of Civil Rights. Generally, GDC investigates complaints received no more than one-hundred, eighty (180) days after the alleged incident.

GDC shall provide appropriate assistance to complainants and potential complainants, including those persons with disabilities and those who are limited in their ability to communicate in English or who have limited literacy skills. Such assistance shall be given to those who specifically request help and to those who appear to need assistance based on their interaction with GDC staff or the GDC website. Assistance shall be rendered in a manner appropriate to the individual, including (for example) with the help of translation services or by taking the complainants’ statement verbally.

GDC will process complaints that are complete. Once the complaint is received, GDC will review it to determine if our office has jurisdiction. The complainant will receive an acknowledgement letter informing the complainant whether the complaint is covered under GDC’s Title VI/Nondiscrimination Program and whether the complaint will be investigated by our office (and if not, the reason why). GDC has thirty (30) days to investigate the complaint. If more information is needed to resolve the case, GDC may contact the complainant. The complainant has fifteen (15) business days from the date of the letter to send requested information to the investigator assigned to the case. If the investigator is not contacted by the complainant or does not receive the additional information in that timeframe, GDC can administratively close the case. A case also can be administratively closed if the complainant no longer wishes to pursue their case. After the investigator reviews the complaint, one of two letters will be issued to the complainant: a closure letter or a letter of finding (“LOF”). A closure letter summarizes the allegations and states that there was not a violation of the Title VI and Nondiscrimination Policy and that the case will be closed. An LOF summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional

training of the staff member, or other action will occur. If the complainant wishes to appeal the decision to GDC's Chief Executive Officer, they have thirty (30) days after the date of the closure letter or the LOF to do so.

A person may also file a complaint directly with the U.S. Department of Transportation by contacting the Department at:

U.S. Department of Transportation, Federal Transit Administration's Office of Civil Rights: Complaint Team, East Building 5th Floor—TCR, 1200 New Jersey Ave. SE, Washington, DC 20590, or

Civil Rights Officer U.S. Department of Transportation Federal Transit Administration, Region II One Bowling Green, Room 429 New York, NY 10004 Email: FTACivilRightsCommunications@dot.gov Phone: (212) 668-2170 Fax: (212) 668-2136

TÍTULO VI DE LA GDC Y PROCEDIMIENTOS DE QUEJAS POR NO DISCRIMINACIÓN RELACIONADOS

Este Procedimiento de Quejas de No Discriminación del Título VI es el proceso mediante el cual la GDC recibe e investiga las quejas de discriminación, al tiempo que garantiza el debido proceso para los demandantes y los demandados. El procedimiento no impide que la GDC intente resolver informalmente las quejas cuando sea posible.

El Título VI/Procedimiento de Quejas contra la Discriminación se aplica a todas las quejas externas de discriminación recibidas por la GDC, presentadas bajo el Título VI de la Ley de Derechos Civiles de 1964 (incluidas las disposiciones relacionadas con las Empresas Comerciales en Desventaja ("DBE") y la Igualdad de Oportunidades en el Empleo ("EEO")); Sección 303 de la Ley de Discriminación por Edad de 1975, según enmendada; Título II de la ADA; así como otras leyes, reglamentos, órdenes ejecutivas y directivas relacionadas como se especifica en este Título VI / Programa de No Discriminación que prohíben la discriminación por motivos de raza, color, religión, sexo, orientación sexual, identidad de género, discapacidad, edad u origen nacional.

Cualquier persona que crea que ha sido discriminada por motivos de raza, credo, color, origen nacional, sexo, estado civil, discapacidad, edad, orientación sexual o nivel de ingresos por parte de la GDC puede presentar una queja del Título VI/No Discriminación completando y enviando el Formulario de Queja del Título VI de la agencia al Director de Derechos Civiles de la GDC. Por lo general, la GDC investiga las quejas recibidas no más de ciento ochenta (180) días después del presunto incidente.

La GDC proporcionará asistencia adecuada a los denunciadores y posibles denunciadores, incluidas aquellas personas con discapacidades y aquellas que tienen una capacidad limitada para comunicarse en inglés o que tienen habilidades limitadas de alfabetización. Dicha asistencia se brindará a aquellos que soliciten ayuda específicamente y a aquellos que parezcan necesitar asistencia en función de su interacción con el personal de la GDC o el sitio web de la GDC. La asistencia se prestará de manera apropiada para la persona, incluso (por ejemplo) con la ayuda de servicios de traducción o tomando la declaración de los demandantes verbalmente.

La GDC procesará las quejas que estén completas. Una vez que se reciba la queja, la GDC la revisará para determinar si nuestra oficina tiene jurisdicción. El demandante recibirá una carta de acuse de recibo informándole si la queja está cubierta por el Título VI/Programa de No Discriminación de la GDC y si la queja será investigada por nuestra oficina (y si no, la razón). La GDC tiene treinta (30) días para investigar la queja. Si se necesita más información para resolver el caso, la GDC puede ponerse en contacto con el denunciante. El denunciante tiene quince (15) días hábiles a partir de la fecha de la carta para enviar la información solicitada al investigador asignado al caso. Si el denunciante no se comunica con el investigador o el investigador no recibe la información adicional en ese plazo, la GDC puede cerrar administrativamente el caso. Un caso también puede cerrarse administrativamente si el demandante ya no desea continuar con su caso. Después de que el investigador revise la queja, se emitirá una de dos cartas al denunciante: una carta de cierre o una carta de hallazgo ("LOF"). Una carta de cierre resume las acusaciones y afirma que no hubo una violación del Título VI y la Política de

No Discriminación y que el caso se cerrará. Un LOF resume las alegaciones y las entrevistas con respecto al presunto incidente, y explica si se tomará alguna medida disciplinaria, capacitación adicional del miembro del personal u otra acción. Si el demandante desea apelar la decisión ante el Director Ejecutivo de la GDC, tiene treinta (30) días después de la fecha de la carta de cierre o la LOF para hacerlo.

Una persona también puede presentar una queja directamente ante el Departamento de Transporte de los EE.UU. comunicándose con el Departamento al:

Departamento de Transporte de EE.UU., Oficina de Derechos Civiles de la Administración Federal de Tránsito: Equipo de Quejas, Edificio Este 5º Piso—TCR, 1200 New Jersey Ave. SE, Washington, DC 20590, o

Oficial de Derechos Civiles, Departamento de Transporte de EE.UU. Administración Federal de Tránsito, Región II One Bowling Green, Sala 429 Nueva York, NY 10004
Correo electrónico: FTACivilRightsCommunications@dot.gov Teléfono: (212) 668-2170
Fax: (212) 668-2136

6 GDC TITLE VI/NONDISCRIMINATION COMPLAINT FORM

Section I

Name:

Address:

Telephone (Home):

Telephone (Work):

Telephone (Cell):

Electronic Mail Address:

Accessible Format Requirements? Large Print Audio Tape TDD Other

Section II

Are you filing this complaint on your own behalf? Yes* No

*If you answered "yes" to this question, go to Section III. If not, please supply the name and relationship of the person for whom you are complaining:

Please explain why you have filed for a third party:

Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party. Yes No

Section III

I believe the discrimination I experienced was based on (check all that apply): Race Color Religion Sex, Sexual Orientation Disability, Age, or National Origin

Date(s) of Alleged Discrimination (Month, Day, Year), including earliest such date(s) and the most recent date(s): _____. Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. Please indicate whether the alleged discrimination relates to employment-related issues or not. If more space is needed, please use the back of this form.

Section IV

Have you (or the person allegedly discriminated against) previously filed a Title VI complaint with this agency? Yes No

Section V

Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court? Yes No If yes, check all that apply: Federal Agency: Federal Court State Agency State Court Local Agency

Please provide information about a contact person at the agency/court where the complaint was filed.

Name: Title: Agency: Address: Telephone:

Section VI

If you have an attorney representing you concerning the matters raised in this complaint, please provide the following:

Name/Firm:

Address:

Telephone Number:

Electronic Mail Address:

Section VII

Title VI and other applicable laws prohibit intimidating or retaliating against anyone because they have taken action or participated in an action to secure the rights afforded by such laws, including but not limited to the filing of a complaint pursuant to such laws. If you believe you have been retaliated against (separate from the discrimination alleged in Section III, please explain the circumstances below:

Section VIII

Please list below any persons (witnesses, fellow employees, supervisors or others), if known, whom we may contact for additional information to support or clarify your complaint:

Name	Address	Telephone No.	Email
------	---------	---------------	-------

Section IX:

What remedy are you seeking for the alleged discrimination?

You may attach any written materials or other information that you think is relevant to your complaint.

Signature and date required below

_____ Signature Date

Please submit this form in person at the address below, or mail this form to: Gateway Development Commission, contact Tracey Mitchell at (929) 696-2596 or via email at, CivilRights@gatewayprogram.org.

Individuals may also file a complaint directly with:

U.S. Department of Transportation
Federal Transit Administration
Office of Civil Rights Complaint Team
East Building, 5th Floor—TCR
1200 New Jersey Ave. SE
Washington, DC 20590

3. TÍTULO VI/FORMULARIO DE DENUNCIA RELACIONADAS A LA NO DISCRIMINACIÓN DE LA GDC

Sección I

Nombre:

Dirección:

Teléfono (Casa):

Teléfono (Trabajo):

Teléfono (Celular):

Dirección de Correo Electrónico:

¿Requisitos de formato accesible? Cinta de Audio Letra Grande TDD Otros

Sección II

¿Está presentando esta queja en su propio nombre? Sí* No

*Si respondió "sí" a esta pregunta, vaya a la Sección III. De lo contrario, proporcione el nombre y la relación de la persona por la que se queja:

Por favor, explique por qué ha presentado la solicitud para un tercero:

Por favor, confirme que ha obtenido el permiso de la parte agraviada si presenta la solicitud en nombre de un tercero. Sí No

Sección III

Creo que la discriminación que experimenté se basó en (marque todo lo que corresponda): Raza Color Religión Sexo, Orientación sexual Discapacidad, Edad u Origen nacional

Fecha(s) de la presunta discriminación (mes, día, año), incluyendo la(s) fecha(s) más temprana(s) y la(s) fecha(s) más reciente(s): _____. Explique lo más claramente posible lo que sucedió y por qué cree que fue discriminado. Describa a todas las personas que estuvieron involucradas. Incluya el nombre y la información de contacto de la(s) persona(s) que lo discriminó (si se conoce), así como los nombres y la información de contacto de los testigos. Sírvanse indicar si la presunta discriminación se relaciona o no con cuestiones relacionadas con el empleo. Si necesita más espacio, utilice el reverso de este formulario.

Sección IV

¿Ha presentado usted (o la persona presuntamente discriminada) una queja del Título VI ante esta agencia? Sí No

Sección V

¿Ha presentado usted esta queja ante alguna otra agencia federal, estatal o local, o ante algún tribunal federal o estatal? Sí No En caso afirmativo, marque todo lo que corresponda: Agencia Federal: Tribunal Federal Agencia Estatal Tribunal Estatal Agencia Local

Sírvase proporcionar información sobre una persona de contacto en la agencia/tribunal donde se presentó la queja.

Nombre: Título: Agencia: Dirección: Teléfono:

Sección VI

Si tiene un abogado que lo represente con respecto a los asuntos planteados en esta queja, proporcione lo siguiente:

Nombre/Firma:

Dirección:

Número de teléfono:

Dirección de correo electrónico:

Sección VII

El Título VI y otras leyes aplicables prohíben intimidar o tomar represalias contra cualquier persona porque haya tomado medidas o participado en una acción para garantizar los derechos otorgados por dichas leyes, incluida, entre otras, la presentación de una queja de conformidad con dichas leyes. Si cree que ha sido objeto de represalias (aparte de la discriminación alegada en la Sección III), por favor explique las circunstancias a continuación:

Sección VIII

Por favor enumere a continuación a las personas (testigos, compañeros de trabajo, supervisores u otros), si se conocen, con las que podemos comunicarnos para obtener información adicional para respaldar o aclarar su queja:

Nombre	Dirección	Nº de teléfono	Correo electrónico
--------	-----------	----------------	--------------------

Section IX:

Qué remedio busca para la presunta discriminación?

Puede adjuntar cualquier material escrito u otra información que considere relevante para su queja.

Firma y fecha requeridas a continuación

Fecha de firma

Por favor, presente este formulario en persona a la dirección que aparece a continuación o envíelo por correo a: Comisión de Desarrollo de Gateway (Gateway Development Commission), contacto: Tracey Mitchell al (929) 696-2596 o por correo electrónico: CivilRights@gatewayprogram.org.

Las personas pueden presentar sus quejas directamente al:

Departamento de Transporte de los EE.UU.
Administración Federal de Tránsito
Oficina de Derechos Civiles-Equipo de Quejas
Edificio Este, 5º Piso—TCR
1200 New Jersey Ave. SE
Washington, DC 2059

7 TITLE VI AND DISCRIMINATION RELATED COMPLAINTS (REQUIRED TABLE)

The FTA requires GDC to maintain a list of any public transportation-related Title VI investigations, complaints, or lawsuits filed with GDC since the time of the last submission of GDC’s Title VI Plan (see Appendix E of FTA Circular 4702.1B). For FTA purposes, this list should include only those matters that pertain to allegations of discrimination on the basis of race, color, religion, sex, sexual orientation, gender identity, disability, age or national origin in transit related activities and programs that pertain to the GDC.

As of the date of the adoption of this Policy, GDC has received no Title VI or other discrimination-related complaints.

In the event that any such investigations, complaints or lawsuits are initiated, a list in the format of the following table must be utilized, and updated on a regular basis (at least monthly). The list will be maintained by the GDC Director of Civil Rights and will be used to track such matters. The Director will separately track those matters reportable to the FTA as well as other complaints of discrimination in violation of this Policy.

Date of Latest Update: October 16, 2023

Table 1: Title VI and Discrimination Related Complaints

	DATE RECEIVED	SUMMARY (including basis of complaint)	STATUS	ACTION(S) TAKEN
Investigations				
1.				
2.				
Lawsuits/Administrative Filings				
1.				
2.				
Complaints				
1.				
2.				

Note: per Federal requirements, documentation related to Title VI complaints must be retained for at least three (3) years and documentation concerning ADA-related complaints must be retained for at least one (1) year and summaries of ADA-related complaints must be retained for at least five (5) years; provided that if a longer retention period is required pursuant to GDC document retention guidelines, the longer period will apply.

8 GDC PUBLIC PARTICIPATION PLAN

GDC has developed a Public Participation Plan (“PPP”) to provide guidance on effective practices that ensure proactive public engagement. The PPP establishes goals and objectives, identifies affected communities, focused outreach, meaningful education, diverse communications, comprehensive engagement, meaningful participation, accessibility, reported outcomes, and recordkeeping. The full PPP is provided in Appendix A.

A summary of the public outreach events undertaken for the Hudson Tunnel Project including a summary of comments received is included in Appendix C.

9 GDC'S LANGUAGE ASSISTANCE PLAN/FOUR FACTOR ANALYSIS

GDC is required to maintain a Language Assistance Plan ("LAP") for providing language assistance to persons with Limited English Proficiency ("LEP"), based on the USDOT LEP Guidance. GDC has completed a Four Factor Analysis, the results of which GDC used to determine which language assistance services are appropriate, and to develop an assistance plan to identify the needs of the LEP population(s) it serves.

Additionally, GDC shall update its Four Factor Analysis as based upon new census data as it becomes available. The full LAP is provided in Appendix B.

10 TABLE DEPICTING MEMBERSHIP OF NON-ELECTED COMMITTEES AND COUNCILS

Title 49 CFR Section 21.5(b)(1)(vii) states that a recipient may not, on the grounds of race, color, or national origin, “deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program.”

At the time of the adoption of this Policy, GDC does not select the membership of any non-elected committees and councils (and the GDC Board itself is appointed by persons or bodies separate from GDC). In the event that GDC establishes any such committee or council, GDC shall maintain a table depicting the membership of such non-elected committees and councils, broken down by race. Generally, GDC’s process for encouraging participation of minorities in such committees and councils is set forth in its PPP.

11 MONITORING OF SUBRECIPIENTS FOR COMPLIANCE WITH TITLE VI

Title 49 CFR Section 21.9(b) states that if “a primary recipient extends Federal financial assistance to any other recipient, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this part.”

In accordance with 49 CFR 21.9(b), and to ensure that subrecipients are complying with the USDOT Title VI regulations, primary recipients must monitor their subrecipients for compliance with the regulations. Importantly, if a subrecipient is not in compliance with Title VI requirements, then the primary recipient is also not in compliance.

In order to ensure the primary and subrecipient are in compliance with Title VI requirements, the primary recipient shall undertake the following activities: (1) Document its process for ensuring that all subrecipients are complying with the general reporting requirements of this circular, as well as other requirements that apply to the subrecipient based on the type of entity and the number of fixed route vehicles it operates in peak service if a transit provider. (2) Collect Title VI Programs from subrecipients and review programs for compliance. Collection and storage of subrecipient Title VI Programs may be electronic at the option of the primary recipient. (3) At the request of FTA, in response to a complaint of discrimination, or as otherwise deemed necessary by the primary recipient, the primary recipient shall request that subrecipients who provide transportation services verify that their level and quality of FTA Circular 4702.1B Chap. III-11 service is provided on an equitable basis. Subrecipients that are fixed route transit providers are responsible for reporting as outlined in Chapter IV of this Circular.

At the time of the adoption of this Plan, GDC does not have any subrecipients of Federal financial assistance, and does not plan to engage any such subrecipients at this time. In the event that GDC were in the future to acquire any subrecipients, GDC understands its obligation to monitor these entities to subrecipients for Title VI compliance in accordance with the above-summarized requirements.

12 TITLE VI EQUITY ANALYSIS/CONSTRUCTION OF FACILITIES

Title 49 CFR Section 21.9(b)(3) states, “In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination under any program to which this regulation applies, on the grounds of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this part.” Title 49 CFR part 21, Appendix C, Section (3)(iv) provides, “The location of projects requiring land acquisition and the displacement of persons from their residences and businesses may not be determined on the basis of race, color, or national origin.”

For purposes of this requirement, “facilities” does not include bus shelters, as these are transit amenities and are covered in Chapter IV, nor does it include transit stations, power substations, etc., as those are evaluated during project development and the National Environmental Policy Act of 1969 (“NEPA”) process. Facilities included in this provision include, but are not limited to, storage facilities, maintenance facilities, operations centers, etc.

In order to comply with the regulations: a. The recipient shall complete a Title VI equity analysis during the planning stage with regard to where a project is located or sited to ensure the location is selected without regard to race, color, or national origin. Recipients shall engage in outreach to persons potentially impacted by the siting of facilities. The Title VI equity analysis must compare the equity impacts of various siting alternatives, and the analysis must occur before the selection of the preferred site. b. When evaluating locations of facilities, recipients should give attention to other facilities with similar impacts in the area to determine if any cumulative adverse impacts might result. Analysis should be done at the Census tract or block group where appropriate to ensure that proper perspective is given to localized impacts. c. If the recipient determines that the location of the project will result in a disparate impact on the basis of race, color, or national origin, the recipient may only locate the project in that location if there is a substantial legitimate justification for locating the project there, and where there are no alternative locations that would have a less disparate impact on the basis of race, color, or national origin. The recipient must show how both tests are met; it is important to understand that in order to make this showing, the recipient must consider and analyze alternatives to determine whether those alternatives would have less Chap. III-12 FTA C 4702.1B of a disparate impact on the basis of race, color, or national origin, and then implement the least discriminatory alternative.

Siting of GDC facilities was analyzed in the NEPA review of the Hudson Tunnel Project (“HTP”). The Federal Railroad Administration (“FRA”) was lead federal agency in this review, and the Final Environmental Impact Statement (“FEIS”)/Record of Decision (“ROD”) was issued jointly by FRA and the FTA in May 2021. The New Jersey Transit Corporation (“NJ TRANSIT”) and the Port Authority of New York and New Jersey (“PANYNJ”) were the joint lead agencies for the FEIS (GDC was not then part of the environmental review, only later taking over the role of project sponsor from PANYNJ).

Chapter 22 of the FEIS¹ addresses the equity analysis undertaken pursuant to the Executive Order 12898 on EJ and the above-cited Federal regulations. As stated in the Summary section of the FEIS, it was determined that the alignment of the Preferred Alternative in New Jersey would be located predominantly in areas within EJ communities. Even considering proposed mitigation measures, Project-related impacts, specifically the adverse effects associated with the construction of the Preferred Alternative primarily related to construction noise, would result in disproportionately high and adverse effects to EJ communities in New Jersey. In New York, while adverse construction impacts would occur in EJ communities, similar or greater adverse construction impacts would also occur in areas that are not EJ communities. Therefore, in New York, the Preferred Alternative would not result in disproportionately high and adverse effects on EJ communities.

Alternate alignments were studied; however, it was determined that “[f]or the HTP, there are no practicable alternatives that would avoid or reduce the disproportionately high and adverse effects.” Further, it was determined that “substantial need exists for the HTP.”²

Mitigation measures were identified³ and will be implemented by GDC in its construction of the project.

GDC recognizes and accepts its obligation to perform such equity analyses as required by the FTA. Siting of GDC facilities was analyzed in the Environmental Impact Statement (“EIS”) completed as part of the NEPA process. Any deviations from such siting decisions, or the identification of new required facilities not previously subject to a Title VI analysis, shall trigger the requirements as summarized above.

¹ Ch. 22 “Indirect and Cumulative Effects” Hudson Tunnel Project Final Environmental Impact Statement (FEIS), <https://hudsontunnelproject.com/feis.html>

² Hudson Tunnel Project Final Environmental Impact Statement (FEIS), Executive Summary, page 31, <https://hudsontunnelproject.com/feis.html>

³ Hudson Tunnel Project Final Environmental Impact Statement (FEIS), Executive Summary, pages S16 - S28, <https://hudsontunnelproject.com/feis.html>

APPENDIX A – PUBLIC PARTICIPATION PLAN (“PPP”)

APPENDIX A
PUBLIC PARTICIPATION PLAN
FOR TITLE VI/NONDISCRIMINATION PROGRAM PLAN

Gateway Development Commission

For
Federal Transit Administration
Office of Civil Rights

October 16, 2023
Version 2.0

Revision Record

Version	Issue Date	Notes
1.0	September 5, 2023	Initial Draft
2.0	October 16, 2023	Revised to Address Comments Received from FTA

TABLE OF CONTENTS

1	INTRODUCTION.....	5
1.1	Public Participation Plan.....	5
1.2	History and Purpose of the Gateway Development Commission	5
1.3	Hudson Tunnel Project Identification & Summary.....	5
1.4	Summary of National Environmental Policy Act (“NEPA”) for the HTP	7
2	GOALS AND OBJECTIVES	8
2.1	Overview of Federal Requirements for Public Participation.....	8
2.2	Title VI.....	8
2.3	Build Relationships and Reach Diverse Audiences	9
2.4	Project Stakeholders	9
2.5	Inform and Educate	9
2.6	Feedback and Input.....	10
2.7	Involving persons with limited English proficiency (“LEP”).....	10
2.8	Environmental Justice and Community Engagement	10
2.9	Language Assistance Services	10
3	STAYING INFORMED	11
3.1	Public Meetings, Public Hearings, and Open Houses	11
3.2	Other Meeting Types	12
3.3	Construction Assistance.....	12
3.4	Digital and/or Printed Outreach Tools	13
3.5	Types of Public Comment.....	14
3.6	Responding to Comment and Inquiries.....	14
3.7	Monitoring and Updating the Public Participation Plan	15
4	CONCLUSION	15

ACRONYMS

Abbreviation	Definition
ADA	Americans with Disabilities Act
ARC	Access to the Region's Core
CIG	Capital Investment Grants
DEIS	Draft Environmental Impact Statement
EJ	Environmental Justice
ESB	Emergency Services Building
ERY	Eastern Rail Yard
FEIS	Final Environmental Impact Statement
FRA	Federal Railroad Administration
FTA	Federal Transit Authority
GDC	Gateway Development Commission
GDC ACT	Gateway Development Commission Act
GDP	Gross Domestic Product
HTP	Hudson Tunnel Project
HYCC	Hudson Yard Concrete Casing
LAP	Language Assistance Plan
LEP	Limited English Proficiency
LIRR	Long Island Rail Road
NEC	Northeast Corridor
NEPA	National Environmental Policy Act
PANYNJ	Port Authority of New York and New Jersey
PDMS	Project Document Management System
PDP	Project Delivery Partner
PPP	Public Participation Plan
PSNY	Penn Station, New York ("PSNY"), New York
ROD	Record of Decision
SEP	Supporting or Executing Partners
WRY	Western Rail Yard

1 INTRODUCTION

1.1 Public Participation Plan

As part of Title VI federal requirements for recipients receiving federal funding, a Public Participation Plan (“PPP”) is required. A PPP includes information on outreach methods to engage minority and limited English proficiency populations (“LEP”). The PPP is a living document that will be continually evaluated and updated as necessary.

The purpose of this PPP is to guide the outreach methods for the Gateway Development Commission (“GDC”) to ensure all groups have the opportunity to participate in the planning process of the Hudson Tunnel Project (“HTP”). The plan includes proactive strategies, procedures, and desired outcomes to promote engaged public involvement throughout the course of the HTP.

1.2 History and Purpose of the Gateway Development Commission

In July 2019, the States of New York and New Jersey created the Gateway Development Commission (“GDC”) through the enactment of parallel legislation by each state and codified as the Gateway Development Commission Act (“GDC Act”). The GDC Act enables such commission to facilitate a passenger rail project between Penn Station, Newark, New Jersey and Penn Station, New York (“PSNY”), New York.¹

The GDC is a public authority and a government sponsored authority with a seven-member Board of Commissioners that is empowered to facilitate and coordinate activities and encourage the actions of others to effectuate the Gateway Program, in particular, Phase 1 of the Gateway Program.² As part of the Gateway Program, the major passenger rail project that GDC facilitates and oversees is the HTP.

1.3 Hudson Tunnel Project Identification & Summary

1.3.1 Project Identification

The purpose of the HTP is to preserve the current functionality of Amtrak’s Northeast Corridor (“NEC”) service and NJ TRANSIT’s commuter passenger rail service between New Jersey and PSNY by repairing the deteriorating North River Tunnel, and to strengthen the NEC’s resiliency to support reliable service by providing redundant capability under the Hudson River for Amtrak and NJ TRANSIT NEC trains between New Jersey and PSNY.

The HTP, for purposes of this Federal Transit Agency (“FTA”) Capital Investment Grants (“CIG”) New Starts Financial Plan, consists of the following specific elements:

¹ [NY State Assembly Bill 2019-A8126A \(nysenate.gov\)](https://www.nysenate.gov/legislation/bills/2019/A8126A)

² [About the Commission – Gateway Program](#)

1. **Hudson River Tunnel:** Two new surface tracks parallel to the south side of the NEC beginning at a realigned Allied Interlocking in Secaucus, New Jersey just east of NJ TRANSIT's Secaucus Junction Station, in conjunction with a new two-track Hudson River Tunnel, parallel to the North River Tunnel, beneath the Palisades (North Bergen and Union City) and the Hoboken waterfront area, and beneath the Hudson River to connect to the existing tracks in the A Yard west of PSNY.
2. **HYCC – Section 3 LIRR ESB Utility Relocation:** The relocation of the Long Island Rail Road (“LIRR”) Emergency Services Building (“ESB”) utilities out of the future path of the Hudson Yards Concrete Casing (“HYCC”) – Section 3, the third and final concrete casing section for rail right-of-way preservation beneath the extensive overbuild project that is planned to be constructed on a platform above the rail complex in Manhattan (immediately west of PSNY) known as “Hudson Yards.” The new Hudson River Tunnel would make use of the entire HYCC being constructed along the southern edge of the West Side Yard, which consists of the Eastern Rail Yard (“ERY”) and the Western Rail Yard (“WRY”), as divided by Eleventh Avenue. The HYCC-Section 3 is no longer included as part of the HTP New Starts Financial Plan since it is being funded through a Federal Railroad Administration (“FRA”) Mega grant, however, the LIRR ESB Utility Relocation continues to be included as part of the HTP. The HYCC-Section 3, including the LIRR ESB Utility Relocation, is separate and apart from the project presented in the Final Environmental Impact Statement (“FEIS”) prepared for the new Hudson River Tunnel and Rehabilitation of the existing North River Tunnel.
3. **North River Tunnel:** The rehabilitation of the existing North River Tunnel that opened in 1910.

1.3.2 Summary

Upon completion of the HTP, four tracks (two in the new Hudson River Tunnel and two in the North River Tunnel) will be available between New Jersey and New York under the Hudson River, which will allow for operational flexibility and redundancy for Amtrak and NJ TRANSIT rail operations to maintain current capacity levels.

The HTP is critical as it supports commuter rail (public transportation), intercity, regional, and local mobility and associated economic benefits regionally and nationally, provides a more cost-effective transit system due to lower operation and maintenance costs, reduces commuter and intercity rail delays caused by unanticipated events or routine maintenance, and increases on-time performance.

The HTP provides long-term resiliency, reliability, and redundancy to the regional and national rail network and, in doing so, will provide substantial social, economic, and environmental benefits, including:

- Expanding the regional labor market, boosting business productivity, and generating thousands of jobs across the country, with far reaching economic benefits (projected below):

- Over 72,000 direct, indirect, and induced jobs and \$19 billion in economic activity created over the Project’s construction period³
- Over an average of \$80 million/month direct spending on materials and labor over the Project’s construction period⁴
- Helping ensure economic resiliency of the NEC region, which is home to 17% of the U.S. population and a fifth of Fortune 500 company headquarters and generates one fifth of the national Gross Domestic Product⁵ (“GDP”)
- Protecting the movement of people and goods to and from the largest regional economy in the U.S.
- Avoiding additional auto travel traffic, congestion, and car crashes, and
- Increasing infrastructure resilience to mitigate extreme weather event impacts.

1.4 Summary of National Environmental Policy Act (“NEPA”) for the HTP

For projects subject to the National Environmental Policy Act of 1969 (“NEPA”), such as the new Hudson River Tunnel and Rehabilitation of the North River Tunnel, the lead agency is responsible for ensuring that the environmental review process is conducted properly and in accordance with all applicable environmental regulations.

A Draft Environmental Impact Statement (“DEIS”) for the new Hudson River Tunnel and Rehabilitation of the North River Tunnel was published by FRA in July 2017. On May 28, 2021, a FEIS was issued for this element by FRA and adopted by FTA, and a Record of Decision (“ROD”) for this element was jointly issued by FRA and FTA.

For the FEIS, the FRA was the lead Federal agency and NJ TRANSIT and the Port Authority of New York and New Jersey (“PANYNJ”) were joint lead agencies. The legislation at 23 USC § 139 directs lead agencies to identify Cooperating and Participating Agencies in their NEPA actions and to maintain an open line of communication with them as a project progresses. A Cooperating Agency is any Federal agency, other than a lead agency, that has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposed project or project alternative. Participating Agencies are those Federal, state, or local agencies or Federally recognized tribal governmental organizations with an interest in a project.

As the PANYNJ became a joint lead agency after the public review of the DEIS, its involvement in agency coordination activities did not begin until the development of the FEIS. Prior to PANYNJ becoming a joint lead agency, the PANYNJ served as a

³ Ch. 7 Socioeconomic Conditions,” Hudson Tunnel Project Draft Environmental Impact Statement (DEIS), July 2017.

⁴ October 2022 Hudson Tunnel Project Financial Plan calculation of average monthly construction cost from July 2024 notice to proceed through the construction completion of the rehabilitation of the existing North River Tunnel in June 2038.

⁵ “Investing in the Northeast Corridor: Advancing the American Economy,” Northeast Corridor Commission, 2016.

Participating Agency in the environmental review. FTA and U.S. Army Corps of Engineers served as Cooperating Agencies in the environmental review.

NJ TRANSIT was responsible for managing the environmental review process. NJ TRANSIT retained AKRF as the Preliminary Design Environmental Management Support Consultant to provide technical assistance related to environmental management, permitting and meeting NEPA requirements. The engineering consultant, GTHP, identified the required permits and provided the technical resources/analysis as needed to support AKRF as it performed the required NEPA reviews/analysis so that an environmental determination could be made.

On October 21, 2022, PANYNJ and the GDC formally notified FRA and FTA that GDC was assuming the role of NEPA Project Sponsor.

2 GOALS AND OBJECTIVES

2.1 Overview of Federal Requirements for Public Participation

Within the FTA Circular 4702.1B, “Title VI Requirements and Guidelines for Federal Transit Administration Recipients”, the FTA requires the recipient to establish a public participation plan or process (i.e., the document that explicitly describes the proactive strategies, procedures, and desired outcomes that underpin the recipient’s public participation activities).⁶

Public participation is a vital aspect of completing a successful project. GDC welcomes the opportunity to reach and address concerns of communities impacted by the HTP. The FEIS developed in accordance with NEPA identified the impacts of the No Action Alternative and the Preferred Alternative on social, economic, and environmental conditions as well as measures to avoid, minimize, or mitigate impacts. The FRA and FTA identified commitments to provide mitigation for the Hudson Tunnel Project, which are listed in Attachment A of the ROD. As the Project Sponsor, the GDC is responsible for committing to the mitigation measures that would be implemented, as appropriate, during design, construction, and/or following construction.

2.2 Title VI

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI states that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." (42 U.S.C. Section 2000d).⁷

⁶ [FTA Circular 4702.1B \(dot.gov\)](#)

⁷ [Title VI of the Civil Rights Act of 1964 | FRA \(dot.gov\)](#)

2.3 Build Relationships and Reach Diverse Audiences

Throughout the project, GDC will continue to build relationships with the surrounding impacted communities as well as reach diverse audiences nearby to the project. As identified in Appendix B of GDC's Title VI program plan there are many diverse audiences in the surrounding communities.

2.4 Project Stakeholders

Identifying the range of stakeholder perspectives that should be involved in the project is a key aspect of ensuring that the needs of the surrounding communities are addressed as the HTP moves through its construction phases. During the FEIS process, FRA and NJ TRANSIT conducted a robust outreach effort that included a focused effort to compile a comprehensive mailing list of stakeholders, including elected officials, potentially interested organizations, and owners and residents of properties near the proposed construction staging areas, and to provide multiple forums for those stakeholders to provide input.⁸ The identified stakeholders may continue to be informed of project information during all aspects of the project.

The list of stakeholders comprised of organizations and individuals included on distribution lists from the Access to the Region's Core ("ARC") Project for areas that would also be affected by the HTP. These stakeholders include individuals who signed up for the Project mailing list, individuals who attended and provided address information at public scoping sessions (May 2016) and public information open houses (November 2016). Also, included are the addresses along the HTP alignment and near the proposed construction staging areas in Secaucus, North Bergen, Union City, Weehawken, Hoboken, and New York City.⁹ As this PPP is a living document, GDC will continue to evaluate the stakeholders involved in the HTP to ensure that new stakeholders are privy of information about the project.

Furthermore, GDC will continue to work with local government agencies and elected officials to reduce the impacts of the project on local communities.

2.5 Inform and Educate

Informing and educating the impacted communities is desired by GDC. GDC will provide the public with information to understand the HTP and inform the public of on-going activities in the project area. Project information will be posted through methods described later in the PPP. Most information will be provided both digitally and in print for access by the public.

⁸ [Environmental Justice \(hudsonproject.com\)](https://www.hudsonproject.com/EnvironmentalJustice)

⁹ [Environmental Justice \(hudsonproject.com\)](https://www.hudsonproject.com/EnvironmentalJustice)

2.6 Feedback and Input

GDC will provide opportunity for feedback and input during the HTP. Listed below in this PPP are opportunities in which the public can offer formal and informal comment as well as general inquiries about the Project.

2.7 Involving persons with limited English proficiency (“LEP”)

In Appendix B of the Title VI program plan, a Language Assistance Plan (“LAP”) has been developed for language assistance throughout the project for persons with limited English proficiency (“LEP”). Executive Order 13166, titled *Improving Access to Services for Persons with Limited English Proficiency*, states that differing treatment based upon a person’s inability to speak, read, write, or understand English is a type of national origin discrimination which is covered under Title VI. As defined by Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English. The needs for language assistance during the project are determined by the Four Factor Analysis completed in the LAP. In the detailed LAP, it was determined that 20.84% of the impacted populations have LEP.

Throughout the LAP, methods to involve persons with LEP are provided, this includes translated project information materials and language assistance services at public meetings.

2.8 Environmental Justice and Community Engagement

GDC’s public engagement strategies aim to be flexible and robust to solicit meaningful input from Environmental Justice (“EJ”) populations. As identified in the FEIS Section 22.3, most of the New Jersey portions of the project area are home to EJ communities, with high proportions of minority and low-income residents. Additionally, some parts of the New York portion of the project area meet the threshold of environmental justice communities because of their high proportions of minority and low-income residents.¹⁰ Through this identification, community engagement strategies will be tailored to meet the needs of the more adversely affected communities and populations.

2.9 Language Assistance Services

Detailed further in the LAP in Appendix B of the Title VI program plan, GDC will meet the needs of the surrounding communities by providing project meeting materials translation Spanish which is the predominant language other than English that residents of the study area speak at home. Spanish translators may be provided at public meetings, open houses, and other events when determined to be necessary.

¹⁰ [Environmental Justice \(hudsonunnelproject.com\)](http://EnvironmentalJustice(hudsonunnelproject.com))

3 STAYING INFORMED

3.1 Public Meetings, Public Hearings, and Open Houses

3.1.1 Public Meetings

Public meetings are an essential tool to engage community members to solicit feedback during each step of the project. Public meetings are an effective method of public engagement if they are well planned and held at convenient and accessible locations and times. Considerations that GDC may employ to ensure public meetings are successful for the HTP include:

- Evaluating access to the public meeting locations by ensuring accessibility by transit and other modes.
- Organizing informal meetings with community groups and stakeholders prior to official public meetings to drive the success of public outreach and attendance of EJ populations.
- Employing visualization techniques to describe plans at meetings to ensure that members of the public with LEP understand project concepts.
- Providing ample, digital and print notice of the meeting location, time, accessibility, and additional attendance options (i.e., virtual via Zoom, Teams etc.)

GDC may host public information open houses throughout each phase of the HTP as needed to inform the public of project activities.

Public meeting rooms and the outreach centers will be Americans with Disabilities Act (“ADA”) accessible throughout the phases of the HTP.

3.1.2 Public Hearings

Public hearings offer opportunity for the public to provide formal comments on the project. The GDC Act and the GDC Bylaws provide that GDC may hold public hearings “in connection with the budgeting, planning and programming of the Commission”, and the Bylaws provide the process that the Commission must undertake to conduct those hearings. See GDC Bylaws, Sections 5.01 & 5.02.

- GDC is also subject to legislative hearings in accordance with the provisions of the GDC Act, which holds that the Commission, at the request of the Assembly or Senate of the New York state legislature or the General Assembly or Senate of the New Jersey state legislature, may appear before a committee of the requesting state legislative house, upon request by the presiding officer of that state legislative house, to present testimony on any topic or subject requested by the committee or to respond to questions by members of the committee. The Assembly of the New York state legislature, the Senate of the New York state legislature, the General Assembly of the New Jersey state legislature, and the Senate of the New Jersey state legislature shall each be entitled to two such requests per calendar year.

3.2 Other Meeting Types

Several on-going meetings GDC holds or attends throughout the year include:

- GDC Board Meetings – these meetings include public presentations, resolutions, meeting minutes, notifications, public comment opportunities both in person and online, and an Annual Financial Report as required by the GDC Act. Public portions of meetings of the Board, to the extent practicable and within available funds, shall be live streamed on the Commission’s website or via a third-party platform accessible from a link on the Commission’s website, and posted on the Commission’s website within and for a reasonable time after the meeting. Official policies for GDC Board Meetings are on the Commission’s website.¹¹ Board meeting rooms will be ADA accessible.
- Town Meetings in impacted municipalities – these meetings are hosted by local towns and may include attendance by GDC representatives to provide updates, speeches, presentations, and public testimony on the HTP.
- GDC provides briefings for elected officials (NY, NJ) on construction impacts as the HTP progresses.

3.3 Construction Assistance

3.3.1 Local Project Office and Project Liaison

As part of the FEIS, GDC committed to develop and implement a comprehensive, active, and responsive local community outreach program during construction that will include a staffed local neighborhood outreach office close to each of the project staging areas (in North Bergen and Weehawken in New Jersey and Manhattan, New York). These local neighborhood outreach offices will have at least one staff member per location with additional staffing to increase with project activity. The local neighborhood outreach office will be staffed during business hours and will be assessed as the need and project activity continues. Each office will be at a stationary location throughout all phases of the HTP.

GDC will have a dedicated Project Liaison(s) who will coordinate with the community about construction activities, address concerns, and work with the community to accommodate special events where possible.

3.3.2 Emergency and Construction Complaint Hotline

A 24-hour hotline for emergencies and construction complaints will be provided by GDC. The hotline will be a combination of a staffed phone line and a voicemail box. Emergencies will be responded to promptly by a GDC representative or contractor of GDC. Construction complaints will be responded to in a reasonable amount of time by a GDC representative or contractor of GDC. All calls regarding emergencies and complaints will be logged and responded to as necessary.

¹¹ [Bylaws and Policies of the Gateway Development Commission – Gateway Program](#)

3.4 Digital and/or Printed Outreach Tools

GDC will provide a variety of digital and printed materials that will be made available through various methods including the project website, via email, at public events, the local project office, and other means as determined necessary. Printed materials provide those without internet access the ability to receive project information. These methods are further identified below. The materials will provide necessary information for education of the public regarding the project.

GDC intends to provide publicized notice of public meetings, hearings, and open houses via the project website (gatewayprogram.org) and email invitations. Additionally, on-going communication with stakeholder and public officials will be completed to share notice of events. Notice will be provided ahead of time for the event locations and dates. Through outreach to stakeholders and elected officials, GDC will encourage participation at public meetings by minority and low-income populations.

3.4.1 Website

GDC hosts the Gateway Program website listed below:

- <https://www.gatewayprogram.org/>

The Gateway Program website provides information to the public including press releases, news, resources, contractor information, jobs, project information materials from board meetings (agendas, resolutions, presentations, and public comments), GDC Annual Report, as required by GDC Act. GDC's will provide content that is ADA accessible throughout the project.

The project website will be maintained throughout each phase of the HTP. Additionally, project updates will regularly be posted on the website for the public to view.

3.4.2 Email

All project inquires can be sent to info@gatewayprogram.org throughout each phase of the HTP. This email address will be monitored, recorded, and responded to on a case-by-case basis in a reasonable amount of time by a GDC representative.

3.4.3 Media Outreach

GDC will provide announcements and press releases to media outlets on an as-needed basis. Providing project information to media outlets including local newspapers, radio, and television stations can assist in communication to EJ and LEP populations.

3.4.4 Fact Sheets

GDC has developed several fact sheets to provide important information about the HTP. As the project progresses, GDC will develop additional fact sheets to provide the public with concise information in multiple languages on an as-needed basis.

3.5 Types of Public Comment

3.5.1 Formal Comment

Formal comment periods are available during and after public hearings; GDC is not required to respond to any comment or inquiry during this time. All comments are logged and saved in the Project Document Management System (“PDMS”) in accordance with GDC’s Project Management Plan.

3.5.2 Informal Comment and Project Inquiries

Informal comments or project inquiries are accepted during the life of the HTP and can be sent to info@gatewayprogram.org. Other methods of informal comment include contacting GDC via the 24-hour hotline for emergencies and construction complaints, visiting a project office, interacting on social media, or through regular public information meetings.

3.5.3 Public Comment at Board Meetings

Comments will be accepted at all GDC board meetings. Pursuant to the GDC Open Meetings Policy, all members of the public in attendance at the meeting who have registered a desire to comment will be given the opportunity to comment in a format designated by the Secretary of the Commission. The Secretary of the Commission may establish procedures for comments at each meeting, including, as applicable, setting fixed time allotments for each comment; provided that, the aggregate fixed time allotment for all public comments at a meeting shall be thirty (30) minutes, or another reasonable time as determined by the Co-Chairpersons of the Board or chairperson(s) of such committee. The Commissioners are neither expected nor required to respond during the meeting’s comment period.¹²

3.6 Responding to Comment and Inquiries

3.6.1 Comment Database

All comments will be recorded and stored in GDC’s PDMS. Document control staff, employed directly by GDC, by the Project Delivery Partner (“PDP”), or by Supporting or Executing Partners (“SEPs”) will be tasked with handling all records associated with the HTP.

3.6.2 Response to Comments Received

Response to comments received will be provided on a case-by-case basis in a reasonable amount of time.

¹² <http://www.gatewayprogram.org/wp-content/uploads/2021/08/7-12-21-Amended-Open-Meetings-Policy.pdf>

3.7 Monitoring and Updating the Public Participation Plan

3.7.1 Evaluating Effectiveness of the PPP

GDC will evaluate the effectiveness of the PPP by monitoring and tracking public engagement. GDC may utilize methods such as using web analytics to track website and social media views or reviewing logged comments and inquiries. GDC may engage with communities or groups which have not participated in order to supplement missing engagement.

3.7.2 Updating the Plan

All content in the PPP is subject to review and can be updated as necessary for the HTP. As ways to improve engagement activities are discovered, the plan may be updated to accommodate additional information.

4 CONCLUSION

Public participation is of utmost importance during large transportation infrastructure projects to confirm that all community members have the opportunity to provide input into the project's development. This plan describes the methods that GDC will take to ensure the prescribed requirements in the Title VI regulations are met. As the HTP progresses through each phase of development, GDC may evaluate the plan and make updates as necessary to continue to provide ample opportunity for public engagement.

APPENDIX B – LANGUAGE ASSISTANCE PLAN (“LAP”)

APPENDIX B
LANGUAGE ASSISTANCE PLAN (“LAP”)
FOR TITLE VI/NONDISCRIMINATION PROGRAM PLAN

Gateway Development Commission

For
Federal Transit Administration
Office of Civil Rights

October 16, 2023
Version 2.0

Revision Record

Version	Issue Date	Notes
1.0	September 5, 2023	Initial Draft
2.0	October 16, 2023	Revised to Address Comments Received from FTA

TABLE OF CONTENTS

1	OBJECTIVE	5
2	PART 1: INTRODUCTION	5
3	PART 2: FOUR-FACTOR ANALYSIS	5
3.1	Factor 1: The Number or Proportion of LEP Persons in the Area of Impact	5
3.2	Factor 2: Frequency of Contact with LEP Persons.....	9
3.3	Factor 3: Nature and Importance of the Program, Activity, or Service to LEP	9
3.4	Factor 4: Resources Available and Costs Associated with Providing Language Services	9
4	PART 3: LIMITED ENGLISH PROFICIENCY PLAN	10
4.1	Translation of Vital Documents	10
4.2	Identifying LEP Individuals Who Need Language Assistance.....	11
4.3	Language Assistance Measures	11
4.4	LEP Complaint Procedures.....	11
4.5	Monitoring and Updating the LEP Plan.....	11
4.6	GDC Staff Training.....	12
4.7	LEP Plan Access.....	12

LIST OF FIGURES

Figure 1: Block Groups in Study Area (2021).....	6
--	---

LIST OF TABLES

Table 1: Percent of LEP individuals in each language category as a percentage of total LEP population	7
Table 2: Total Population and Breakdown of LEP Individuals by Language Group (Tract-Level Analysis)	8

ACRONYMS

Abbreviation	Definition
ACS	American Community Survey
EJ	Environmental Justice
FEIS	Final Environmental Impact Statement
FTA	Federal Transit Administration
GDC	Gateway Development Commission
HTP	Hudson Tunnel Project
LAP	Language Assistance Plan
LEP	Limited English Proficiency
NEC	Northeast Corridor
USDOT	United States Department of Transportation

1 OBJECTIVE

This Appendix summarizes the Language Assistance Plan (“LAP”) for Gateway Development Commission (“GDC”). It was prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq., and its implementing regulations, which states that no person shall be subjected to discrimination on the basis of race, color or national origin.

2 PART 1: INTRODUCTION

Executive Order 13166, titled Improving Access to Services for Persons with Limited English Proficiency (“LEP”), states that differing treatment based upon a person’s inability to speak, read, write or understands English is a type of national origin discrimination which is covered under Title VI. It directs each agency (e.g., Federal Transit Administration (“FTA”)) to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies that receive federal funds and extends to its subrecipients.

GDC developed this LAP to help identify reasonable steps for providing language assistance to persons with LEP who wish to access services provided. As defined by Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English. This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and notification to LEP persons regarding the availability of assistance.

3 PART 2: FOUR-FACTOR ANALYSIS

3.1 Factor 1: The Number or Proportion of LEP Persons in the Area of Impact

GDC staff reviewed the American Community Survey (“ACS”) 5-Year Estimates (2017 – 2021) for the Study Area Block Groups defined in the Hudson Tunnel Project (“HTP”) Final Environmental Impact Statement (“FEIS”) (also known as the HTP area of impact, for the purposes of this LEP analysis)¹. GDC determined that there are 51,624 people in the area of impact above the age of 5. A total of 10,756 people, or 20.84% of the current total impact area population, have LEP; that is, they speak English less than “very well” (this includes those who speak English “well,” “not well,” and “not at all.”).

¹ Hudson Tunnel Project Final Environmental Impact Statement, Chapter 22: Environmental Justice, “22.2.2.1 Delineation of Study Area,” Pg. 22-3, May 2021.

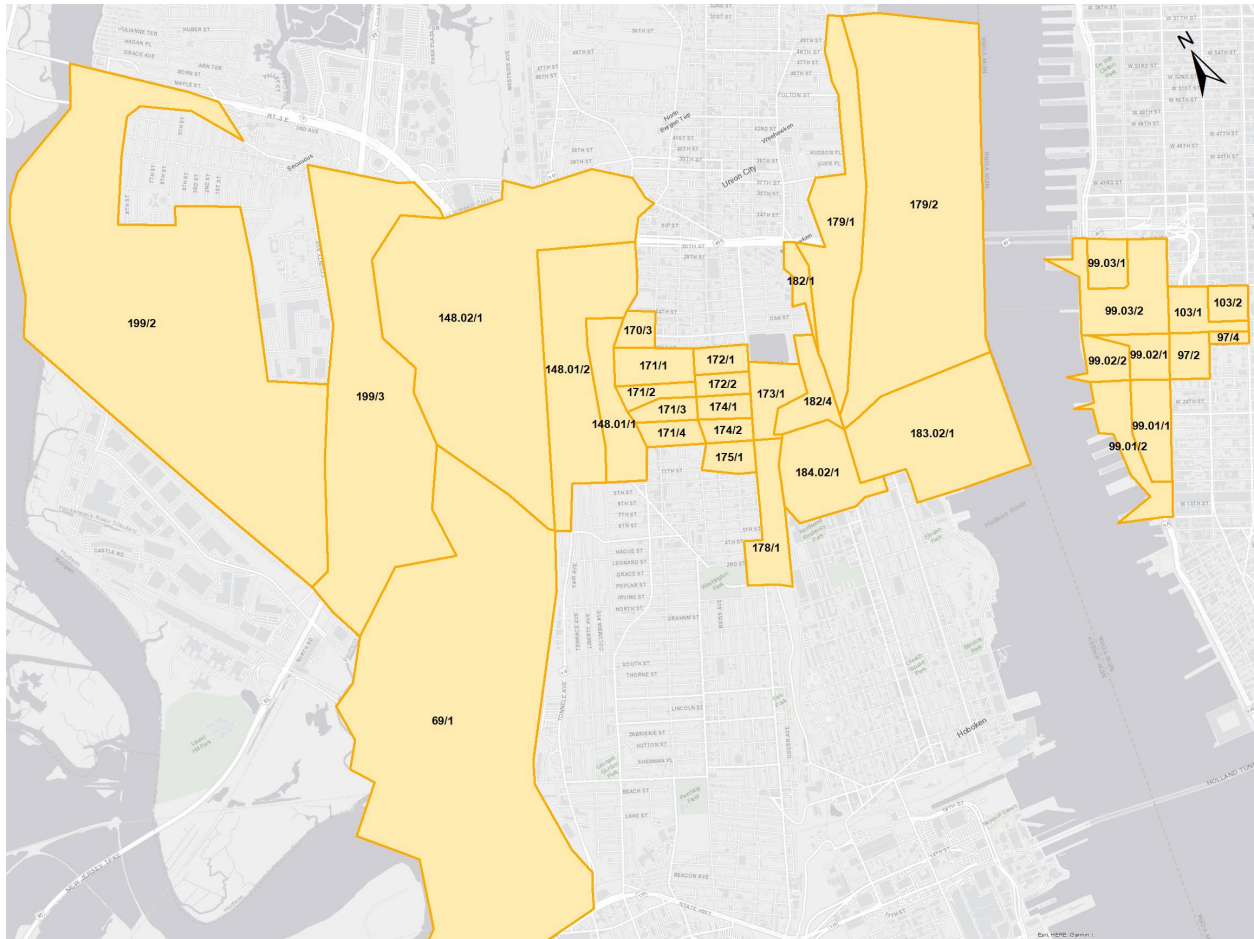


Figure 1: Block Groups in Study Area (2021)

The determination of whether to show an individual language or summarize it into an aggregated category depends chiefly on the size of the population in the United States speaking that language at home. In tabulations, smaller languages are aggregated with other languages in a way that meets a certain population threshold, but has some utility for translators or researchers. The simplest collapse recodes languages other than English into four major language groups: Spanish, Other Indo-European languages, Asian and Pacific Island languages, and other languages.

Table 1 shows LEP populations within these four language groups as a percent of the total population within all the block groups.

Table 1: Percent of LEP individuals in each language category as a percentage of total LEP population

	2017-2021 5-yr estimates	Speak English less than "very well," as a percent of total population
Total Population Over 5	51,624	100%
Total LEP Population (Number of people who have limited English proficiency)	10,756	20.84%
Speak only English TOTAL	22,919	
Speak Spanish TOTAL	19,211	
English: very well	10,803	
English: less than "very well"	8,408	16.29%
Speak other Indo-European languages TOTAL	5,347	
English: very well	4,258	
English: less than "very well"	1,089	2.11%
Speak Asian and Pacific Island languages TOTAL	3,552	
English: very well	2,504	
English: less than "very well"	1,048	2.03%
Speak other languages TOTAL	595	
English: very well	384	
English: less than "very well"	211	0.41%

Source: ACS 2017-2021 5-Year Estimates Detailed Tables, "Age By Language Spoken At Home By Ability To Speak English For The Population 5 Years And Over" (B16004)

Table 2 provides a more specific breakdown of languages spoken by the LEP population in the tracts around the project site. The highlighted categories show the LEP languages that hit either the 1,000-person mark, or 5% of the total population (either of which would qualify the language group as one for which vital documents must be translated, as discussed in Factor Four (4)).

Table 2: Total Population and Breakdown of LEP Individuals by Language Group (Tract-Level Analysis)

	2017-2021 5-yr estimates	Speak English less than "very well" (as a percent of total population)
Total Population over 5	68,271	
Total LEP Population (Number of people who have limited English proficiency)	15,398	22.55%
Spanish:	28,083	
Speak English less than "very well"	12,660	18.54%
French, Haitian, or Cajun:	868	
Speak English less than "very well"	46	0.07%
German, other West Germanic languages:	347	
Speak English less than "very well"	14	0.02%
Russian, Polish, other Slavic languages:	862	
Speak English less than "very well"	179	0.26%
Other Indo-European languages:	3644	
Speak English less than "very well"	952	1.39%
Korean:	409	
Speak English less than "very well"	220	0.32%
Chinese (incl. Mandarin, Cantonese):	2,341	
Speak English less than "very well"	702	1.03%
Vietnamese:	19	
Speak English less than "very well"	19	0.03%
Tagalog (incl. Filipino):	317	
Speak English less than "very well"	7	0.01%
Other Asian & Pacific Island languages:	779	
Speak English less than "very well"	228	0.33%
Arabic:	402	
Speak English less than "very well"	164	0.24%
Other and unspecified languages:	517	
Speak English less than "very well"	207	0.30%

Source: ACS 2017-2021 5-Year Estimates Detailed Tables, "Language Spoken At Home For The Population 5 Years And Over" (C16001)

The block group analysis in Table 1 found that, in addition to Spanish, two other language groups (“Asian and Pacific Island languages” and “Other Indo-European languages”) have LEP populations above 1,000, meaning they require vital document translation. These are broad categories and more specific language data is unavailable for the Study Area Block Groups, so based off this analysis alone, GDC was unable to determine what languages other than Spanish require translation of vital documents. However, as specific language data is collected at the Tract level, GDC conducted a Tract-level analysis to identify the languages within these groups. The Tract-level analysis, which is larger than the Study Area in both geography and population, found that there is no single language other than Spanish with an LEP population above 1,000, nor a language that has an LEP population of 5% or more of the total population.

3.2 Factor 2: Frequency of Contact with LEP Persons

The primary locations where the public may encounter GDC are as follows:

- Main Office and Telephone Line
- GDC Website (gatewayprogram.org)
 - The internet has become the dominant medium for people seeking general information about GDC. The gatewayprogram.org website includes language translation options.
- Public meetings
- Construction offices

To date, no written correspondence regarding LEP has been received. No internet inquiries or social media inquiries have been received.

3.3 Factor 3: Nature and Importance of the Program, Activity, or Service to LEP

GDC is responsible for delivering the HTP, which will improve reliability, resiliency, and redundancy for hundreds of thousands of daily NJ TRANSIT and Amtrak Northeast Corridor (“NEC”) passengers. Individuals in the project area, including LEP individuals, are likely to be impacted by construction activities, therefore, GDC will ensure reasonable accessibility to all programs, services, and activities consistent with USDOT guidance with a focus on individuals within the project area.

3.4 Factor 4: Resources Available and Costs Associated with Providing Language Services

GDC reviewed its available resources that could be used to provide LEP assistance and inventoried its documents to determine which are suitable for translation if the need arises. GDC reviewed 2017-2021 ACS data and identified the primary languages spoken in the area of impact. At a minimum, vital documents will be translated into Spanish.

3.4.1 Safe Harbor

A “safe harbor” means that if a recipient provides written translations under these circumstances, such action will be considered strong evidence of compliance with the recipient's written-translation obligations under Title VI. The failure to provide written translations under the circumstances outlined below does not mean there is noncompliance. Rather these paragraphs merely provide a guide for recipients that would like greater certainty of compliance than can be provided by a fact-intensive, four-factor analysis.

According to USDOT LEP guidance, the following actions will be considered strong evidence of compliance with the recipient's written-translation obligations:

- (a) The DOT recipient provides written translations of vital documents for each eligible LEP language group that constitutes 5% or one-thousand (1,000), whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally; or
- (b) If there are fewer than fifty (50) persons in a language group that reaches the 5% trigger in (a), the recipient does not translate vital written materials but provides written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

These safe harbor provisions apply to the translation of written documents only. They do not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

Based on analysis of 2017-2021 5-year ACS data, Spanish meets requirement (a) of the Safe Harbor Rule. Two other major language groups, Asian and Pacific Island languages and Other Indo-European languages, meet requirement (a) at the Block Group-level analysis. However, when looking at the Tract-level data to understand what languages within these major groups are represented, no individual language meets the Safe Harbor threshold.

4 PART 3: LIMITED ENGLISH PROFICIENCY PLAN

GDC examined the 2017 -2021 ACS data and identified primary languages spoken within its service area. Spanish is the most predominant language spoken in the service area by LEP persons. The following are examples of GDC initiatives to provide access to services and programs for LEP individuals in the GDC area of impact.

4.1 Translation of Vital Documents

Based on LEP guidance, a document will be considered vital if it contains information that is critical for obtaining federal services and/or benefits, or is required by law. GDC considers the following to be vital documents:

- Civil rights complaint forms
- Title VI Program documents
- Notices of availability of language assistance

4.2 Identifying LEP Individuals Who Need Language Assistance

- GDC will keep records of persons with whom GDC has come into contact with that required language assistance.
- GDC will proactively seek information from public and private agencies about their experience with people with Limited English Proficiency.

4.3 Language Assistance Measures

GDC's selection of the following procedures is based on scope of services that it will provide and the limited geography that potential construction impacts will include.

- Provide enhanced language translation capabilities on the GDC's website at gatewayprogram.org
- Provide information on gatewayprogram.org website on options for where to obtain community language assistance.
- Translate information on how to receive language assistance on public meeting and project communication documents (Spanish only).
- Notify the public that with advanced notice of seven calendar days, GDC may provide interpreter services at public meetings, including language translation and signage for the hearing impaired.
- GDC will utilize translation services and verbal interpretation.
- The Census Bureau "I-speak" Language Identification Card will be distributed to all employees that may potentially encounter LEP individuals.
- GDC's Title VI webpage will be published in Spanish.
- Publications of GDC's vital documents will be made available on GDC's website in Spanish, as well as other languages with two weeks' notice. GDC considers the vital documents to be the Title VI Program, Title VI complaint procedures, and information on language assistance.

4.4 LEP Complaint Procedures

Complaints of discrimination involving LEP, Title VI, and related statutes will be investigated using the Title VI complaint procedures and form described in the Title VI Plan.

4.5 Monitoring and Updating the LEP Plan

This plan is subject to revision based on the changes in demographics as reported by the U.S. Census and any future Environmental Justice ("EJ") analyses conducted by GDC. It is viewed as a work in progress and will be updated every three years, and reviewed

annually. GDC will also use self-reported information from public meeting sign-in sheets during LEP Plan updates. The LAP will be examined and updated based on the following:

- How the needs of LEP persons have been addressed
- Whether local language assistance programs have been effective and sufficient to meet the needs of LEP persons
- Whether GDC's financial resources are sufficient to fund language assistance resources
- Whether complaints have been received concerning GDC's failure to meet the needs of LEP individuals

4.6 GDC Staff Training

GDC staff will receive training on the requirements for providing meaningful access to services for LEP persons. GDC employees will be trained or made aware of the Title VI and LAP policies and complaint procedures through regular staff training. Key staff with the higher potential to interact with LEP persons will receive in-depth training on their roles and responsibilities related to LEP persons.

4.7 LEP Plan Access

A copy of the LAP document can be requested at GDC's central office during normal business hours and GDC will make the plan available on the website at gatewayprogram.org. Any person or agency may also request a copy by contacting: Tracey Mitchell at (929) 696-2596 or via email at CivilRights@gatewayprogram.org.

**APPENDIX C – GDC PUBLIC OUTREACH AND COMMENTS
RECEIVED**

APPENDIX C
GDC PUBLIC OUTREACH AND COMMENTS
RECEIVED FOR TITLE VI/NONDISCRIMINATION
PROGRAM PLAN

Gateway Development Commission

For
Federal Transit Administration
Office of Civil Rights

October 16, 2023
Version 2.0

Revision Record

Version	Issue Date	Notes
1.0	October 04, 2023	Initial Draft
2.0	October 16, 2023	Revised to Address Comments Received from FTA

TABLE OF CONTENTS

1	PUBLIC INVOLVEMENT (HUDSON TUNNEL PROJECT (“HTP”) FINAL ENVIRONMENTAL IMPACT STATEMENT (“FEIS”) CHAPTER 25)	5
2	COMMENTS RECEIVED	8
3	BOARD MEETINGS.....	8
4	DBE OUTREACH EVENTS	14
5	COMMUNITY MEETINGS.....	16

ACRONYMS

Abbreviation	Definition
ADA	Americans with Disabilities Act
CEO	Chief Operating Officer
DBE	Disadvantaged Business Enterprise
EEO	Equal Employment Opportunity
EIS	Environmental Impact Statement
EJ	Environmental Justice
FEIS	Final Environmental Impact Statement
FRA	Federal Railroad Administration
FTA	Federal Transit Administration
GDC	Gateway Development Commission
LAP	Language Assistance Plan
LEP	Limited English Proficiency
LOF	Letter of Finding
NEPA	National Environmental Policy Act
NJ TRANSIT	New Jersey Transit Corporation
PANYNJ	Port Authority of New York and New Jersey
PPP	Public Participation Plan
ROD	Record of Decision
USDOT	United States Department of Transportation

1 PUBLIC INVOLVEMENT (HUDSON TUNNEL PROJECT (“HTP”) FINAL ENVIRONMENTAL IMPACT STATEMENT (“FEIS”) CHAPTER 25)

Section 1 that follows, is an excerpt from HTP FEIS, [Chapter 25: Process, Agency Coordination, and Public Involvement](#).

During preparation of the DEIS and FEIS, FRA, NJ TRANSIT, and, as appropriate, the PANYNJ informed and solicited early and continued feedback from the public; encouraged open discussion of Project details and issues; and provided opportunities for comments and questions. In addition to providing a schedule of Project milestones on the Permitting Dashboard for Federal Infrastructure Projects (www.permits.performance.gov), FRA and NJ TRANSIT used the Project website, meeting flyers, and mail notices to publicize all public meetings, public hearings, and open houses. The flyers were in English and Spanish (due to the presence of large Spanish speaking communities in the vicinity of the Project area), and were mailed or emailed to the Project mailing list.

FRA and NJ TRANSIT also distributed flyers to libraries and community centers. In addition, meetings have been advertised in area newspapers (in English, with Spanish ads in corresponding local area papers) and on the Project website. FRA and NJ TRANSIT conducted a robust outreach effort that included a focused effort to compile a comprehensive mailing list of stakeholders, including elected officials, potentially interested organizations, and owners and residents of properties near the proposed construction staging areas, and to provide multiple forums for those stakeholders to provide input.

The list of stakeholders comprised organizations and individuals included on distribution lists from an earlier trans-Hudson rail project, the Access to the Region’s Core (ARC) Project, for areas that would also be affected by the Hudson Tunnel Project; individuals who signed up for the Project mailing list; individuals who attended and provided address information at public scoping sessions (May 2016) and public information open houses (November 2016) for the Project; and addresses along the Project alignment and near the proposed construction staging areas in Secaucus, North Bergen, Union City, Weehawken, Hoboken, and New York City. As the DEIS and FEIS were prepared, the Project mailing list was continually updated to incorporate individuals and organizations who commented or expressed interest in the Project.

Project outreach efforts included:

- A Project website (www.hudsonstunnelproject.com) with a library of Project documents for public review, additional information on the Project, and a means for providing comments and requesting further information.

- Fact sheets published at major Project milestones that were made available on the Project website and sent to the Project mailing list. These included Fact Sheet 1 (spring 2016), which provided a Project overview; Fact Sheet 2 (fall 2016) summarizing the scoping process and comments received, Fact Sheet 3 (fall 2016) presenting the Preferred Alternative, and Fact Sheet 4 (summer 2017) providing a Project update, information on construction methodologies, and information about the public comment period and public hearings. These were published in English and in Spanish (due to the presence of large Spanish-speaking communities in the vicinity of the Project area).
- Public meetings during the public scoping period, after announcement of the Preferred Alternative, and during the DEIS comment period. FRA and NJ TRANSIT used the Project website, meeting flyers, and email notices to the Project mailing list to publicize all public meetings, public hearings, and open houses. The flyers were in English and Spanish (due to the presence of large Spanish-speaking communities in the vicinity of the Project area), and were mailed or emailed to the Project mailing list. FRA and NJ TRANSIT also distributed flyers to libraries and community centers. Flyers and meeting notices were sent out at least two weeks in advance of meetings. In addition, meetings were advertised in area newspapers (in English, with Spanish ads in corresponding local area papers) and on the Project website.
- Targeted community meetings to provide additional outreach to specifically affected groups, including owners of property near the Project site and residents of neighborhoods close to the construction sites, including environmental justice communities in New Jersey

In addition, representatives of local communities in New Jersey requested that FRA and NJ TRANSIT coordinate directly with local government agencies and elected officials to reduce the impacts of the Project on their communities. They also requested that the local community be involved in developing mitigation for the Project's impacts. As a result, FRA and NJ TRANSIT met with representatives of the local communities and other stakeholders during development of the DEIS, during the public comment period for the DEIS, and after the comment period during development of the FEIS to clarify their concerns, review the impacts of the Preferred Alternative on those communities, and develop measures to reduce and avoid those impacts (see Table 1, below). After completion of the DEIS, to address concerns raised by local communities, FRA and NJ TRANSIT, working with the other Project Partners, evaluated alternative methods for constructing the Preferred Alternative and have incorporated modifications to the construction methods into the Project that will reduce the construction impacts to local residents associated with the Project. During coordination meetings, elected officials and members of the public proposed ideas for mitigation of Project impacts on their communities, and FRA and NJ TRANSIT considered these ideas when developing

mitigation proposed in the DEIS and the FEIS and incorporated many of them into the Project commitments that will be documented in the ROD.

Table 1: Public Involvement Meetings

Meeting	Date
Public Scoping meetings (in New York and New Jersey)	May 17, 2016: NY May 19, 2016: NJ
Public meetings on Preferred Alternative selection (in New York and New Jersey)	November 10, 2016 November 17, 2016
Project briefing with City of Hoboken Mayor and staff	January 10, 2017
Public meetings for owners of properties above tunnel alignment in New Jersey	March 7, 2017 March 9, 2017
Project briefing for Weehawken residents	July 27, 2017
DEIS public hearings (in New York and New Jersey)	August 1, 2017: NY August 3, 2017: NJ August 10, 2017: NJ
Project briefing with Township of Weehawken officials	August 29, 2017
Project briefing with Township of Weehawken officials	October 30, 2017
Project briefing with Township of North Bergen officials	November 8, 2017
Project Briefing with Township of Weehawken Mayor and staff	December 14, 2017
Project Briefing with Township of Weehawken Mayor and staff	January 11, 2018
Project briefing for Weehawken and Hoboken residents	January 18, 2018
Project briefing for North Bergen residents	January 30, 2018

2 COMMENTS RECEIVED

During the fall 2016 public meetings about the Preferred Alternative, approximately 30 written comments were received during and following the November 2016 (through January 2017) public open houses related to the Preferred Alternative, via comment sheets at the open houses, via the Project’s website (www.hudsonproject.com), and via email to the FRA and NJ TRANSIT. The comments are summarized in Appendix 2 of the FEIS on the project website (www.hudsonproject.com/feis.html)

As part of the EIS process there were 235 comments submitted regarding the DEIS and Draft Section 4(f) Evaluation of the Hudson Tunnel Project. These comments and response to comments are included in Chapter 28 of the FEIS on the project website (www.hudsonproject.com/feis.html). This comment period was open from July 17, 2017, to August 21, 2017.

3 BOARD MEETINGS

GDC holds several Board Meetings which are open to the public throughout the year. Table 2 below presents the past Board Meeting dates with links to GDC’s website containing meeting materials, minutes, and public comments received.

Table 2: GDC Board Meeting Dates and Meeting Materials Links

Date	Time	Meeting Materials
September 11, 2023	12:00 P.M.	Agenda
		Overview Presentation
		Final Meeting Minutes
		Public Comments Received
		Archived Video Meeting
May 2, 2023	12:00 P.M.	Agenda
		Overview Presentation
		Final Meeting Minutes
		Archived Meeting Video
		Public Comments Received
December 12, 2022	1:00 P.M.	Meeting Agenda
		Overview Presentation
		Final Meeting Minutes

		Archived Meeting Video
		Public Comments Received
November 18, 2022	12:00 P.M.	Meeting Agenda
		Overview Presentation
		Final Meeting Minutes
		Proposed GDC Fiscal Year 2023 Operating and Capital Budgets
		Archived Meeting Video
		Public Comments Received
September 13, 2022	12:00 P.M.	Meeting Agenda
		Overview Presentation
		Final Meeting Minutes
		Archived Meeting Video
		Public Comments Received
July 19, 2022	12:00 P.M.	Meeting Agenda
		Overview Presentation
		Final Meeting Minutes
		Archived Meeting Video
May 16, 2022	12:00 P.M.	Meeting Agenda
		Overview Presentation
		Final Meeting Minutes
		Archived Meeting Video
		Public Comments Received
		Press Conference Audio
November 16, 2021	10:30 A.M.	Meeting Agenda
		Final Meeting Minutes
		Public Comments Received
		Overview Presentation

		Archived Meeting Video
		Press Conference Audio
July 12, 2021	3:00 P.M.	Meeting Agenda
		Final Meeting Minutes
		Public Comments Received
		Overview Presentation
		Archived Meeting Video #1 (Intro/Exec Session)
		Archived Meeting Video #2 (Public Session)
		Press Conference Audio
May 12, 2021	2:00 P.M.	Meeting Agenda
		Final Meeting Minutes
		Public Comments Received
		Overview Presentation
		Archived Meeting Video
		Press Conference Audio
March 5, 2021	1:00 P.M.	Meeting Agenda
		Final Meeting Minutes
		Public Comments Received
		Overview Presentation
		Archived Meeting Video
May 28, 2020*	1:00 P.M.	Agenda
		Public Comments
		2018 Financial Statements
		2019 Financial Statements
		Board Update Presentation
July 22, 2019*	11:00 A.M.	Agenda
		Meeting Video

		Board Update Presentation
		Resolution – Engineering Services Contract Amendment
		Resolution – Project Counsel
		Approved Meeting Minutes
April 2, 2019*	11:00 A.M.	Agenda
		Meeting Video
		Board Update Presentation
		Resolution – Designation of Officers & Delegation of Authority
		Resolution – Geotechnical Borings Program Phase II
		Approved Meeting Minutes
February 22, 2019*	11:00 A.M.	Agenda
		Meeting Video
		Board Update Presentation
		Approved Meeting Minutes
November 29, 2018*	11:00 A.M.	Agenda
		Approved Meeting Minutes
		Presentation: Program Update
		Presentation: Historical Context
		Meeting Video
September 28, 2018*	11:00 A.M.	Agenda
		Approved Meeting Minutes
		Board Update Presentation
		Board Resolution – Financial Advisor
		Board Resolution – Policies
		Conflicts of Interest and Code of Ethics

		Open Meetings and Transparency
		Open Records
		Trustee Reimbursement
		Workplace Violence
		Computer Use and Security
		Anti-Harassment
		Equal Employment Opportunity Policy Prohibiting Discrimination and Harassment
		Disability and Accommodation
		Meeting Video
July 10, 2018*	10:00 A.M.	Agenda
		Approved Meeting Minutes
		Presentation by the Interim Executive Director
		Board Resolution – Portal North Bridge Financial Plan
		NEW: Meeting Video
June 15, 2018*	10:00 A.M.	Agenda
		Presentation by the Interim Executive Director
		Board Resolution – RFP for Financial Advisor
		NEW: Meeting Video
		Meeting Minutes
May 18, 2018*	10:00 A.M.	Agenda
		Presentation by the Interim Executive Director
		Board Resolution – Endorsement of HYCC Utility Relocation
		Board Resolution – Election of Treasurer
		Board Resolution – Authorization of Funding Agreements
		Meeting Minutes

March 16, 2018*	10:00 A.M.	Agenda
		Presentation by the Interim Executive Director
		Meeting Minutes
March 14, 2018*	3:00 P.M.	Meeting Notice
		Agenda
		Meeting Minutes
January 18, 2018*	10:00 A.M.	Agenda
		Presentation by the Interim Executive Director
		Meeting Minutes
December 21, 2017*	11:00 A.M.	Agenda
		2017 GDC Milestones
		Presentation by the Interim Executive Director
		Meeting Minutes
November 14, 2017*	11:00 A.M.	Agenda
		Presentation by the Interim Executive Director
		Meeting Minutes
October 20, 2017*	10:00 A.M.	Meeting Notice
		Agenda
		Meeting Minutes
September 15, 2017*	1:00 P.M.	Agenda
		Meeting Minutes
		Presentation by the Interim Executive Director
		GDC comments on Federal Transit Administration's Notice of Proposed Rulemaking regarding Private Investment Project Procedures
September 7, 2017*	2:30 P.M.	Meeting Notice
		Agenda

		Meeting Minutes
August 10, 2017*	12:00 P.M.	Agenda
		Presentation by the Interim Executive Director
June 1, 2017*	1:00 P.M.	Agenda
		Meeting minutes
		Presentation by the Interim Executive Director
		Board Resolution – Outside Counsel
		Board Resolution – Hudson Tunnel Project Request for Information
		Board Resolution – Portal Bridge Financing
April 11, 2017*	12:00 P.M.	Agenda
		Meeting minutes
		Presentation by the Interim Executive Director
		Board Resolution – Executive Director Search Firm
		Board Resolution – GDC Operating Funds
January 12, 2017*	1:00 P.M.	Agenda
		Meeting minutes
		Presentation by the Interim Executive Director
		Board Resolution – Emerging Projects Agreement Authorization

**Denotes a meeting held by the Gateway Program Development Corporation, the predecessor to the Gateway Development Commission.*

4 DBE OUTREACH EVENTS

Table 3 below presents the Disadvantaged Business Enterprise (“DBE”) outreach events GDC has hosted, or participated in.

Table 3: DBE Outreach Events with GDC Participation

Event Name	Date	Event Summary
Representative Payne Roundtable with Deputy Transportation Secretary Polly Trottenberg	February 18, 2022	GDC participated in discussions for improving minority and women-owned business participation in federal transportation projects.
Representative Payne Minority Business Participation Roundtable with Secretary Buttigieg	May 26, 2022	GDC participated in discussions on diversity in federal transportation contracting, and opportunities for minority-owned construction businesses in the construction of the new Hudson Tunnel Project of the Gateway Program.
Representative Payne Build America Roundtable	February 15, 2023	The event included panel with federal government representatives and GDC’s partners and had over 250 participants, including 48 from Disadvantaged Business Enterprises (DBEs).
Contract Packaging & DBE Networking Forum	April 26, 2023	The event included a panel of GDC staff and consultants where the updated contract packaging strategy was presented. Over 280 participants, including 50 from DBEs, attended.
Federal Railroad Administration's COMTO Rail Forum	June 8, 2023	Virtual conference attended by minority businesses discussing current and upcoming contracting opportunities available via GDC as well as other rail entities.

29th Annual Competitive Edge Conference	July 18, 2023	GDC participated on a panel (Futuristic Innovations: Unveiling Energy/Transportation Infrastructure Opportunities)
Manhattan Tunnel Contract & DBE Networking Forum (GDC-Led Event)	July 25, 2023	Held at the Museum of Jewish Heritage. The Manhattan Tunnel project was presented, including DBE networking with Prime firms. Extensive Q&A session led by GDC.
Hudson County, AACNJ, Statewide Hispanic Chamber of Commerce of NJ	October 17, 2023	Hudson River Ground Stabilization (HRGS) and Delivery Partner (DP) short-listed firms and DBE briefing and networking event.

5 COMMUNITY MEETINGS

Table 4 below presents the community meetings GDC has participated in nearby to the Hudson Tunnel Project (“HTP”) area.

Table 4: Community Meeting with GDC Participation

Date	Community Meeting
December 7, 2022	Weehawken Hudson Tunnel Project Community Meeting
April 18, 2023	Union City Property Owners Community Meeting
May 10, 2023	N. Bergen Property Owners Community Meeting