Appendix A

Summary of Comments and Responses to Comments
Regarding the MOS portion of the
New Jersey – Pennsylvania Lackawanna Cut-Off Passenger Rail Service
Restoration Environmental Assessment
The following section presents the comments regarding the MOS portion of the project received during the Environmental Assessment’s public comment period and the responses to these questions.

Due to the inter-related nature of an environmental document, the categorization of comments and organization of the response to comments can be complex. It is often the case that one issue may apply to multiple subject areas of study. In addition, correspondence received during the public comment period often addresses more than one issue of concern.

For the purpose of organization, it is important to relate each comment back to the party who provided it, and it is also important to present together all comments on a particular issue so that the response to the remarks addresses the full scope of the concern. To accomplish this, an index has been provided to associate each comment with the party who provided it. Each piece of correspondence is given an identification number, which is repeated, along with the commenter’s name, in the response to comments section.

In the instances where one piece of correspondence contains only one issue, that issue is identified with a number identifier, even if the issue applies to more than one subject area. For example, a letter from Joe Smith containing only one comment about railroad horn noise would be identified as “Smith (1)” and would be addressed in both the noise and safety sections of the response portion of this chapter. Conversely, if Sue Jones’ letter presented three unrelated issues about cost, traffic congestion, and habitat protection, these comments would be identified as “Jones(2A), Jones(2B), and Jones(2C),” respectively. The number refers to the order in which the comments were received and logged. The letters identify the order of the issues as raised in each correspondence. See the example index below.

**Example:**

<table>
<thead>
<tr>
<th>ID#</th>
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<th>Name</th>
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The full text of the comment letters are provided at the end of this section. Each individual comment within the comment letters are highlighted and identified with their unique identification code to facilitate the association between the response section and the comments as provided.

The responses address only comments pertaining to issues with the EA text or EA development process. General remarks expressing support or disapproval, but not containing issues warranting additional explanation, are discussed immediately below.
Table 1 Summary of Comments

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<tr>
<th>Correspondence ID #</th>
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<td>Mitch Sullivan</td>
<td>Resident-Florence, NJ</td>
<td>email</td>
<td>General Support</td>
<td>Sullivan(50)</td>
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<td>51</td>
<td>7/19/2008</td>
<td>Nancy Michael Shuikaitis</td>
<td>Former Monroe County Commissioner/Former Chairman of Railroad Task Force</td>
<td>email</td>
<td>General Support</td>
<td>Shuikaitis(51)</td>
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<td>52</td>
<td>7/22/2008</td>
<td>Martha Carbone</td>
<td>Resident - Shawnee On Delaware, PA</td>
<td>email</td>
<td>• General Support</td>
<td>Carbone,M(52A), Carbone,M(52B)</td>
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<td>53</td>
<td>7/29/2008</td>
<td>David Dech</td>
<td>Planning Director, Warren County</td>
<td>email</td>
<td>Technical Error in EA</td>
<td>Dech(53)</td>
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<td>Correspondence ID #</td>
<td>Date</td>
<td>Name</td>
<td>Affiliation</td>
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<td>54</td>
<td>7/29/2008</td>
<td>Jeff Tittel</td>
<td>Director, New Jersey Sierra Club</td>
<td>email</td>
<td>• Development • Process • Air Quality • Data Standards • Process • Water Quality • Freight</td>
<td>Title(54A), (54D), (54H) • Title(54B) • Title(54C) • Title(54E) • Title(54F) • Title(54G) • Title(54I)</td>
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<td>55</td>
<td>7/30/2008</td>
<td>Kyle Wiswall/Zoe Baldwin</td>
<td>Staff Attorney/NJ Coordinator, Tri-State Transportation Campaign</td>
<td>email</td>
<td>• Traffic • Rail Operations • Process • Development • Process</td>
<td>Wiswall/Baldwin(55A) • Wiswall/Baldwin(55B) • Wiswall/Baldwin(55C) • Wiswall/Baldwin(55D) • Wiswall/Baldwin(55E)</td>
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<td>56</td>
<td>7/30/2008</td>
<td>Grace Musumeci</td>
<td>Chief, Environmental Review, US Environmental Protection Administration – Region 2</td>
<td>Letter</td>
<td>• Air Quality • Air Quality • Process</td>
<td>Musumeci(56A) • Musumeci(56B) • Musumeci(56C)</td>
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<td>57</td>
<td>8/1/2008</td>
<td>Scott Olson</td>
<td>Resident and Councilman, Byram Twp., NJ</td>
<td>email</td>
<td>Water Quality</td>
<td>Olsen(57)</td>
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Comments Expressing Support, Technical Revisions, or Non-Applicable Remarks

General Comments Expressing Support
During the public comment period, 57 individuals or interest groups provided comments on the EA, related to the MOS or the general project. Of these 57 individuals, 29 expressed unconditional support for the project, citing a variety of quality of life issues that would be improved through the implementation of the Lackawanna Cut-Off Project. Zellman(1), Frelinghuysen(3), Snyder(4), Phoebus(5), Hart(7), Reed(14), Habrial(15), Miller(16), Smollin(18)(31), Hessmiller(21), Payne(23), Troy(24), Bodner(25), Finan(28), Palmer(32), Keating,D(36), Keating,K(37), Cimini(38), Shore(39), Specter/Casey(43), Phillips(44), Carbone,T(45), Welsch(46), Pancham(47), Ressler(48), Sullivan(50), Shuikaitis(51)

Additional comments expressed support for the project but also expressed a desire for the project to extend beyond the MOS phase and connect through to Warren County and to Pennsylvania as quickly as possible. DiMaio(2), Dorflinger(12), Hastie(13), Koch(22), Reilly(34), Murray(35A)

Others submitted comments expressing support for the project but also asked general questions that, though not affecting the content of the EA, should still be noted. Two of the three remarks expressed support for the project but asked about the reasoning for the location of Andover Station and expressed concern over the adequacy of parking, anticipating that in time the ridership will outstrip the parking provided (Apgar(26A), Gotsch(27A)). These issues are addressed in the “Stations” section of the response to comments. The third such comment expressed support for the project but also asked that natural resources and habitat areas be respected (Carbone,M(52A)). The habitat preservation aspect of this remark is addressed in the “Ecology” section of the response to comments.

Technical Revisions
One comment noted that the EA identified County Route 521 roadway and bridge improvements as a planned project, although it is now complete (Dech(53)). This remark does not affect the content of the EA and is not addressed further.

Another comment noted that the EA was modified between the previous draft and the July 2008 version to address additional issues raised in the last public comment round. Phillips(44)

Non-Applicable Remarks
One comment was submitted to inform the project management team that the individual will not attend further public outreach meetings, as the project has been ongoing for many years without resolution (Nordell(20)). This remark does not affect the content of the EA and is not addressed further.
Comments by Subject Area:

Environmental Assessment Process

Comment:
Byram Township insists that the U.S. Department of Transportation Federal Transit Administration and the New Jersey Transit consider the environmental impacts and require a full Environmental Impact Statement. Sabatini(49G)

Response:
This EA has been performed in accordance with the:

- National Environmental Protection Act (NEPA)
- Section 4(f) of the Department of Transportation Act
- Section 106 of the National Historic Preservation Act
- Land and Water Conservation Fund
- The Federal Clean Water Act,
- The Federal Clean Air Act
- The Rivers and Harbors Act
- The Federal Endangered Species Act
- The Executive Orders pertaining to the protection of wetlands, flood plain management, and environmental justice.

The proper level of technical analysis has been performed to identify any potential environmental impacts from the MOS and appropriate mitigation has been identified and committed for those identified impacts. The analyses undertaken have been performed in accordance with the prescribed methodologies adopted by many federal and state agencies, including the Federal Transit Administration (FTA), the Army Corps of Engineers (ACOE), and the State Historic Preservation Offices (SHPO) of New Jersey and Pennsylvania, U.S. Fish and Wildlife Service (USFWS), New Jersey Department of Environment Protection (NJ DEP), Pennsylvania Department of Environmental Protection (PA DEP) Pennsylvania Department of Conservation and Natural Resources, Pennsylvania Game Commission, Pennsylvania Fish and Boat Commission. The ACOE has determined the level of analysis to be sufficient in determining potential impacts upon wetlands and Waters of the United States. In addition, a Programmatic Agreement addressing cultural resources within the corridor has been executed with the State SHPO’s and FTA. The USEPA determined in their letter dated August 28, 2008 (refer to Appendix E) that the additional analyses and commitment to implement appropriate mitigation is acceptable and that a FONSI for the MOS seems appropriate. The USEPA further emphasized in their letter that onsite compensatory wetlands mitigation is the preferable remedy for wetlands impacts, followed by off-site mitigation within the same watershed. They also noted that should the five-acre threshold for impacts be exceeded, USEPA will review and comment on the New Jersey Major Discharge Permit application to ensure that impacts have been avoided and minimized to the maximum extent feasible. The USACOE stated in their letter dated September 5, 2008 (refer to Appendix E) that based upon the FTA’s more extensive analysis of the wetlands to be impacted in the MOS, that they concur that no further analysis under the existing EA is warranted for the MOS project.

Subsequent to the issuance of the EA, FTA has determined to issue a finding only on the MOS portion of the Lackawanna Cut-Off Passenger Rail Service Restoration Project. The EA has thoroughly analyzed the effects of the MOS on the natural and built environments and has committed mitigation measures to ensure that the project will not have significant environmental impacts. The 80.7 mile portion of the Lackawanna
Cut-Off Passenger Rail Service Restoration Project beyond the MOS will be analyzed following further environmental analyses and pursuant to NEPA.

**Comment:**
The revised EA postpones various studies until the future engineering phase of the project [including] a full wetlands study…. [and] a full Threatened & Endangered [habitat] study. *Sabatini(49L)*

The EA states that this assessment is only preliminary, and they will conduct a more thorough investigation after the project is approved. *Wiswall/Baldwin(55E)*

We recommend that [a wetlands delineation and a threatened and endangered species habitat field survey] be completed prior to making a findings statement regarding project impacts. *Musumeci(56C)*

The EA fails to look at impacts to wetlands and endangered species habitat. *Title(54B)*

**Response:**
The FTA determined that wetland delineation and a threatened and endangered species field surveys for the MOS would need to be conducted. Both were completed and the results are included in the FONSI. This delineation will be extended to include the non-MOS portion of the Project between Andover and Scranton and will be completed prior to the end of 2008.

Wetland impacts, which will result from the construction of this project, will be mitigated pursuant to the New Jersey Freshwater Wetlands Protection Act (N.J.S.A. 13:9B), administered by the NJDEP, the Pennsylvania State Chapter 105 under the Dam Safety and Waterway Management Rules and Regulations, administered by the PADEP and the Federal Clean Water Act, Section 404 and the Rivers and Harbors Act, Section 10 administered by the USACE and USEPA. Compensatory mitigation including measures to offset the loss of wetland functions resulting from the MOS. These compensatory measures may include restoration, creation and/or enhancement of wetlands.

Coordination with wildlife resource agencies has been ongoing at both the Federal and State levels since 2004. The EA identifies the potential floral and faunal species that may inhabit areas within the study area. This inventory was compiled through consultation and correspondence with the USFWS New Jersey field office, USFWS Pennsylvania field office, Pennsylvania Department of Conservation and Natural Resources, Pennsylvania Game Commission, Pennsylvania Fish and Boat Commission, and NJDEP Natural Heritage Program.

On July 31, 2008, NJ TRANSIT submitted to FTA a Supplemental Threatened and Endangered Species Assessment for the portion of the project between Port Morris and Andover, which includes the right-of-way located within Byram Township. The supplemental analysis was performed by qualified environmental professionals and focused on the suitability of habitat for any of the identified faunal species, and to identify if any of the specified floral species were located within the project limits. This assessment has been submitted to FTA, posted on NJ TRANSIT’s website and appended hereto.

The results of this supplemental analysis concluded that there are no significant impacts to federal or state-listed threatened or endangered species, or state-listed species of concern, associated with the operation or the construction of the project.

Coordination with the USACOE, USEPA, and NJDEP has been ongoing since January, 2007. Meetings were held in April, 2007 to discuss the potential impacts to wetlands and to agree on the methodology that would be used to estimate the extent of wetland impacts. Additional coordination meetings and conference calls were held between May and August 2007, with concurrence that wetlands would be delineated and mitigation measures developed during final design. At the later request of USEPA, wetland delineations
were performed for the areas within the MOS. In July 2008 the wetland delineation was performed for the MOS, as described above. This delineation was then forwarded to the USACOE, the USEPA, and the USFWS. The USEPA determined in their letter dated August 28, 2008 (refer to Appendix E) that the additional analyses and commitment to implement appropriate mitigation is acceptable and that a FONSI for the MOS seems appropriate. The USEPA further emphasized in their letter that onsite compensatory wetlands mitigation is the preferable remedy for wetlands impacts, followed by off-site mitigation within the same watershed. They also noted that should the five-acre threshold for impacts be exceeded, USEPA will review and comment on the New Jersey Major Discharge Permit application to ensure that impacts have been avoided and minimized to the maximum extent feasible. The USACOE stated in their letter dated September 5, 2008 (refer to Appendix E) that based upon the FTA’s more extensive analysis of the wetlands to be impacted in the MOS, that they concur that no further analysis under the existing EA is warranted for the MOS project. Additionally, the NJDEP met with NJ TRANSIT in August 2008 to discuss the information. The NJDEP requested that NJ TRANSIT continue consultation with NJDEP during project design to minimize wetland impacts and to agree to mitigation measures.

Coordination with wildlife resource agencies has been ongoing at both the Federal and State levels since 2004. In May, 2004 USFWS requested that bog turtle habitat surveys be conducted in areas with emergent and shrub/scrub wetlands along the proposed project route and additionally information regarding potential impacts to the Indiana bat. In August, 2004, USFWS met with NJ TRANSIT and agreed to an appropriate plan for continued consultation. NJ TRANSIT committed in writing (via its September 2, 2004 letter) to future coordination and consultation with the USFWS for the protection of federally listed threatened and endangered species and their habitats. USFWS noted in their November 12, 2004 letter that due to the timing of project planning and development, NJ TRANSIT may perform necessary surveys and studies during the final design and development stages of the proposed project, and that NJ TRANSIT would document this ongoing consultation in the EA. Coordination continued in May, 2007, with the USFWS reiterating their request for a Bog turtle habitat study. A Bog turtle habitat study was performed, as described above, in July, 2008. We are awaiting a Section 7 Consultation Summary from the New Jersey office of the USFWS. This summary was discussed in a September 11, 2008 conference call with the USFWS, FTA and NJ TRANSIT. During the call it was agreed to that given the study’s findings, Phase 2 studies would not be required to identify bog turtles, as long as construction fencing was installed to protect the areas that have the potential for bog turtle habitat, and that a certified bog turtle specialist was on-site during construction in the areas of the potential bog turtle habitat. Additionally, regarding the Indiana bat, the USFWS recommends prohibiting the removal of trees between April 1 and September 30, to which NJ TRANSIT agreed. The Consultation Summary from the US Department of the Interior/USFWS is forthcoming. NJ TRANSIT will continue its communications and consultation with these agencies during project design and implementation.

Comment:
The revised EA still does not fully examine transportation alternatives. *Sabatini*(49S)

Response:
As discussed in Section 2.1 of the EA, Alternatives Development and Selection Process, the Lackawanna Cut-Off Right-of-Way Use and Extension Study, completed in 1989 and the Transportation Options in the Pocono Corridor Study, completed in 1995 considered the following alternatives:

- Carpool/vanpool
- Bus/high occupancy vehicle (HOV)
- Guided bus
- Light rail transit
- Passenger/commuter rail
• Modified/advanced rail
• Maglev/monorail
• Commuter bus
• Multimodal (mix of rail and bus)
• Highway

The Morris County Northwest New Jersey-Northeast Pennsylvania Major Investment Study, completed in 2000, further refined a shorter list of alternatives:

• No-Build Alternative
• Bus Alternative
• Rail Alternative
• Multi-Modal Alternative

In August 1999, the findings of the MIS were presented to the Technical Advisory Committee and the public. As a result of these meetings the MIS Rail Alternative was selected as the proposed Build Alternative. In light of the findings of the MIS, the North Jersey Transportation Planning Authority’s (NJTPA) Draft Final Regional Transportation Plan, dated December 2000, included restoration of rail service on the Lackawanna Cut-Off as a key alternative to single occupancy vehicle usage on Interstate 80. Based on these actions, the rail service alternative was analyzed in the EA along with the No Build Alternative. And finally, in 2008, the NJTPA approved the advancement of the Lackawanna Cut-Off project as a railroad use.

Comment:
Nowhere in the EA does the agency describe the process used to determine the value of proceeding with the MOS. Wiswall/Baldwin(55C)

Response:
Section 2.2 of the EA, Alternatives for Advancement, discusses the reasoning for choosing the MOS: “The level of needed capital investment is small, while providing a meaningful extension of rail service. Existing trains now handled at Port Morris Yard can easily be taken to and from Andover to provide this proposed service without impacting current train schedules, equipment needs or rail customers”.

Comment:
[The EA] does not look at the relationship between this project and the Highlands Protection Act. Title(54F)

Response:
Sections 1.5, Area Development Pattern Description, 3.1, Land Use, Zoning and Consistency with Local Plans, 3.12, Geology, Soil, and Topology, and 3.20, Cumulative Effects and Indirect Impacts, address the relationship between the project and the August 2004 Highlands Water Protection and Planning Act. Additionally, NJ TRANSIT believes that the proposed project supports Section II of the bill as a transportation component that provides a plan for “transportation system preservation, includes Federally mandated projects or programs and recognizes smart growth strategies and principles...” In addition, the proposed project is also consistent with the exemption for reactivation of rail lines and rail beds as discussed in Section IV of the Act. As described in the Section 1.5.3 of the EA, future development in much of the area to the east of Blairstown will be limited, as the area falls within the Highlands Region, as designated by the Act.
Data Standards and Statistical Basis

Comment:
The Cutoff services an area in the “Highlands” which has virtually shut down all construction & growth, so no future growth will happen. Bender(40B)

The EA anticipates the same population growth trends and household growth trends, whether or not the Lackawanna Cutoff [sic] is constructed. Tittle(54E)

Response:
As described in Section 3.1 of the EA, Land Use, Zoning and Consistency with Local Plans, project-induced development will not occur in the vicinity of the proposed station sites. The proposed service is being offered as an alternative commuting method for those residents that are already located near the stations and to address improved access and projected growth. Predicted growth would occur independent of the proposed project.

Comment:
Busses [sic] are handling all needs presently and economically. Bus takes 70 minutes to NYC. Bender(40A)

Response:
As described in Section 1 of the EA, Purpose and Need, bus service is a currently major mode of travel for the region’s commuters. Martz has continually added additional buses to their fleet and expanded their service plan to accommodate the continual growth in riders. However these buses must use Interstate 80 as well as other approaches into Manhattan that are congested in many places. Additionally the Exclusive Bus Lane (XBL) on I-495 feeding the Lincoln Tunnel in the AM peak period is currently near or at capacity with limited room for growth of future demand. Therefore, alternatives to the commuter bus need to be advanced.

Stations

Comment:
Why was the current location chosen for the Andover Station? Apgar(26B)

This severe environmental constraint [Category 1 stream] provides a substantial reason to consider relocating the proposed Andover Station site to a point along the Cutoff’s intersection with Route 206 and within Andover Borough. Sabatini(49I)

Suggest moving the Andover Station to Route 206, using a multi-level parking garage and platform. Hiscane(17B)

Response:
Several alternatives were analyzed and discussed with the municipalities for the location of the Andover Station, including a station between Tranquility Road (CR 517) and Route 206. This site would have access from Tranquility Road, along an existing residential driveway, and would require the partial taking of this residential property, as well as full taking of an additional property adjacent to the alignment, next to a hiking trail, the Sussex Branch Trail. The approximate 75-foot difference in elevation between the roadway and the trackbed would necessitate complex and costly station facilities. The current station location on Roseville Road was chosen instead of the Route 206/Tranquility Road site since it is one of the few places where the rail bed and road are at similar grade, minimizing the amount of infrastructure necessary to access the rail alignment. The selected location does not create traffic problems or significant environmental impacts, as further discussed under the Traffic subject area of this Appendix. Additionally,
the property proposed for the Andover Station is currently owned by the State of New Jersey and does not require any property acquisition.

Andover Township has fully endorsed the proposed station site off Roseville Road. The site lies within Andover Township’s borders.

**Comment:**
The proposed 65 parking spaces in Andover may be very inadequate. *Gotsch(27B)*

**Response:**
The parking areas have been sized for each station based upon ridership forecasts. The Andover Station is proposed to have 65 spaces in the MOS, and 125 in the full Build Alternative.

**Comment:**
The Andover Station does not have a location that has any roadway infrastructure. *Gatti(42)*

**Response:**
Based upon the residential distribution of the potential station users, virtually all of the vehicle trips accessing the station are expected to originate from points north, and will utilize US Route 206 for access to the station, traveling along Andover-Mohawk Road and Roseville Road. Key intersections along this route that represent the control points for traffic flow were analyzed, with the analysis results indicating acceptable operations under future conditions, both for the MOS and the full Build Alternative.

**Additional Infrastructure**

**Comment:**
Please consider implementing a shuttle service for the Townships of Andover and Sparta; also Andover Boro [sic]. *Wertz(29),(41)*

**Response:**
Bus service needs throughout northwest New Jersey are currently the subject of a separate NJ TRANSIT study. These efforts will be coordinated to determine future shuttle opportunities.

**Rail Operations**

**Comment:**
Will there be express service trains that skip local stations? Will some trains run on the Morristown Line? *Hornstein(6)*

...scheduling [should] be done so that there would be an express train in to New York City in the morning, at least one… and two or three express trains every day [would be more efficient]. *Murray(35B)*

**Response:**
The proposed trains to Andover are extensions of NJ TRANSIT Morris & Essex and Montclair-Boonton Lines trains. The number of stations skipped east of Andover would vary, depending upon which trains were extended to Andover.

**Comment:**
There is no mention of weekend service when demand for recreational activities is greatest, except to state that the MOS will not include service on the weekends. *Wiswall/Baldwin(55B)*
Response:
As described in Section 2.2 of the EA, Alternatives for Advancement “annual ridership figures were calculated based upon typical weekend and holiday service, and include recreational weekend riders”. The annual operating costs and revenue estimates in the EA were calculated based on the operation of weekend service. No weekend service is planned for the MOS to Andover. However, weekend service would be provided with the full build project to Scranton.

Comment:
No impact study done for the additional train traffic between Port Morris and New York City. No noise mitigation or anything for that. Simpson(39B)

Response:
No impact study was required. From Port Morris to Hoboken/Midtown Manhattan, there will be no project related impacts in any of the analysis areas because there will be no change to NJ TRANSIT rail operations or infrastructure as a result of the Build Alternative, as compared to the No Build Alternative.

Comment:
Train counts are excessive during peak travel, making this even less desirable by local residents. McCarthy(19C)

Response:
The service schedule is a balance between ridership demand and costs. As noted in Section 2.2 of the EA, Alternatives for Advancement, there will be nine eastbound and nine westbound trains.

Engineering

Comment:
To what degree have the structures been evaluated, eg stability and integrity? Buckley(8)

Response:
As noted in the EA in Section 2.2.2.4, Infrastructure, a component of the project planning and EA was to perform a detailed inventory and analysis of the existing infrastructure found throughout the corridor. A full technical report describing the existing conditions and improvements required for passenger rail service implementation has been prepared and is titled Structures and Inventory Analysis Report, prepared by Edwards and Kelcey, Inc. dated August 2003.

Cost

Comment:
Should overruns be encountered … how will additional funding be secured? Buckley(9)

Response:
A line item for contingencies is included in the capital cost estimate to cover unexpected expenses. As noted in the EA in Section 2.2.2, Build Alternative, the amount of funding needed for the MOS is available.

Comment:
The costs versus ridership clearly illustrate the wastefulness of both the full project and the route to Andover. McGarrity(10A)

There is also no discussion of whether the construction and operating expenses justify the project. Sabatini(49U)
The benefits of implementing the Cut-Off as a recreational trail prevail over the costs associated with the current, proposed project. *Sabatini(49E)*

**Response:**
Consistent with FTA procedure, The Northwest New Jersey-Northeast Pennsylvania Major Investment Study, dated December 2000, assessed the cost effectiveness, including capital cost and operating and maintenance, of the short-listed alternatives, which included the bus alternative and the rail alternative. A recreational trail was not included as an alternative as it would not meet the goals and objectives of the project of providing public transportation. The MIS makes the following conclusion in reference to the rail alternative: “Given the level of population and economic activity within the study area, the project is an excellent candidate for transportation investment in the states of Pennsylvania and New Jersey. The use of federal aid for the project within the guidelines of TEA-21 is consistent with federal policies encouraging a balanced, multimodal approach to transportation investments.”

The primary purpose of the EA is limited to the identification of environmental impacts and mitigation measures.

**Freight**

**Comment:**
…major concern… with DOT changing the route from passenger trains to freight trains carrying garbage. *Lindsay(7B)*

There are no guarantees that this will not evolve to hauling trash at other times. *McCarthy(19B)*

The EA references the Cut-Off for trains carrying freight and municipal solid waste is not planned for the future, but does not eliminate the possibility. *Sabatini(49B)*

The revised EA again dismisses [the use of the line for trash-hauling freight service] and this does not address potential impacts of such a use. *Sabatini(49N)*

When the line was purchased by New Jersey DOT, it was for freight rail, rather than passenger service. *Tittle(54I)*

**Response:**
The following language is entered here to respond to these comments concerning freight service. It is repeated from a letter sent by former NJ TRANSIT Executive Director George Warrington to the Morris County Freeholder Director on February 17, 2006.

“The Lackawanna Cut-Off project scope being developed by NJ TRANSIT only includes railroad infrastructure for passenger rail service. While there are no absolute guarantees that freight service will never run on the Lackawanna Cut-Off, the prospect of of freight service on the line is highly unlikely for a number of reasons.

Generally speaking, freight railroads would find it both operationally difficult and cost prohibitive to operate on the Lackawanna Cut-Off Line.

- The line is not well connected to the national freight network and NJ TRANSIT knows of no freight operator interested in this market. Most port-related freight either utilizes the
Lehigh Valley Line along I-78 to connect to points south and west, or the West Shore Line in Bergen County to connect to points north and west.

- On the east, the Lackawanna Cut-Off connects with the NJ TRANSIT Morristown Line. This rail line carries a very high volume of commuter train traffic and has numerous clearance obstacles (bridges and overhead electric catenary system) that would limit the utility of this route for freight service. The Morristown Line does not serve the Port areas of New Jersey
- On the west, the Lackawanna Cut-Off route continues to Scranton, PA. Along the way there is another low clearance tunnel and a significant grade to crest the Pocono Mountains.

- The height limitation on the Morristown Line is 15 feet, 6 inches, while modern double stack container cars normally used to handle port-related traffic require 20 feet, 2 inches of clearance. Double-stacked container cars cannot fit under our overhead electrical system that provides power to our electrified passenger trains.

- Presently, NJ TRANSIT operates nearly 200 of its own trains on the Morristown Line at Summit each weekday. Freight train operations would need to be restricted to a very short time window making major freight service operation difficult and expensive.

- The freight companies would need a trackage rights agreement from NJ TRANSIT and approval from the Surface Transportation Board to operate on the Lackawanna Cut-Off, both of which are complex processes.

- NJ TRANSIT’s lines are limited to handling freight cars weighing up to 263,000 pounds. Most freight cars today carry up to 286,000 pounds. Consequently, freight railroads prefer routes with no restriction on the operation of the heavier cars.

The facilities and service being planned for the project are intended to accommodate passenger service only. There is no freight service being planned for this project by NJ TRANSIT. NJ TRANSIT does not and cannot operate freight service. Also, the Environmental Assessment document being prepared by NJ TRANSIT for the Federal Transit Administration will not include an evaluation of the impacts related to the operation of freight service on the line.”

**Development**

*Comment:*
Possible development promoted by this project….The EA examines an area only ¼ to ½ miles of the project site, and thus this conclusion may not consider development that could be promoted outside of that limited corridor. Sabatini(49O)

The current EA fails to look at impacts to land use and secondary growth from the rail line, claiming that there will be no land use impacts because the line meets local zoning…. We believe that its real intention is to promote sprawl and overdevelopment in environmentally sensitive and rural areas… it will …encourage more traffic because of the development and the need by companies to service the expanding populations in Sussex Counties and the Poconos. Tittle(54A), (54D), (54H)

The document does not take into account development pressures in the area, which were voiced in the concerns of many local residents in the comments portion of the document. Wiswall/Baldwin(55D)
Response:
Sections 3.1, Land Use, Zoning and Consistency with Local Plans, and 3.20, Cumulative Effects and Indirect Impacts, evaluated the project’s potential impacts upon land use and development within the corridor and region. As noted within those sections of the EA land use and zoning authority is controlled at the local municipal level. The NJ State Municipal Land Use Law NJ 40:55D-1 et.seq. clearly legislates that Comprehensive Master Planning and Zoning Regulations are developed and enforced by local municipalities. Development in this portion of New Jersey is further guided by the Highlands Planning Act.

Sussex County experienced growth rates of 12% and 10%, respectively between 1990 and 2000. This growth is expected to continue, with NJTPA forecasting a 30% and 32% growth by 2030, respectively for Sussex County, without the rail project in place. The reported and projected growth rates for these counties are among the highest rates in the State, along with those of Monmouth and Ocean Counties. Most of these counties have limited rail service yet remain as the fastest growing areas within the State. Conversely there are a number of other factors that contribute to a strong real estate market including the provision of infrastructure beyond transportation, for example, the availability of sanitary sewers and potable water systems.

The EA evaluated the compatibility of the proposed action with the long range development plans of the various counties and municipalities within the corridor and concluded that the proposed passenger rail line is consistent with those locally developed plans. As described in Section 3.1, project-induced development will not occur. Predicted growth would occur independent of the proposed project; however it is possible that new growth will be allocated to areas closer to proposed stations.

Traffic

Comment:
The proposed location of the station in Andover Township on the south slide [sic] of Roseville Road may have significant quality of life impacts on the residents of Byram Township, and may require Byram Township to complete off-tract improvements to Roseville Road and for New Jersey Transit to complete improvements to the one lane bridge on Roseville Road that extends over the Lackawanna Cut-Off right-of-way. Sabatini(49C)

There is also no assessment of how Byram’s local roads might be affected by traffic to the Andover station. Sabatini(49P)

Response:
The traffic analysis results presented in Section 3.7 of the EA determined that the intersections affected by the proposed Andover Station would not result in significant traffic impacts over the No Build Condition. The new intersection of Roseville Road and the proposed station access driveway will have an LOS of A in the AM Peak Hour and A/B in the PM Peak Hour, indicating that Roseville Road will not be impacted by commuters accessing or leaving the station. Therefore there will be no need for any mitigation related to the station and/or to Roseville Road.

Additional roadways within Byram Township were not analyzed for the following reasons:

1. NJDOT Access Code defines 100 or more peak hour trips as a significant increase in traffic requiring analysis on the State system. While this is not a State roadway, the concept is still applicable. Peak demand is projected to be 45 vehicles per hour...less than ½ of the NJDOT prescribed threshold.
2. Based upon the residential distribution of the potential station users, virtually all of the vehicle trips accessing the station are expected to originate from points north, and will utilize US Route 206 for access to the station, traveling along Andover-Mohawk Road and Roseville Road. Key intersections along this route that represent the control points for traffic flow were analyzed, with the analysis results indicating acceptable operations under future conditions.

3. Both Andover-Mohawk Road and Roseville Road are two-lane rural roadways. This category of roadway typically has a carrying capacity of between 1,400 and 1,600 vehicles per lane hour. Future traffic volume projections indicate a maximum one-way traffic volume of 130 vehicles per hour along Andover-Mohawk Road east of Route 206. Even if all of this traffic were to utilize Roseville Road, these 130 vehicles per hour represent less than 10 percent of the carrying capacity of this roadway, or a volume-to-capacity ratio of less than 0.10. Traffic operations do not present a concern with this level of activity. Therefore, no formal operational analysis was required along these roadways.

Comment:
Congestion mitigation on Route 80 is not directly listed as a primary purpose for the project, it is referenced throughout the document yet never analyzed. Wiswall/Baldwin(55A)

Response:
The EA does not include an evaluation of the potential traffic reductions on Interstate Route 80 since this is beyond the scope of a traditional traffic analysis performed under NEPA. The purpose of the project is in part to provide an alternative to Route 80 for travelers within the corridor.

Based on the socioeconomic and transportation trends and projections, previous feasibility studies, and results of the project scoping process activities, it was determined that the major transportation issues that need to be addressed include:

- Weak links between activity centers and attractions;
- Poor accessibility to New Jersey and New York City work destinations;
- Underutilized transportation right-of-way;
- Disruption of communities and environment from transportation improvements;
- Lack of corridor mobility;
- Uncoordinated modal network of private and public transportation services that are segregated by state boundaries rather than market boundaries; and,
- Untapped economic development potential in the region

Further discussion of these project needs can be found starting in Section 1 of the EA, Purpose and Need.

The Major Investment Study (MIS) completed in 2000 addressed the traffic situation within the region including the Route 80 corridor. The travel demand forecasting effort calculated the reduction in vehicle miles traveled (VMT) resulting from the project (see Section 3.8 of the EA, Air Quality).

Air Quality

Comment:
The statistics on which the purported need for the project is based are antiquated… and they do not address the broad issues of carbon footprint and global warming. McGarrity(10B)

There is no mention or discussion in the revised EA about global warming issues. Sabatini(49T)
Response:
The air quality mesoscale analysis described in Section 3.8 of the EA, Air Quality, identifies the net effects
of the project on air quality emissions. Although not specifically addressing the impacts to global warming,
it does compare the reduction in vehicle miles traveled of automobiles to the increase in train miles to
determine the net change in pollutants identified by the USEPA as being of national concern. As noted in
the table the project would result in a reduction of hydrocarbons and carbon monoxide, and a slight increase
in particulate matter and nitrogen oxides. As described in Section 3.8.4 “measures will be implemented
during construction and operation to reduce particulate matter and NOx emissions such as the following:
implementing idle reduction technology at the Scranton yard; options to purchase new locomotives that
meet or exceed USEPA’s emission standards; retrofit and/or rebuild of older locomotives to achieve a better
air quality rating; repowering equipment with generator set/hybrid technology; and, use of cleaner diesel
fuel or alternative fuel.”

Comment:
The document fails to identify homes that are very close to the right-of-way that may be severely impacted
by noise, diesel pollution and dust. Attached is a list of homes that may be moderately to severely impacted
based on their location to the right-of-way. Sabatini (49A), (49R)

The EA does not mention impacts on air quality from diesel locomotives, people driving to park-and-rides,
or from secondary development. Tittle(54C)

Response:
Diesel soot, which is defined as a black substance consisting chiefly of carbon particles formed by the
incomplete combustion of burning matter, is discharged from the train primarily while it warms up in the
rail yard. The rail yard is thus the primary source of concern for diesel pollution, and would demonstrate
the highest pollutant potential. To analyze this worst-case, a stationary source analysis was prepared to
evaluate the impacts the project would have at the Scranton Yard. [Since no new trains would be added to
the Port Morris Yard under the MOS, residents adjacent to the Port Morris Yard would not be impacted by
the project.] The National Ambient Air Quality Standards (NAAQS) for each pollutant are 35 ppm for one-
hour CO, 9 ppm for eight-hour CO, and 150 µg/m³ for PM₁₀. Given that the worst-case emissions would
not cause an impact, the emissions associated with travel along the alignment would also not cause an
impact to neighboring residents of the alignment.

Additionally, Section 3.8.3 of the EA discusses the regional air quality analysis performed to assess the
effects of commuters driving to and idling at stations, the idling of trains at the yard, the reduction in VMT
caused by commuters using the train, and the increase in train VMT. The analysis revealed that the project
would result in a reduction of hydrocarbons and carbon monoxide, and a slight increase in particulate
matter and nitrogen oxides.

Comment:
We recommend NJ TRANSIT record in its project findings statement the latest information from NJTPA,
as the NJTPA Board of Trustees is scheduled to adopt the FY2009-2012 TIP on July 29, 2008. Musumeci(56A)

Response:
The latest information from NJTPA regarding the FY2009-2012 TIP is included in the project findings
statement (the FONSI).

Comment:
The portion of the project in Morris County should be evaluated to determine if there is a need for a PM2.5
hot-spot analysis. Musumeci(56B)
Response:
The portion of the project in Morris County was evaluated for a hot-spot analysis in the Draft EA that NJ TRANSIT published in December 2007. The findings of the evaluation concluded that a hot-spot analysis was not required. Since that date, Morris County has been delisted as being in a nonattainment area for PM$_{2.5}$. Thus the hot-spot analysis evaluation was removed from the revised EA.

Wetlands

Comment:
Wetlands within the right-of-way between Roseville Tunnel and the bridge that carries Roseville Road over the Cut-Off. … The Township is making a formal request that mitigation for the disturbance of these wetlands be conducted within Byram Township and along the Lubbers Run corridor. … The Township is proposing that mitigation work consist of stormwater improvements at Lake Lackawanna. Sabatini (49J)

Response:
In accordance with applicable Federal and State regulations, the project design and construction in and adjacent to wetlands in the specified area as well as the full project footprint are subject to permitting requirements under those Federal and State programs. NJ TRANSIT has developed a prospective design and construction strategy that will fulfill permitting and regulatory requirements in consultation with the United States Army Corps of Engineers and the NJDEP Land Use Regulation Program. This program requires NJ TRANSIT to avoid, minimize or mitigate any unavoidable impacts. The USEPA determined in their letter dated August 28, 2008 (refer to Appendix E) that the additional analyses and commitment to implement appropriate mitigation is acceptable and that a FONSI for the MOS seems appropriate. The USEPA further emphasized in their letter that onsite compensatory wetlands mitigation is the preferable remedy for wetlands impacts, followed by off-site mitigation within the same watershed. They also noted that should the five-acre threshold for impacts be exceeded, USEPA will review and comment on the New Jersey Major Discharge Permit application to ensure that impacts have been avoided and minimized to the maximum extent feasible. The USACE stated in their letter dated September 5, 2008 (refer to Appendix E) that based upon the FTA’s more extensive analysis of the wetlands to be impacted in the MOS, that they concur that no further analysis under the existing EA is warranted for the MOS project. Additionally, the NJDEP met with NJ TRANSIT in August 2008 to discuss the information. The NJDEP requested that NJ TRANSIT continue consultation with NJDEP during project design to minimize wetland impacts and to agree to mitigation measures.

In the event that certain wetland impacts are not avoidable, NJ TRANSIT will be required to mitigate such impacts under an agency approved wetland impact mitigation plan. With regard to potential mitigation efforts, both the Federal and State agencies have developed an order of preference relative to potential mitigation sites. In the event that onsite restoration of an area to preconstruction conditions is not feasible, mitigation activity in adjacent or within the same watershed is preferred. Remaining potential mitigation sites may include offsite and/or wetland mitigation banking. Therefore, and in response to the request that project wetland impacts be mitigated at Lake Lackawanna, NJ TRANSIT will commit to incorporating mitigation at Lake Lackawanna and along the Lubbers Run corridor as a first priority, pursuant to approval by the Federal and State regulatory authorities during the permit application process.

Ecology and Habitats

Comment:
…we are concerned about wildlife. Crawford(11B)

NJT has sited the Andover Station on pristine land inhabited by threatened and endangered species. Hiscane(17A)
I would only ask that sensitive habitat/species be respected as you go forward. Carbone,M(52B)

Response:
Coordination with wildlife resource agencies has been ongoing at both the Federal and State levels since 2004. The EA identifies the potential floral and faunal species that may inhabit areas within the study area. This inventory was compiled through consultation and correspondence with the USFWS New Jersey field office, USFWS Pennsylvania field office, Pennsylvania Department of Conservation and Natural Resources, Pennsylvania Game Commission, Pennsylvania Fish and Boat Commission, and NJDEP Natural Heritage Program. On July 31, 2008, NJ TRANSIT submitted to FTA a Supplemental Threatened and Endangered Species Assessment for the project area between Port Morris and Andover (the Minimal Operable Segment), which includes the right-of-way located within Byram Township. The supplemental analysis was performed by qualified environmental professionals and focused on the suitability of habitat for any of the identified faunal species, and to identify if any of the specified floral species were located within the project limits. This assessment has been submitted to FTA, posted on NJ TRANSIT’s website and appended hereto.

The results of this supplemental analysis for the MOS concluded that there are no significant impacts to federal or state-listed threatened or endangered species, or state-listed species of concern, associated with the operation or the construction of the project.

Work is beginning on an endangered species field survey effort on the non-MOS portion of the Project, similar to that completed for the MOS, to be completed within the next four months.

Coordination with wildlife resource agencies has been ongoing at both the Federal and State levels since 2004. In May, 2004 USFWS requested that bog turtle habitat surveys be conducted in areas with emergent and shrub/scrub wetlands along the proposed project route and additionally information regarding potential impacts to the Indiana bat. In August, 2004, USFWS met with NJ TRANSIT and agreed to an appropriate plan for continued consultation. NJ TRANSIT committed in writing (via its September 2, 2004 letter) to future coordination and consultation with the USFWS for the protection of federally listed threatened and endangered species and their habitats. USFWS noted in their November 12, 2004 letter that due to the timing of project planning and development, NJ TRANSIT may perform necessary surveys and studies during the final design and development stages of the proposed project, and that NJ TRANSIT would document this ongoing consultation in the EA. Coordination continued in May, 2007, with the USFWS reiterating their request for a Bog turtle habitat study. A Bog turtle habitat study was performed, as described above, in July, 2008. We are awaiting a Section 7 Consultation Summary from the New Jersey office of the USFWS. This summary was discussed in a September 11, 2008 conference call with the USFWS, FTA and NJ TRANSIT. During the call it was agreed to that given the study’s findings, Phase 2 studies would not be required to identify bog turtles, as long as construction fencing was installed to protect the areas that have the potential for bog turtle habitat, and that a certified bog turtle specialist was on-site during construction in the areas of the potential bog turtle habitat. Additionally, regarding the Indiana bat, the USFWS recommends prohibiting the removal of trees between April 1 and September 30, to which NJ TRANSIT agreed. The Consultation Summary from the US Department of the Interior/USFWS is forthcoming. NJ TRANSIT will continue its communications and consultation with these agencies during project design and implementation.

Comment:
Clearing the railroad of 100’s of trees will not help the environment and spoiling wetlands will destroy critical habitat for threatened and endangered species. Wilson(16B)
There are no specifics about tree removal, either for construction or operation, and no explanation of how many trees will be removed on embankments within deep cuts. Sabatini(49Q)

Response:
The right-of-way under consideration is an existing transportation corridor and as such the majority of it is currently cleared of trees. NJ TRANSIT plans to limit tree removal to only that which is necessary to safely construct and operate the project. The Lackawanna Cut-Off alignment in New Jersey is a previous operating railroad which has not been maintained in recent years. The extent of mature vegetation requiring removal is mainly that which has grown along the track bed since operations ceased in the 1970’s. As described in Section 2.2 of the EA, Alternatives for Advancement, all grubbing work (clearing of the under story) will be done so as to minimize impacts.

As described above, habitat surveys and surveys for individual threatened and endangered species have been performed for the project. Restoration of service on the former railroad right-of-way under consideration for this project will not have any unmitigated impact on habitats for threatened and endangered species. Impacts to the 6.4 acres of wetlands that will be impacted by the project will be mitigated through restoration, creation and/or enhancement of wetlands, as described in Section 3.14 of the EA, Wetlands and Streams.

The USEPA determined in their letter dated August 28, 2008 (refer to Appendix E) that the additional analyses and commitment to implement appropriate mitigation is acceptable and that a FONSI for the MOS seems appropriate. The USEPA further emphasized in their letter that onsite compensatory wetlands mitigation is the preferable remedy for wetlands impacts, followed by off-site mitigation within the same watershed. They also noted that should the five-acre threshold for impacts be exceeded, USEPA will review and comment on the New Jersey Major Discharge Permit application to ensure that impacts have been avoided and minimized to the maximum extent feasible. The USACOE stated in their letter dated September 5, 2008 (refer to Appendix E) that based upon the FTA’s more extensive analysis of the wetlands to be impacted in the MOS, that they concur that no further analysis under the existing EA is warranted for the MOS project.

Water Quality

Comment:
Byram Township, the ‘Township of Lakes’, has many lakes and waterways that will be directly or indirectly impacted by excess storm water runoff resulting from increased impervious surfaces due to the restoration of the Cut-Off. … Byram Township is concerned regarding the long term impacts of runoff from the Cut-Off to the lakes and waterways of Byram. Sabatini(49D)

Response:
At present the rail roadbed located within NJ, including that which is within Byram Township, contains the remains of what was an operating railroad abandoned in the mid 1970’s. This rail bed was constructed as all rail roadbeds were, utilizing various infrastructure components including stone ballast as a stabilizing subsurface. While this stone ballast is not completely impervious, as is a paved surface, it does allow only a limited amount of absorption due to the years of natural compaction that have taken place. When the original Lackawanna Cut-Off was constructed in the early 1900’s no stormwater or water quality management measures were put in place. Stormwater from the railroad was directed as overland flow to drainage swales along the right of way and ultimately to downstream receiving waters, i.e. streams, rivers and lakes. Stormwater was not managed or controlled in any manner and in the case of the Lackawanna Cut-Off it remains this way today.
The project calls for the rehabilitation of the former Lackawanna Cut-Off including reestablishing the abandoned railbed to meet current standards. This rehabilitation will consist of removal of the former ballast and subsurface replacing it with a new roadbed including stone ballast. The overall amount of “impervious” surface resulting from the rehabilitation of the railroad will not increase. In addition the project will include stormwater management and water quality provisions as required by the NJDEP. Since the project will not result in additional impervious surface coverage and will meet all current NJDEP criteria for stormwater management the EA has correctly concluded that there will be no impact to water quality resulting from railbed rehabilitation.

The design calls for the construction of one parking lot and station platform outside of Byram Township in neighboring Andover Township. This is the only prospective construction of additional impervious surfaces in the vicinity of Byram Township. It is necessary to provide for parking at the proposed station and therefore a new paved parking area will be constructed. The parking area is proposed to accommodate 65 vehicles for the MOS and 125 vehicles for the full Build Alternative. This represents approximately 19,500 and 37,500 square feet of impervious surface coverage, respectively. The conceptual design plans for the station incorporate a stormwater management/water quality basin. This basin will be designed to meet all applicable regulations as required by NJDEP. These basins are utilized to accomplish two purposes: (1) stormwater management that is controlling the rate of runoff to ensure that runoff leaving the site is at a rate equivalent to the post construction rate; and (2) for water quality improvements. The basin and the stormwater water drainage infrastructure is designed to collect/detain/retain stormwater collected from impervious surfaces allowing oils and other potential contaminants to be filtered out prior to the water being released from the site. This system will protect all receiving waters from contaminants and will result in no project impacts to water quality.

The design and construction of all project drainage infrastructure within New Jersey falls under the regulatory oversight of the NJDEP. The design and construction of the project is regulated under the NJDEP Flood Hazard Control Program. This facility will be designed and constructed in accordance with all applicable storm water treatment requirements, as noted above and in the EA.

Consequently, there will be no “excess storm water runoff” resulting from the project. Furthermore, improvements to the Lackawanna Cut-Off railroad drainage features will comply with applicable New Jersey State regulations as enforced by the NJDEP.

The EA analyzed all of the potential impacts to surface and groundwater resources including the potential impacts to Germany Flats Aquifer. The Germany Flats Aquifer is an important groundwater resource located within this part of New Jersey. The most important areas of this aquifer are those recharge areas consisting of subsurface geology containing extensive sand and gravel compositions. These areas allow for significant groundwater recharge and serve as the primary recharge areas for this aquifer. In these areas particular concern is warranted related to potential point source pollutants or the storage of large quantities of potential pollutants such as fuel tanks or other storage facilities.

The EA properly notes that the mapped sand and gravel recharge areas are distant from both the right of way and the stations. The nearest recharge area is located more than 1500 feet from the Andover Station. In addition the project does not involve the handling, carrying, or storage of large amounts of potential pollutants. All vehicle fueling will be performed at either Port Morris or Scranton Yards in approved fueling facilities. NJ TRANSIT has in place an approved Spill Prevention Control and Containment Plan for all of its operations including train operations.

The EA has evaluated the potential impacts of the project on water quality and has determined that there will be no impacts. The results of the water quality analysis are found in Section 3.13 of the EA of the EA, as well as within Appendix I.
Comment:
The Category 1 stream... while just over the line in Andover Township... is considered Highlands waters... thus this stream requires 300-foot buffers, and the proposed station construction within those buffers will require thorough DEP review and may even require Highlands Council review. Sabatini(49H)

The proposed Andover station site is immediately adjacent to a Category-1 stream. Olsen(57)

Response:
NJ TRANSIT is aware of the change in the stream classification of Andover Junction Brook to a Category 1 stream, with a 300-foot Special Water Resource Protection Area (SWRPA). The conceptual design currently shows the Andover Station within the SWRPA. NJ TRANSIT would coordinate with NJDEP Land Use Program to determine if the project could qualify for a waiver for the C1 waterbody development regulations. During final design, and in coordination with NJ DEP, the layout of the parking area could be modified to reduce the area within the SWRPA, and to maintain or improve the overall function and value of the SWRPA.

As for the water quality issues associated with the stream, the project design calls for the construction of a parking lot and station platform. The parking area is proposed to accommodate 65 vehicles for the MOS and 125 vehicles for the full Build Alternative. This represents approximately 19,500 and 37,500 square feet of impervious surface coverage respectively. The conceptual design plans for the station incorporate a stormwater management/water quality basin into the design. This basin will be designed to meet all applicable regulations as required by NJDEP. These basins are utilized to accomplish two purposes: (1) stormwater management that is controlling the rate of runoff to ensure that runoff leaving the site is at a rate equivalent to the post construction rate; and (2) for water quality improvements. The basin and the stormwater water drainage infrastructure is designed to collect/detain/retain stormwater collected from impervious surfaces allowing oils and other potential contaminates to be filtered out prior to the water being released from the site. This system will protect all receiving waters from contaminants and will result in no project impacts to water quality.

The design and construction of all project drainage infrastructure within New Jersey falls under the regulatory oversight of the NJDEP. The design and construction of the project is regulated under the NJDEP Flood Hazard Control Program. This facility will be designed and constructed in accordance with all applicable storm water treatment requirements, as noted above and in the EA.

Comment:
The secondary impacts from this project will mean more impervious cover and more flooding. Tittle(54G)

Response:
At present the rail roadbed located within NJ, including that which is within Byram Township, contains the remains of what was an operating railroad abandoned in the mid 1970’s. This rail bed was constructed as all rail roadbeds were, utilizing various infrastructure components including stone ballast as a stabilizing subsurface. While this stone ballast is not completely impervious, as is a paved surface, it does allow only a limited amount of absorption due to the years of natural compaction that have taken place. When the original Lackawanna Cut-Off was constructed in the early 1900’s no stormwater or water quality management measures were put in place. Stormwater from the railroad was directed as overland flow to drainage swales along the right of way and ultimately to downstream receiving waters, i.e. streams, rivers and lakes. Stormwater was not managed or controlled in any manner and in the case of the Lackawanna Cut-Off it remains this way today.
The project calls for the rehabilitation of the former Lackawanna Cut-Off including reestablishing the abandoned railbed to meet current standards. This rehabilitation will consist of removal of the former ballast and subsurface replacing it with a new roadbed including stone ballast. The overall amount of “impervious” surface resulting from the rehabilitation of the railroad will not increase. In addition the project will include stormwater management and water quality provisions as required by NJDEP. Since the project will not result in additional impervious surface coverage for the alignment and will meet all current NJDEP criteria for stormwater management the EA has correctly concluded that there will be no impact to floodplains resulting from railbed rehabilitation.

The design for the MOS calls for the construction of one parking lot and associated station platform. The conceptual design plans for the station incorporates a stormwater management/water quality basin. This basin will be designed to meet all applicable regulations as required by NJDEP. This basin is utilized to accomplish two purposes: (1) stormwater management that is controlling the rate of runoff to ensure that runoff leaving the site is at a rate equivalent to the post construction rate; and (2) for water quality improvements. These systems will result in no project impacts to the floodplains.

The design and construction of all project drainage infrastructure fall under the regulatory oversight of the NJDEP. The design and construction of the project is regulated under the NJDEP Flood Hazard Control Program. This facility will be designed and constructed in accordance with all applicable storm water treatment requirements, as noted above and in the EA.

Consequently, there will be no “excess storm water runoff” resulting from the MOS. Furthermore, improvements to the Lackawanna Cut-Off railroad drainage features will comply with applicable New Jersey regulations as enforced by NJDEP.

The EA has evaluated the potential impacts of the project on floodplains and has determined that there will be no impacts. The results of the floodplains analysis are found in Section 3.15 of the EA, Floodplains, as well as within Appendix K.

Noise

Comment:
We would like to… know how this will impact our property which is approximately 300 yards from the present tracks and overpass We are concerned about… noise. Crawford(11A), (30),(33)

Noise abatement is not being fully addressed. McCarthy(19A)

The document fails to identify homes that are very close to the right-of-way that may be severely impacted by noise, diesel pollution and dust. Attached is a list of homes that may be moderately to severely impacted based on their location to the right-of-way. Sabatini(49A), (49R)

Response:
The noise analysis was performed in accordance with the FTA’s most recent guidance manual, Transit Noise and Vibration Impact Assessment, dated May 2006. Using a spreadsheet model that incorporates Tables 5-1 through 5-7 of the guidance manual, the impact analysis was developed in accordance with the FTA guidance for identifying the distances at which sensitive receptors (including residents) would be impacted in a moderate or severe manner. The distances are summarized in the EA in Table 3.9-2 on page 114, (which is also provided below for reference). Noise contours were developed and superimposed onto an aerial map. Such maps for the rail alignment through or near Byram Township are attached at the end of this appendix. Utilizing the noise contour mapping, impacted homes were identified in accordance with the FTA guidelines.
It is important to note that the analysis considered that the majority of the alignment within and adjacent to Byram Township is either on elevated embankment, within the Roseville Tunnel, or located within a cut condition. These conditions all lead to a natural buffering between the railroad and the adjacent residents. The geographical area discussed by Byram Township is identified on Table 3.9-2 of the EA (included below) as the Eastern New Jersey (with natural buffering) category.

**EA Table 3.9-2: Impact Distances for Wayside and Whistle Noise for Residences**

<table>
<thead>
<tr>
<th>Section</th>
<th>Project Moderate Impact Distance (ft)</th>
<th>Project Severe Impact Distance (ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Wayside Alone</td>
<td>Near Station</td>
</tr>
<tr>
<td>Western Pennsylvania</td>
<td>90</td>
<td>140</td>
</tr>
<tr>
<td>Eastern Pennsylvania</td>
<td>110</td>
<td>160</td>
</tr>
<tr>
<td>Western New Jersey (without natural buffering)</td>
<td>160</td>
<td>280</td>
</tr>
<tr>
<td>Western New Jersey (with natural buffering)</td>
<td>50</td>
<td>80</td>
</tr>
<tr>
<td>Eastern New Jersey (without natural buffering)</td>
<td>350</td>
<td>500</td>
</tr>
<tr>
<td>Eastern New Jersey (with natural buffering)</td>
<td>100</td>
<td>150</td>
</tr>
</tbody>
</table>

*Source: Edwards and Kelcey, 2006*

As noted in this table, wayside impacts would occur at distances of 100 feet from the alignment (which, when utilizing the FTA guidelines, would be characterized as a moderate impact) and 45 feet (severe impact). The closest Byram Township residence along the alignment is 145 feet away. Therefore there are no moderate or severe impacts associated with wayside noise. Station impact distances apply to areas up to 1,000 feet from each side of the station. Since the Byram Township border is approximately 1,200 feet from the Andover Station, the near station impact distances noted in Table 3.9-2 are not applicable to the Township’s concerns. Likewise, there are no grade crossings within the Township of Byram therefore the grade crossing impact distances noted are not applicable to the Township’s concerns. In any event, the EA describes the commitment to construct all grade crossings to meet the technical requirements of a quiet zone.

As noted in the FTA Guidance Manual, Section 5.5 on page 5-15, “Once the contours are on the map, the potential noise impacts can be estimated by counting the buildings inside the contours”. Utilizing the manual, impact is then determined by identifying buildings, not properties located within the noise contours. Thus the list of homes within 50 feet, 100 feet, 200 feet, and 500 feet provided by the Township is not accurate and not in accordance with the FTA guidelines. The Township identified the impacted homes based upon properties, not the location of the buildings.

As shown on the attached noise contour maps there are no residences or habitable buildings located in Byram Township within the impact contours described above. Therefore the project would not cause any moderate or severe noise impacts in Byram Township, as defined by FTA guidelines.

The results of this evaluation are summarized in the EA in Table 3.9-3 on page 114 (included below). It was determined that five homes are severely impacted and 82 homes are moderately impacted in all of Eastern New Jersey, none of which are in Byram Township.
EA Table 3.9-3:  Number of Residences within the Impact Distances for Wayside and Whistle Noise

<table>
<thead>
<tr>
<th>Portion/Location</th>
<th>Number of Residences within Moderate Impact Distance</th>
<th>Number of Residences within Severe Impact Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Western Pennsylvania</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wayside</td>
<td>95</td>
<td>0</td>
</tr>
<tr>
<td>Warning Whistles: Church St., Main St. (Route. 507)</td>
<td>23</td>
<td>0</td>
</tr>
<tr>
<td>Eastern Pennsylvania</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wayside</td>
<td>86</td>
<td>0</td>
</tr>
<tr>
<td>Warning Whistles: River Rd., Analomink St., Broad St., Burson St., N. Courtland St., Stokes Ave., Browns Hill Rd., Routes 191/390, Devils Hole Rd., Summit Ave.</td>
<td>144</td>
<td>29</td>
</tr>
<tr>
<td>Western New Jersey</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wayside</td>
<td>8</td>
<td>0</td>
</tr>
<tr>
<td>Warning Whistles: Wolf's Corner Rd.</td>
<td>10</td>
<td>4</td>
</tr>
<tr>
<td>Eastern New Jersey</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wayside</td>
<td>25</td>
<td>0</td>
</tr>
<tr>
<td>Warning Whistles: Brooklyn Rd.</td>
<td>57</td>
<td>5</td>
</tr>
<tr>
<td>New Jersey and Pennsylvania Total</td>
<td>448</td>
<td>38</td>
</tr>
</tbody>
</table>

* Impact and Severe Impact are defined by FTA, the number of properties in the Impacted category does not include the properties in the Severely Impacted category.

Source: Edwards and Kelcey, 2006

Construction

Comment:
The document fails to identify homes that are very close to the right-of-way that may be severely impacted by noise, diesel pollution and dust. Attached is a list of homes that may be moderately to severely impacted based on their location to the right-of-way. Sabatini(49A), (49R)

Response:
Section 3.19 of the EA, Construction, describes that mitigation measures will be utilized to minimize or eliminate temporary air quality impacts created during the construction of the project. All construction roadways will be sprayed with water on a routine basis to reduce fugitive dust emissions. The application of various control measures during construction activities will be employed to minimize the amount of construction dust generated. These control measures are: applying water or other soluble moisture-retaining agents to dirt areas, cleaning construction equipment and adjacent paved areas that are covered with dirt or dust, covering haul trucks carrying loose materials to and from construction sites and treating materials likely to become airborne and contribute to air pollution if left untreated.

Comment:
The EA cites careful construction methods and Best Management Practices as the solution to [water quality] impacts but does not detail how Byram’s most important stream and the lakes alongside the Cutoff might be impacted. Sabatini(49M)

Response:
As noted in Sections 3.13 and 3.14 of the EA, NJ TRANSIT and contractors will use best management practices to avoid impacts to adjacent waterways as determined in collaboration with the NJDEP, PADEP, and the Army Corps of Engineers during the engineering and construction phases of the project. These practices include avoidance of in-water work, confinement of silts and sediments, i.e. erosion control, containment of upland construction areas and potential sources of mobile materials, etc. These efforts will preclude the transmission of solids such as silts or sediments as well as other construction fluids or solids into adjacent water bodies.
The rehabilitation of the railroad corridor involves re-ballasting the existing track bed in preparation for the installation of new rail road ties and rail. The use of stone as a ballast material also provides for the reduction of overland storm water flow from the rails and across the stone ballast forming the embankment of the rail road bed. As the velocity of storm water is reduced, materials carried by the water are filtered out, lodging between and under ballast stones. Consequently, the embankment acts much like a detention basin, allowing materials associated with railroad operations, if any, to lodge in and on the ballasted embankments. Such materials are effectively trapped. Additionally, the subsurface depth to the water aquifers referenced is such that storm water eventually percolating to the lower sub surface depths is naturally filtered by the overlying soil or surface burden. This is a natural process that supplements the flow rate reduction over ballast described above.

At Andover Station the proposed parking area will include a permitted storm water treatment design that will preclude impacts to storm water runoff quality and therefore by extension, protect against subsurface aquifer degradation.

**Trails**

**Comment:**
The benefits of implementing the Cut-Off as a recreational trail prevail over the costs associated with the current, proposed project. *Sabatini(49E)*

As for Byram’s recommendation that the project contain a trail, the revised EA provides no response. *Sabatini(49V)*

**Response:**
Restoration of passenger rail service on the Lackawanna Cut-Off has been the subject of study in the EA and is the result of a number of comprehensive transportation studies completed over a number of years, including:

- Morris and Sussex Counties, *Lackawanna Cut-Off Right-of-Way Use and Extension Study* (1989);
- New Jersey Department of Transportation (NJDOT), *Interstate 80 Corridor Needs Assessment Study* (1991);
- Lackawanna and Monroe Counties, *Transportation Options in the Pocono Corridor* (1995);

These studies conducted by the region’s planning agencies were all conducted with extensive community and stakeholder outreach. During the development of these studies the regional transportation needs were evaluated to determine what are the current and projected future conditions of the region as a whole; from that point Goals and Objectives for the project were developed. Based on the socioeconomic and transportation trends and projections, previous feasibility studies, and results of the project scoping process activities, it was determined that the major transportation issues that need to be addressed include:

- Weak links between activity centers and attractions;
- Poor accessibility to New Jersey and New York City work destinations;
- Underutilized transportation right-of-way;
- Disruption of communities and environment from transportation improvements;
- Lack of corridor mobility;
- Uncoordinated modal network of private and public transportation services that are segregated by state boundaries rather than market boundaries; and,
- Untapped economic development potential in the region
Further discussion of these goals and objectives can be found in Section 1 of the EA, Purpose and Need.

Throughout all of these studies the corridor was evaluated considering all modal alternatives including a No Build alternative. The most recent Major Investment Study (MIS) completed in 2000 resulted in a determination that the above stated Goals and Objectives were best served by advancing a transportation strategy that included reestablishing passenger rail service between Scranton, PA and Port Morris NJ utilizing the former Lackawanna Cut-Off alignment. This alternative was selected as the Locally Preferred Alternative (LPA) and adopted by the North Jersey Transportation Authority (NJTPA) in July 2008 for inclusion within the Region’s Transportation Plan. The costs and benefits of the various alternatives studied were presented in the MIS. While it is acknowledged that Byram Township would like to see a regional trail established within the corridor, the use of the Lackawanna Cut-Off as a recreational trail does not satisfy the stated goals and objectives of the project. In addition the use of the Cut-Off as a trail will not adequately serve the transportation needs of the region.

Comment:
Recreational trails and trail links affected by reactivation… Of particular concern is the regionally significant Highlands Trail, currently being established through Byram. NJ Transit representatives agreed to work with Byram to help establish a safe crossing of the Cut-Off to help maintain this vital recreational link in our Township. We would like to see this commitment addressed in the final Cut-Off impact statement. Sabatini(49K)

Response:
During public comment, Byram Township noted a trail that is currently being developed through the community within the vicinity of the project. Upon further research it was determined that this trail, the Highlands Trail, currently follows County Route 607, crossing the railroad alignment through an existing tunnel, although no formal agreement is in place with the County for use of this road. Presently, Byram Township has no specific plans for rerouting the trail and has requested that NJ TRANSIT work with the community to identify a permanent location for the trail’s crossing of the alignment. NJ TRANSIT has committed to working with the community. The alignment’s crossing of County Route 607 and the trail will not change as a result of this project, and the trail will not be affected by implementation of the MOS.

The Highlands Trail is under the stewardship of the New York-New Jersey Trail Conference. The Highlands Trail is an estimated 150-mile long distance hiking trail connecting the Hudson and Delaware Rivers. This trail is not publicly owned and thus is not subject to Section 4(f).

Through consultation with Byram Township and the Sussex County Planning Department, it was determined that no adopted plan is currently in place relative to the Highlands Trail and any potential crossing or interface with the Lackawanna Cut-Off. There are a number of trails identified within the Byram Trail and Bikeway Plan, an element of the municipal Master Plan; however, the Highlands Trail is the only trail within the vicinity of the proposed Lackawanna Cut-Off project. The planning process has not progressed to the point of identifying a location where the Highlands Trail may cross the Cut-Off.

Historic Resources

Comment:
 Reactivation of rail service raises concerns to the historical significance of the Roseville Tunnel, culverts, bridges and any of the original Cut-Off structures within Byram Township. It is important these structures and the surrounding areas are preserved to maintain their original appearance and historical significance. Sabatini(49F)
Response:
The following historic resources will be directly affected by the MOS: Delaware, Old Main DL&W Railroad Historic District; Lackawanna and Western (Lackawanna) Cut-Off; Delaware Lackawanna and Western (Lackawanna) Cut-Off Route (Roseville Tunnel); and Port Morris Interlocking Tower. The MOS will have no adverse effect on these resources in accordance with the stipulations defined in the Programmatic Agreement. The Programmatic Agreement has been executed among the FTA, PA SHPO, NJ SHPO and NJ TRANSIT documenting the analyses, stipulations and mitigation measures required to maintain no adverse effect on the listed historic resources identified in the project area. Future activity within the project area will abide by the stipulations and mitigation measures set forth in the Programmatic Agreement, a copy of which is presented in Appendix B.

Following are the full text of the comment letters. Each individual comment within the comment letters are highlighted and identified with their unique identification code to facilitate the association between the response section and the comments as provided.
Map 1

- Lackawanna Alignment
- Municipal Border
- Residential Land Use
- Distance to Nearest Residence

Noise Impact
- Red: Severe (45 feet)
- Orange: Moderate (100 feet)