

METHODOLOGY

This chapter addresses the requirements of Section 4(f) of the U.S. Department of Transportation (USDOT) Act of 1966 (49 USC §303). Section 4(f) prohibits the Secretary of Transportation from approving any program or project that requires the “use” of 1) any publicly owned land in a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance; or 2) any land from a historic site listed on or determined eligible for the National Register of Historic Places (collectively “Section 4(f) resources”), unless there is no feasible and prudent alternative to avoid the use of such land and the project includes all possible planning to minimize harm to the resource.

With respect to the term “use”, the USDOT considers three possible ways in which a project could involve a “use” of a Section 4(f) resource:

- When land is permanently incorporated into a transportation facility;
- When there is a temporary occupancy of land that is adverse in terms of the statute’s preservation purpose; or
- When there is a constructive use of land. Constructive use occurs when the project does not directly incorporate land from a Section 4(f) resource, but the project’s impacts are so severe that the protected activities, features, or attributes that qualify a resource for protection under Section 4(f) are substantially impaired. Substantial impairment occurs only when the protected activities, features, or attributes of the resource are substantially diminished.

PROPOSED PROJECT

The Hudson-Bergen Light Rail (HBLR) Route 440 Extension (referred to throughout this document as the “Proposed Project” or the “Preferred Alternative”) is being undertaken by New Jersey Transit Corporation (NJ TRANSIT) to improve transit service for existing and future residents of the western waterfront area of Jersey City, Hudson County, New Jersey. The Proposed Project is an extension of the existing HBLR West Side Avenue branch approximately 3,700 feet to the west, with a new station at the branch’s new terminus (see **Figure 1**).

NJ TRANSIT is conducting the *HBLR Route 440 Extension Project* in accordance with the Federal Transit Administration’s (FTA) procedures for new transit projects. As part of those procedures, FTA must make a determination about the project’s environmental impacts in accordance with the National Environmental Policy Act of 1969 (NEPA) before it can approve development of the final design for the Proposed Project and before it can provide funding. This Environmental Assessment (EA) is being prepared to meet the environmental review requirements for FTA’s funding programs and complies with the requirements of FTA’s Environmental Impact and

Related Procedures (23 CFR Part 771), Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR 1500), as well as Section 106 of the National Historic Preservation Act (NHPA) of 1966, Section 4(f) of the U.S. Department of Transportation Act (1966), Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” and other relevant regulations.

The purpose of the Proposed Project is to improve mobility for existing and future residents of the western waterfront by providing direct transit access for the new neighborhood planned on the west side of Route 440. The project is needed to support the long-term development of Jersey City’s western waterfront by improving transit access, particularly to the waterfront area west of Route 440.

PROJECT ALTERNATIVES CONSIDERED

NO ACTION ALTERNATIVE

Under the No Action Alternative the HBLR Route 440 Extension would not be constructed. Any planned and/or funded improvements, repairs, or maintenance on the existing HBLR system would still take place under the No Action Alternative. No alterations to the existing West Side Avenue Station would be required under the No Action Alternative and the station would continue to serve as the terminus of the West Side Avenue branch. Planned development on the Jersey City western waterfront would be supported by the existing West Side Avenue station and other existing public transit. As with other portions of Jersey City, planned and existing development near the study area would continue to be accessible by other forms of transportation such shuttle busses, private automobiles and taxis, and bicycles.

PREFERRED ALTERNATIVE

The Preferred Alternative (see **Figure 2**) consists of a two-track, approximately 3,700-foot extension of the HBLR from West Side Avenue Station to a new Bayfront Station, which would be located west of Route 440 at the northern boundary of the new Bayfront development.

The Preferred Alternative would include the following components:

- A new viaduct extending from the West Side Avenue Station platform across West Side Avenue, through the existing station parking lot, and across Mallory Avenue, through the next block and across Route 440;
- Modifications to the existing West Side Avenue Station and its parking lot to accommodate the new viaduct; and
- A new terminal station, the Bayfront Station, west of Route 440 that would be integrated into the new Bayfront development being planned there.

OTHER ALTERNATIVES CONSIDERED

Consistent with FTA requirements for its Major Capital Investment Program, NJ TRANSIT conducted an Alternatives Analysis (as summarized in the *Hudson-Bergen Light Rail Route 440 Extension Final Alternatives Analysis Report*, February 2011) to identify goals and objectives for the transit enhancement, evaluate potential alternatives, and select a Locally Preferred Alternative (LPA).

An initial long list of alternatives was developed that included a Transportation Systems Management (TSM) Alternative, as required by the FTA process, and light rail alignments that extended northward, southward, and westward from the West Side Avenue Station to the Lincoln Park, Society Hill and Bayfront areas, respectively, of the western waterfront. The initial list was refined after analysis of traffic flows and operational issues on Route 440 indicated that alternatives that crossed this road at grade would be impractical and should be eliminated. The refined long list of alternatives also responded to public input by including an assessment of a new station located just east of Route 440.

The refined long list was narrowed based on the ability of each alternative to meet the project's goals. If an alternative did not at least partially meet all goals, it was eliminated from further consideration. This analysis eliminated all alternatives extending to the north and south (terminating near Lincoln Park or Society Hill) based on inconsistency with local planning efforts, potential harm to HBLR operations, and potential substantial property impacts. Thus, six alternatives were discarded, and a short list of alternatives was advanced for further study.

The four short list alternatives were as follows:

- The TSM Alternative, a shuttle bus service between the West Side Avenue Station and the western waterfront, with stops at Society Hill (an existing residential development), the NJCU West Campus, and Bayfront. Shuttles would meet the arrival and departure of each HBLR train at West Side Avenue Station.
- An alternative that extended the HBLR system from West Side Avenue Station westward on a viaduct to Bayfront with one station at Bayfront.
- An alternative that extended the HBLR system from West Side Avenue Station westward on a viaduct to Bayfront with two stations—one on the east side of Route 440 and one at Bayfront.
- An alternative that did not extend to the Bayfront site, with one new station, a new terminal station east of Route 440.

The evaluation of the short list of alternatives (comprising the TSM Alternative, and three alternatives with westward alignments) considered their consistency with the project's goals and with the objectives established for each goal. The alternative that was found to perform better than other alternatives and to fare more favorably with respect to the project goals was then recommended as the LPA. While the recommended LPA was found to be more costly than some of the other short list alternatives, it would directly serve Bayfront and attract substantially more new riders than most of the other short list alternatives. In addition, it would be most compatible with the HBLR operating plan of the light rail alternatives.

The alternative was identified as a potential LPA by the Alternatives Analysis process and subsequently adopted by NJ TRANSIT as the LPA in May 2011 and by the North Jersey Transportation Planning Authority in September 2011. That LPA is the Preferred Alternative discussed above and evaluated in this EA.

DOCUMENTATION OF POTENTIAL USE UNDER SECTION 4(f)

The Preferred Alternative would not temporarily or permanently occupy any parks, recreation areas, or wildlife and waterfowl refuges. It would also not result in any constructive use of park

resources. A portion of the publicly accessible waterfront walkway that is planned along the Hackensack River as part of the Bayfront development is located within 1,000 feet of the Preferred Alternative's alignment, but this proximity would not result in a constructive use of the park space. This recreational resource's utility and value as a walkway would remain unhindered by the presence of the Preferred Alternative and, moreover, the Preferred Alternative would provide access to the waterfront west of Route 440 and would improve access to this waterfront walkway when both projects are constructed. The Preferred Alternative would not involve the use of this potential Section 4(f) resource and therefore further evaluation under Section 4(f) is not required.

With respect to historic sites, the Preferred Alternative would involve construction and demolition activities near the former Candy Factory (HPO Opinion: 2/28/1991), which is eligible for listing in the National Register of Historic Places and considered a Section 4(f) resource (see **Figure 3**). The construction activities are not expected to physically incorporate the Candy Factory into the project or alter/affect any element that makes the property an eligible historic property, and any potential adverse effects from the Preferred Alternative are limited to visual and atmospheric impacts that are not expected to diminish the historic property's architectural significance or character-defining qualities. As per the HPO letter of November 21, 2012, with the implementation of context-sensitive treatments and continued HPO coordination, the Preferred Alternative will have no adverse effects on architectural resources in the study area and no constructive use of these resources would occur. No further evaluation under Section 4(f) is required.

The HBLR Route 440 Extension Environmental Assessment (EA) states that portions of the Area of Potential Effect (APE) for Archaeology have a moderate or high sensitivity for prehistoric archaeological resources (see **Figure 4**). High sensitivity for historic archaeological resources is also present in the western portion of the APE near Route 440, where the Morris Canal (SR: 11/26/1973; NR: 10/1/1974; HPO Opinion: 4/27/2004), the Standard Oil Pipeline, and the New York & New Jersey Water Company Pipeline routes pass through the study area. If buried archaeological resources are present in the areas identified as sensitive, the Preferred Alternative could adversely affect some of these resources. This would result in an adverse effect on the Morris Canal, which as noted above is listed on the State and National Registers, and if the other potential resources are eligible for listing on the Registers, it would adversely affect those resources.

As stated in 23 CFR § 77.11, 23 CFR § 77.13, Section 4(f) applies to all archeological sites on or eligible for inclusion on the National Register, including those discovered during construction, except when:

- The Administration concludes that the archeological resource is important chiefly because of what can be learned by data recovery and has minimal value for preservation in place. This exception applies both to situations where data recovery is undertaken and where the Administration decides, with agreement of the official(s) with jurisdiction, not to recover the resource; and
- The official(s) with jurisdiction over the Section 4(f) resource have been consulted and have not objected to the Administration finding.

As discussed in the EA, a Phase IA historical and archaeological survey conducted for the Preferred Alternative identified additional investigation that will be conducted with respect to archaeological resources. A Programmatic Agreement (PA) has been executed between the FTA, NJ TRANSIT, and HPO, committing to a geomorphological examination of geotechnical borings conducted in support of viaduct design. This geomorphological examination would be used to determine if any soils have the potential to contain intact, significant prehistoric archaeological resources, as well as to determine their depths and locations. If the results of this analysis, which will be reviewed in consultation with the HPO, identify National Register eligible sites that warrant preservation in place, a supplemental Section 4(f) evaluation would be prepared to address these properties.

No further evaluation of the Proposed Project under Section 4(f) of the USDOT Act of 1966 (49 USC § 303) is required at this time. *