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Congress of the United States
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Committee on Appropriations
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February 28, 2020

The Honorable Elaine L. Chao
Secretary
U.S. Department of Transportation
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

Dear Secretary Chao:

We appreciated the opportunity to discuss the Gateway Program, including the Portal North Bridge and Hudson Tunnel projects, during your testimony before the House Committee on Appropriations yesterday.

We were surprised to learn about the Department's new proposal to rehabilitate the existing North River Tunnel while it is still in operation. The proposal is a significant departure from the Hudson Tunnel Project our constituents, Amtrak, and the Department have been working towards for several years. We agree that the existing tunnel needs major rehabilitation work. While Amtrak works hard to ensure the tunnel remains safe for operation, it is nearly 110 years old, was damaged during Superstorm Sandy, and the salts and chemicals from Superstorm Sandy's seawater continue to damage components and systems in the tunnel.

As we discussed, rehabilitating the existing tunnel does not increase capacity nor address the bottlenecks on the Northeast Corridor. This segment of the Northeast Corridor carries more than 200,000 Amtrak and commuter rail passengers on approximately 450 trains each day, which is the maximum capacity of the existing tunnel. As our population and economy continue to grow, more intercity passenger and commuter rail trains cannot simply be added to meet demand. Mechanical and structural challenges in the tunnel exacerbate congestion and are a major source of train delays up and down the Northeast Corridor. Constructing a new tunnel under the Hudson River and rehabilitating the existing North River Tunnel adds critical resiliency to the system in the near term and could double capacity in the future.

Knowing these facts, we were pleased that you "did not say that we don't need a second tunnel," assured us that the Department is "not talking about one tunnel either," and agreed that

“we need to increase the capacity.”¹ We appreciate your statements in support of a second, new tunnel under the Hudson River. However, we need to learn more from the Department about this new proposal. We need to understand how the proposal would impact the Hudson Tunnel Project the States of New York and New Jersey and Amtrak have been working towards and what the ramifications are for the Environmental Impact Statement (EIS) on the Hudson Tunnel Project. While we will reserve judgement on the Department’s proposal until we are provided all the details, we would note that working on a plan to rehabilitate the North River Tunnel and completing work on the draft final EIS for the Hudson Tunnel Project, which the Department has been reviewing for two years, are not mutually exclusive. In fact, the Preferred Alternative in the draft final EIS includes rehabilitating the existing tunnel. The Department should be capable of working on both at the same time.

Further, we are concerned that during your testimony you conflated the requirements for the Federal Transit Administration’s (FTA) Capital Investment Grants (CIG) program, which will require additional information about the project’s financing plans, with requirements for completing an EIS. Under the law, the CIG project rating process has no bearing on the EIS process. In fact, the Federal Railroad Administration is the lead agency for the Department on the Hudson Tunnel Project EIS. As with any infrastructure project, a final EIS and Record of Decision is a necessary step towards building the Hudson Tunnel Project. The CIG process, in contrast, has rating categories that include financing and the need for the project. These are distinct and separate processes and staff at the FTA has clearly stated that the EIS is not a factor in their CIG project rating assessments.

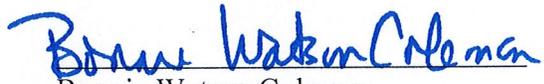
Considering the unanswered questions from yesterday’s hearing and the additional information the Department must provide regarding the new proposal to pull forward the rehabilitation of the North River Tunnel, we respectfully request the Department meet with the New York and New Jersey delegations and staff of the House Committee on Appropriations in short order.

We thank you again for your commitment to the significant infrastructure needs along the Northeast Corridor, and look forward to working with you on this important matter.

Sincerely,



Nita M. Lowey
Chairwoman
Committee on Appropriations



Bonnie Watson Coleman
Member of Congress

¹ Secretary Chao: “I did not say that we don’t need a second tunnel.”; “So, we’re not talking about one tunnel either. If there is anything that I don’t want to come out of this hearing it would be that Secretary Chao said there is only one tunnel.”; “As Chairman Lowey mentioned, we need to increase the capacity.” Subcommittee on Transportation, Housing and Urban Development, and Related Agencies, House Committee on Appropriations, Department of Transportation Budget Request for FY2021, February 27, 2020.

David Price

David Price
Chairman
Subcommittee on Transportation,
Housing and Urban Development
Committee on Appropriations