

United States Senate

WASHINGTON, DC 20510

November 6, 2019

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

Dear Secretary Chao:

We are writing to request information regarding steps the U.S. Department of Transportation (DOT) has taken to advance the Gateway Project after you personally toured the 100+ year old crumbling infrastructure in 2018. We would have welcomed the opportunity to join you on the tour to discuss how we could partner to advance the Gateway Project, but please know the invitations we have previously extended still stand. While viewing the state of the existing tunnels is a compelling enough sight, we believe you and your team would also benefit from meeting with our constituents, who are impacted each week by countless delays, in order to better understand the urgency of moving the project forward.

There is a pressing need to quickly advance the Gateway Project to avoid having to shut down one or both of the Hudson River tunnels for repair, which would quickly cause a dangerous and unprecedented transportation nightmare for millions of Americans. The economic impact, while often viewed as only affecting the New York and New Jersey region, will surely reverberate throughout the entire country, costing the nation's economy billions of dollars in lost productivity. The lynchpin of the Northeast Corridor, this trans-Hudson crossing moves a workforce that contributes 20 percent of the national GDP. Each day the project is delayed, costs rise, and the economic cost of inaction grows.

We hope by visiting the tunnels you were able to see the urgent crisis at hand, but we are discouraged by an apparent lack of action from the DOT in recent years, and we would like comprehensive answers to the following questions regarding what steps, if any, DOT has taken on Gateway since your visit in 2018:

1. The streamlining of an environmental review for major infrastructure projects is a cornerstone of the Administration's transportation policy, which you yourself have said, "ensures greater impact for every dollar spent, faster project delivery, [and] better performance." In 2016, the various Gateway Program partners, working together with the U.S. Department of Transportation (DOT), established and agreed to an ambitious goal of completing the entire Environmental Impact Statement (EIS) for the Hudson Tunnel Project within 24 months. Thanks to extensive collaboration and teamwork, a draft Final EIS was prepared in just 22 months by the Federal Railroad Administration (FRA) and the New Jersey Transit Corporation (NJ Transit) in coordination with Amtrak and the Port Authority of New York and New Jersey. The administrative draft of the FEIS was submitted in February 2018, on schedule for target completion in March 2018, the date shown on the DOT's own permitting dashboard. 18 months later, the EIS is inexplicably still pending.

Please answer the following questions regarding the EIS. What actions have you taken to quickly review and complete the EIS and issue a Record of Decision for the Gateway tunnels? Are there any specific additional steps the Gateway partners should take now to receive a ROD and if so, how have those steps been communicated to the Gateway partners? And why did Administrator Batory say to Congress that the EIS would be completed in the first or second quarter of 2019, when it is now the 4th quarter?

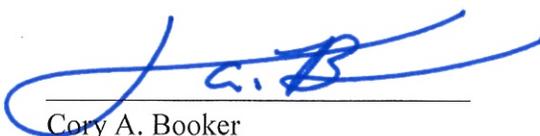
2. Since your visit in 2018, the Hudson River Tunnels have also faced resistance from DOT as partners seek funding through the Capital Investments Grant (CIG) Program. As you may know, in this year's application for funding through the CIG Program, the project sponsor (The Port Authority of New York and New Jersey) reduced the overall cost by \$1.4 billion, the local funding partners included additional sources of local funding comprising over 50 percent of the share of cost of the project and 90 percent of the local cost of the North River Tunnel rehabilitation, Amtrak's commitment rose to \$1.3 billion, and the total CIG ask was reduced to 44 percent of the project cost. Despite these local commitments to the project, can you explain why the Hudson River Tunnel project continues to receive a medium-low rating from the DOT?
3. If the Hudson River Tunnels were to completely fail in the coming years it would quickly lead to billions and billions of dollars draining from our economy and an unprecedented transportation nightmare. After visiting the infrastructure first-hand, do you believe that delaying progress on the Gateway Program threatens the economic wellbeing of the entire United States?

In addition to the tunnels, the Portal North Bridge project in New Jersey is awaiting action by DOT to advance toward major construction. The EIS for the Portal Bridge was completed over two years ago, preconstruction activities funded, in large part, by a Transportation Investment Generating Economic Recovery (TIGER) grant were completed earlier this year, and the project sponsors are prepared to move forward immediately to construction of the project. Last month, NJ Transit revised its application to the CIG Program to reflect the Administration's feedback and to strengthen its proposal. We are confident that this update will lead to a fair rating that is consistent with the law and reflective of the project's significance and the local partners' sound financial contributions.

We are glad that you have now seen firsthand the dire situation facing thousands of rail passengers that rely on the Northeast Corridor each day. Given that the Gateway Program is absolutely critical to public safety, the nation's economy, and the quality of life for regional commuters, we look forward to prompt responses to the above questions and welcome a commitment to working together to avert this looming transportation crisis.

Thank you in advance for your prompt reply, and we look forward to working together to improve the safety and reliability of our region and nation's infrastructure.

Sincerely,



Cory A. Booker
United States Senator



Robert Menendez
United States Senator