

# **EXHIBITS**

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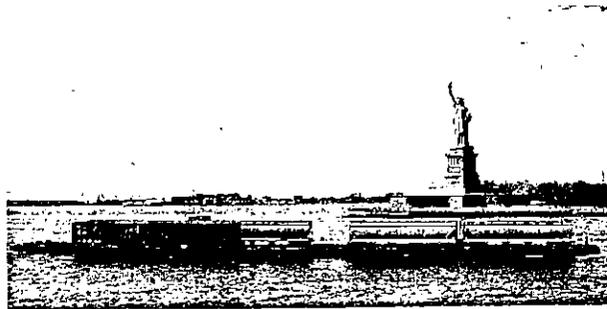
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## Cross Harbor Freight Program



The Federal Highway Administration (FHWA) and the Port Authority of New York and New Jersey (PANYNJ) are preparing a NEPA Tier I Environmental Impact Statement (EIS) to evaluate alternatives to enhance the movement of freight across New York Harbor. Given the existing freight movement system, forecasted increases in demand translate directly into increased truck traffic in the freight distribution network. The region's ability to serve its markets is increasingly threatened by its heavy reliance on trucking goods over an ageing and congested roadway network, while non-highway freight modes, particularly rail and waterborne, remain underdeveloped and underutilized.

Project goals will be refined during scoping with input from the public, elected officials, interested agencies and organizations. A comprehensive set of alternatives will be developed and refined during the public scoping process, with input from involved and interested agencies as well as other stakeholders. Each alternative will then be evaluated for its ability to meet the project's goals, which are derived from the project's purpose and need.

[The Project](#)   [The Study](#)   [Alternatives](#)   [Technical Docs](#)

### The Project

**The metropolitan tri-state area faces a major freight mobility challenge in keeping up with the demands of goods movement across the Hudson River.**

The metropolitan tri-state area's ability to serve its consumer markets is increasingly threatened by its heavy reliance on trucking goods over an aging and congested roadway network, while non-highway freight modes remain underdeveloped and underutilized. In addition, the flow of freight in the region is complicated by the physical barrier of the Hudson River and New York Harbor.

The Cross Harbor Freight Movement Program seeks to improve freight movement across New York Harbor between the east-of-Hudson and west-of-Hudson sub-regions.

### Project History

Several previous studies have been conducted to examine possible alternatives to improve freight movement across the Hudson River and New York Harbor including the Cross Harbor Cross Harbor Freight Movement Major Investment Study (MIS) completed in 2000. Following these studies, a Draft Environmental Impact Statement (EIS) was published in 2004. Now as the project moves forward, the Port Authority of New York and New Jersey (PANYNJ) takes the lead as project sponsor and will undertake an extensive public scoping process and prepare the EIS.

### Purpose & Need

**With a dependence on trucks and a forecast of increased demand of goods movement, the metropolitan tri-state area is on course for increasingly severe highway congestion and travel delays.**



### News

FHWA has published a Notice of Intent in the Federal Register.

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### FAQs

Our frequently asked questions.



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Port Authority of NY & NJ

Building the Region

The concentration of port, rail and air freight facilities needed to sustain the region's economic vitality in the future will be developed largely to the west of the Hudson region. The only direct connection from this freight hub to the heavily populated region east of the Hudson River is by truck over a limited number of congested crossings.

**Growing Demand for Goods**

Forecasts indicate that the demand for goods in the metropolitan region will grow roughly 40 percent by 2035, therefore increasing truck traffic on these already taxed routes. This will result in increased highway congestion, business opportunities of a regional intermodal heavy goods network connectors including the Verrazano-Narrows Bridge (VNB) between Brooklyn and Staten Island, and the George Washington Bridge (GWB) between Manhattan and New Jersey.

- The GWB carries an average of approximately 300,000 vehicles per day
- The VNB carries an average of 195,000 per day

These future increases will require a modally diverse approach that takes advantage of underutilized freight capacity. The rehabilitation of the existing rail freight network would support a shift from truck to the more sustainable modes for goods movement.

Learn more about the Purpose and Need as outlined in the [Notice of Intent](#).

**Study Area**

The Cross Harbor Freight Program includes 54 counties in New Jersey, New York, Pennsylvania and Connecticut with a focus on the regional and local freight corridors in the tri-state metropolitan area.

**Goals**

The Cross Harbor Freight Program looks to improve the movement of goods from East of the Hudson River to points West.

Given the area size of the project and the sensitivity to local and regional issues, there are multiple goals to be reached which include:

- Reduce the contribution of Cross Harbor trucks trips to congestion along the region's major freight corridors.
- Provide Cross-Harbor freight shippers, receivers, and carriers with additional, attractive modal options to existing interstate trucking services.
- Expand facilities for Cross Harbor goods movement to enhance system resiliency, safety and security, and infrastructure protection.
- Improve regional and local environmental quality.
- Support development of integrated freight transportation/land use strategies.

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## Cross Harbor Freight Program

1. Why is the Cross Harbor Freight Program needed?
2. What are the goals of the Cross Harbor Freight Program?
3. What areas are included in the study?
4. What is the Scoping Process?
5. How does "Tiering" work?
6. What alternatives will the program study?
7. What is the timeline for the Study?
8. How will the public be involved in the Program?
9. How can I submit feedback about the Program?

### 1. Why is the Cross Harbor Freight Program needed?

In 2007, an estimated 1.1 billion tons of freight were moved by truck through the New York City and Long Island region, including northern and central New Jersey, western and southern Connecticut, and portions of southern New York and eastern Pennsylvania. By 2035, this demand is projected to increase to more than 1.5 billion tons as a result of forecasted growth in employment, personal income, and economic activity, creating unprecedented pressure on the region's transportation infrastructure.

The region's ability to serve its markets is increasingly threatened by its heavy reliance on trucking goods over an aging and congested roadway network, while non-highway freight modes, particularly rail and waterborne, remain underdeveloped and underutilized. In addition, the flow of freight in the region is complicated by the historic physical barrier of the Hudson River and New York Harbor, which separates the large consumer markets of New York City, Long Island, and New England (east of the Hudson River) from the nation's major centers of agricultural and industrial production, and the region's major freight facilities and distribution centers (west of the Hudson River).

Given the existing system, forecasted increases in freight demand translate directly into increased truck traffic in the freight distribution network. This will result in serious highway congestion, particularly on a number of regionally important and heavily used network connectors including the Verrazano-Narrows Bridge between Brooklyn and Staten Island, and the George Washington Bridge between Manhattan and New Jersey.

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### 2. What are the goals of the Cross Harbor Freight Program?

The primary purpose of the project is to improve the movement of freight in the region by enhancing freight movement across New York Harbor between the east-of-Hudson and west-of-Hudson sub-regions. The project goals are derived from the project's purpose and need:

- Reduce the contribution of Cross Harbor trucks trips to congestion along the region's major freight corridors.
- Provide Cross-Harbor freight shippers, receivers, and carriers with additional, attractive modal options to existing interstate trucking services.
- Expand facilities for Cross Harbor goods movement to enhance system resiliency, safety and security, and infrastructure protection.
- Improve regional and local environmental quality.
- Support development of integrated freight transportation/land use strategies.

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### 3. What areas are included in the study?

The Cross Harbor Freight Program includes 54 counties in New Jersey, New York, Pennsylvania and Connecticut with a focus on the regional and local freight corridors in the tri-state metropolitan area.

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### 4. What is the Scoping Process?

To assure that the full range of issues related to the proposed action is addressed and all significant issues are identified, the project will include an extensive public scoping process that will solicit the public and affected agencies to provide comments on the scope of the environmental review process. A Draft Scoping Document will be prepared that outlines the project purpose and need, the primary and secondary study areas, alternatives that will be studied in Tier I of the EIS, and the methodologies by which environmental impacts will be assessed. Public outreach activities during the public scoping process will include a series of meetings to discuss the Draft Scoping Document and the proposed scope of the EIS. Public scoping meetings will be held in New York and in New Jersey.

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#### News

FHWA has published a Notice of Intent in the Federal Register.

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5. How does "Tiering" work?

Port Authority of NY & NJ is a regulated process applied to the environmental review of complex projects. A tiered EIS will allow the lead agencies to focus on broad, overall corridor issues, such as mode choice, general alignment, logical termini, and regional effects, within the Tier I EIS.

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6. What alternatives will the program study?

A comprehensive set of alternatives will be developed and refined during the public scoping process, with input from research stakeholders. Each alternative will then be evaluated for its ability to meet the project's goals. The following alternatives will be considered during the EIS:

- No Action Alternative
- TSM Alternative
- TDM Alternative
- Several Build Alternatives

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7. What is the timeline for the Study?

Tier I of the Cross Harbor Freight Program concludes with the Record of Decision (ROD). The project timeline expects to have the ROD in August 2011.

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8. How will the public be involved in the Program?

The public has an important role in the project, particularly during scoping, in providing input on what issues should be addressed in an EIS and in commenting on the findings in project documents. The public can participate by attending public meetings and by submitting comments.

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1. How can I submit feedback about the Program?

Comments and feedback can be made by emailing feedback@crossharborstudy.com or at any scheduled public meeting.

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THE PORT AUTHORITY OF NEW YORK & NEW JERSEY

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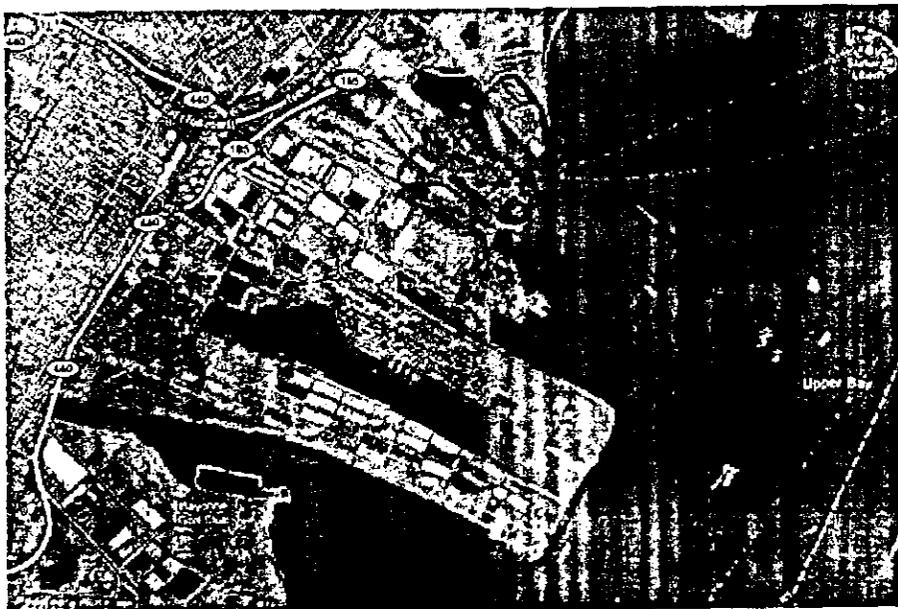
Everything Jersey

## Port Authority to purchase Greenville Yards in Jersey City

Published: Monday, May 17, 2010, 5:42 PM Updated: Monday, May 17, 2010, 11:32 PM



Melissa Hayes/The Jersey Journal



Google Maps

The Port Authority of New York and New Jersey is expected to vote on purchasing Greenville Yards in Jersey City from Conrail tomorrow. The agency would revive the barge-to-rails station to transport trash out of New York.

The **Port Authority of New York and New Jersey's** Board of Commissioners is expected to vote on purchasing **Greenville Yards in Jersey City**, reviving the barge-to-rail station to transport trash.

The late addition to the board's meeting tomorrow came after **Gov. Chris Christie** issued a release today calling on the agency to speed up the project.

The Port Authority has been in negotiations with Conrail, which owns the parcel, for about two years.

"We appreciate the governor's commitment to this issue and we are working to get it to our Board for action at tomorrow's meeting," Chief of Public and Governmental Affairs Stephen Sigmund said this afternoon.

Christie said the project would take about 1,000 trucks per day off the state's roads. The trucks are transporting trash from Manhattan and Brooklyn through the Holland Tunnel and Lincoln Tunnel and over the George Washington Bridge.

While some of the trash is taken to New Jersey landfills, most of it is transported on state highways out of New Jersey.

"For far too long, New Jersey's roads have been clogged by trash trucks and the harmful emissions they produce, making the quality of life worse for all of our residents," Christie said in a statement.

He said the Port Authority could take immediate action to purchase the land and invest, "the resources needed to build a first-class operation" that would move trash off the state's roads into sealed containers, that would be shipped by barge and rail.

The Port Authority would have to upgrade the track and infrastructure at Greenville Yards, located off of Port Jersey Blvd. next to Global Marine Terminal at the Bayonne border. The rail yard connects the CSX Transportation and Norfolk Southern Railway.

According to Christie, the trash shipments would add one additional freight train to the state's rail system each day. He said the project would reduce the cost of highway maintenance by taking trucks off the road and also reduce emissions.

According to Christie the facility could be up and running by 2013.

Jersey City Mayor **Jerramiah T. Healy** praised the project for the same reasons as the governor, saying it would cut down on trucks traveling city streets, while reducing air pollution and congestion.

"We are going to continue to work with the Port Authority to ensure that transfer of rail containers through Greenville Yards meets the strictest of environmental standards for the continued protection and quality of life for our residents," Healy said in a statement. "We will also work to ensure that the city receives a significant host fee, thus providing some needed relief to our Jersey City taxpayers."

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**More coverage:**

- **Port Authority Chairman Anthony Coscia is expected to be re-appointed at annual board meeting**

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address, a description and the location of the records requested, compliant tracking number, and verification of identity. FMCSA's requirement for verification of identity for NCCDB include the following:

- Complaint ID/tracking number of the complaint.
- Name address and telephone number.
- Date of complaint.
- Origin and destination of the complaint (if appropriate).
- Respondent's name and DOT number (if appropriate).
- Description of the complaint.

#### RECORD ACCESS PROCEDURES:

Individuals seeking access to information about them in this system should apply to the System Manager, following the same procedure as indicated under "Notification Procedure."

#### CONTESTING RECORD PROCEDURES:

Individuals seeking to contest the content of information about them in this system should apply to the System Manager, following the same procedure as indicated under "Notification Procedure."

#### RECORD SOURCE CATEGORIES:

NCCDB complaints are obtained from consumers, motor carriers, brokers, and consumers who contract with Hazardous Materials motor carriers and Cargo Tank Facilities.

#### EXEMPTIONS CLAIMED FOR THE SYSTEM:

Pursuant to subsection (k)(2) of the Privacy Act (5 U.S.C. 552a(k)(2)), portions of this system are exempt from the requirements of subsections (c)(3), (d), (e)(4)(G)-(I) and (f) of the Act, for the reasons stated in DOT's Privacy Act regulation (49 CFR Part 10, Appendix, Part II at A.8.

Dated: May 6, 2010.

Habib Azarsina,  
Departmental Privacy Officer.

[FR Doc. 2010-11415 Filed 5-12-10; 8:45 am]

BILLING CODE 4910-9X-P

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket No. FRA-2000-7257; Notice No. 61]

#### Railroad Safety Advisory Committee; Charter Renewal

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Announcement of Charter Renewal of the Railroad Safety Advisory Committee (RSAC).

**SUMMARY:** FRA announces the charter renewal of the RSAC, a Federal Advisory Committee that develops railroad safety regulations through a consensus process. This charter renewal will take effect on May 17, 2010, and will expire after 2 years.

**FOR FURTHER INFORMATION CONTACT:** Larry Woolverton, RSAC Administrative Officer/Coordinator, FRA, 1200 New Jersey Avenue, SE., Mailstop 25, Washington, DC 20590, (202) 493-6212; or Grady Cothen, Deputy Associate Administrator for Safety, FRA, 1200 New Jersey Avenue, SE., Mailstop 25, Washington, DC 20590, (202) 493-6302.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), FRA is giving notice of the charter renewal for the RSAC. The RSAC was established to provide advice and recommendations to FRA on railroad safety matters. The RSAC is composed of 54 voting representatives from 31 member organizations, representing various rail industry perspectives. In addition, there are non-voting advisory representatives from the agencies with railroad safety regulatory responsibility in Canada and Mexico, the National Transportation Safety Board, and the Federal Transit Administration. The diversity of the Committee ensures the requisite range of views and expertise necessary to discharge its responsibilities. See the RSAC Web site for details on pending tasks at: <http://rsac.fra.dot.gov/>. Please refer to the notice published in the Federal Register on March 11, 1996, 61 FR 9740, for additional information about the RSAC.

Issued in Washington, DC, on May 7, 2010.

Grady C. Cothen, Jr.,  
Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 2010-11382 Filed 5-12-10; 8:45 am]

BILLING CODE 4910-06-P

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Environmental Impact Statement: Multiple Counties, New York, and New Jersey

AGENCY: Federal Highway Administration (FHWA), USDOT.  
**ACTION:** Revised Notice of Intent (NOI).

**SUMMARY:** The Federal Highway Administration (FHWA) and the Port Authority of New York and New Jersey

(PANYNJ) are issuing this Revised Notice of Intent (NOI) to advise the public of modifications to the environmental review process for the Cross Harbor Freight Movement Program (Project Identification Number: X500.19). These revisions include a change in project sponsorship to the PANYNJ, the intent of FHWA and PANYNJ to use a tiered process to facilitate project decision-making, and the intent of FHWA and PANYNJ to utilize the environmental review provisions afforded under Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). This notice revises the NOI that was published in the Federal Register on June 7, 2001.

The greater New York/New Jersey region is the financial center of the U.S. economy and the nation's largest consumer market. The regional economy relies on a goods movement system overwhelmingly dependent on trucking and an aging and congested highway network. Regional forecasts of truck growth vary depending on the source, year, and geography, but available sources agree that truck tonnage is anticipated to increase substantially, with some forecasts calling for a 36% increase in tonnage by 2035. In the absence of network or system improvements, this growth and the region's dependence on trucking for freight distribution will result in serious regional highway congestion and extended travel delays—a trend which could threaten the economic vitality of the greater New York/New Jersey region.

The EIS will analyze alternatives that would provide short-term and long-term strategies for improving the regional freight network, reducing traffic congestion, enhancing modal diversity and system redundancy, improving air quality, and providing economic benefits. The FHWA and PANYNJ are serving as joint-lead agencies for the preparation of the EIS and are issuing this notice to solicit public and agency input into the scope of the EIS and to advise the public that outreach activities will be conducted by FHWA and PANYNJ. New York State and New Jersey Departments of Transportation (NYSDOT and NJDOT) are serving as cooperating agencies for the preparation of the EIS.

The EIS analyses will be conducted using "tiering," as described in 40 CFR 1508.28, which is a staged process applied to the environmental review of complex projects. Tier I of the EIS will allow the agencies to focus on general transportation modes and alignments for the proposed project, including logical

termini and regional economic and transportation effects. Tier I of the EIS will include: A logistics and market demand analysis; a rail and highway operations and multimodal networks analysis; an economic and financial analysis; a capital investment estimation; an operations and maintenance cost estimation for each alternative; a transportation analysis; conceptual design criteria; general environmental impact assessments; and a data needs list for the preparation for Tier II analyses and preliminary design. Tier I of the EIS will result in a Record of Decision (ROD) that will identify the transportation mode or a combination of modes and alignments for the proposed project, with the appropriate level of detail for corridor-level decisions, or select the NEPA "No Action Alternative." The ROD will also outline measures that are intended to avoid, minimize, or mitigate adverse impacts from the build alternatives. Tier II of the EIS will then further explore in greater detail those alternatives which fulfill the project purpose within the mode and alignment chosen in Tier I and will include analysis of refined engineering designs and their site-specific environmental impacts, development of site-specific mitigation measures, and cost estimates for the preferred alternatives. Input from the public and from reviewing agencies will be solicited during both tiers.

The EIS will be prepared in accordance with the provisions of the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*) of 1969 and all applicable regulations implementing NEPA, as set forth in 23 CFR part 771. The EIS will also address the provisions of Section 6002 of Public Law 104-59, "The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)."

**FOR FURTHER INFORMATION CONTACT:** Mr. Jeffrey W. Kolb, Division Administrator, Federal Highway Administration, New York Division, Leo W. O'Brien Federal Building, 7th Floor, Clinton Avenue and North Pearl Street, Albany, NY 12207, Telephone: (518) 431-4127; or Ms. Laura Shabe, Manager, Cross Harbor Freight Program, Port Commerce Department, Port Authority of New York and New Jersey, 225 Park Avenue, South, 11th Floor, New York, NY 10003, Telephone: (212) 435-4441.

**SUPPLEMENTARY INFORMATION:** Several previous studies have been conducted to examine possible alternatives to improve freight movement across the Hudson River and New York Harbor. The Cross Harbor Freight Movement

Major Investment Study (MIS) commissioned by the New York City Economic Development Corporation (NYCEDC) and completed in the spring of 2000, identified alternatives and strategies to improve regional freight mobility, expand shippers' choices of route and mode, enhance the region's environmental quality, and promote regional economic development. Fifteen alternatives, involving highway, rail, waterborne, and air systems, were initially evaluated, and the most promising strategies were advanced to a subsequent phase of refinement and evaluation. Four alternatives were advanced for study in a Draft EIS, which was published in April 2004 by FHWA and the Federal Railroad Administration (FRA), acting as co-lead agencies, and the NYCEDC, acting as the project sponsor. The 2004 Draft EIS considered: A No Action Alternative; a Transportation Systems Management (TSM) Alternative; an Expanded Float Operations Alternative, which involved the expansion of capacity for the existing railcar float system across New York Harbor; and a Rail Freight Tunnel Alternative with two possible alignments. Following publication of the 2004 Draft EIS, the PANYNJ, as the region's bi-state transportation agency, and the agency that controls most of the east-west connections between New York and New Jersey, accepted the role of project sponsor. The PANYNJ's mission to identify and meet critical, bi-state transportation infrastructure needs uniquely positions the agency to direct the Cross Harbor Freight Movement Program.

**Scoping:** To assure that the full range of issues related to the proposed action is addressed and all significant issues are identified, the PANYNJ will undertake an extensive public scoping process that will invite the public and affected agencies to provide comments on the scope of the environmental review process. A Draft Scoping Document will be prepared that will outline the project purpose and need, the primary and secondary study areas, alternatives that will be studied in Tier I of the EIS, and the methodologies by which environmental impacts will be assessed. The PANYNJ will lead outreach activities during the public scoping process and will conduct a series of meetings to discuss the Draft Scoping Document and the proposed scope of the EIS. To encourage public participation, public scoping meetings will be held in New York and in New Jersey. The public scoping meetings will be advertised separately. To adhere to the requirements of SAFETEA-LU, the

lead agencies will send letters inviting agencies with an interest in or jurisdiction over the project to become involved as participating or cooperating agencies.

**Purpose and Need for the Proposed Project:** The greater New York/New Jersey region is the financial center of the U.S. economy, the nation's largest consumer market, and a major hub of entertainment, services, fashion, and culture. Consequently the region receives, processes, and distributes a significant amount of goods from all over the nation and the world. In 2007, an estimated 1.1 billion tons of freight were moved by truck into, out of, within, and through the 54-county region surrounding New York City and Long Island (including northern and central New Jersey, western and southern Connecticut, and portions of southern New York and eastern Pennsylvania). By 2035, this demand is projected to increase to more than 1.5 billion tons as a result of forecasted growth in employment, personal income, and economic activity, creating unprecedented pressure on the region's transportation infrastructure.

The region's ability to serve its markets is increasingly threatened by its heavy reliance on trucking goods over an aging and congested roadway network, while non-highway freight modes, particularly rail and waterborne, remain underdeveloped and underutilized. In addition, the flow of freight in the region is complicated by the historic physical barrier of the Hudson River and New York Harbor, which separates the large consumer markets of New York City, Long Island, and New England (east of the Hudson River) from the nation's major centers of agricultural and industrial production, and the region's major freight facilities and distribution centers (west of the Hudson River).

Given the existing system, forecasted increases in freight demand translate directly into increased truck traffic in the freight distribution network. This will result in serious highway congestion, particularly on a number of regionally important and heavily used network connectors including the Verrazano-Narrows Bridge between Brooklyn and Staten Island, and the George Washington Bridge between Manhattan and New Jersey. Currently, the George Washington Bridge carries an average of approximately 300,000 vehicles per day, and the Verrazano-Narrows Bridge carries an average of 195,000 per day. According to the New York Metropolitan Transportation Council's (NYMTC) Draft 2009 Congestion Management Process Status

Report, current vehicle demand on these two major east-west crossings already outweighs capacity, and their level of service will continue to worsen through 2035.

Tier I of the EIS will focus on goods movement throughout the greater New York/New Jersey region, including the major freight movement corridors leading to the Hudson River crossings identified above. Routes I-278, I-495, I-95, a number of highways serving northern New Jersey (such as New Jersey Turnpike/I-95, I-78, I-80, and I-287), and many state and local routes that are critical for local pickup and delivery activities, will be included in the EIS study area. The EIS will also investigate major freight rail lines and facilities west of the Hudson River (such as a variety of lines within the Conrail Shared Assets Area, the CSX River Line, the Norfolk Southern Lehigh Line, Chemical Coast Line and important rail yards at Croxton, Kearny, Oak Island, Greenville, Port Newark/Elizabeth in New Jersey) and strategic rail assets east of the Hudson River which may require improvements and/or capacity enhancement. Conditions at area marine terminals and airports will also be included in the Tier I EIS study area.

The primary purpose of the project is to improve the movement of freight in the region by enhancing freight movement across New York Harbor between the east-of-Hudson and west-of-Hudson sub-regions. Project goals, which will be refined during scoping with input from the public, elected officials, interested agencies and organizations will support the primary purpose and could include: A reduction in travel time for freight movement between the sub-regions; an increase in cross-harbor freight movement capacity; congestion relief on the major freight corridors associated with the Hudson River crossings; and an increase in the modal diversity of regional freight movement. Secondary purposes could include enhanced economic efficiency of the greater New York/New Jersey region through improved goods movement; a more environmentally beneficial and sustainable goods movement system; and the addition of strategic redundancy to existing Hudson River and interborough crossings.

**Project Alternatives:** A comprehensive set of alternatives will be developed and refined during the public scoping process, with input from stakeholders. Each alternative will then be evaluated for its ability to meet the project's goals, which are derived from the project's purpose and need. The EIS will consider a No Action Alternative, a TSM Alternative (which could include

the repair or upgrade of existing float bridges and scheduling improvements to allow both freight traffic and passenger service to utilize the region's rail lines), and several build alternatives that will be designed to take advantage of under-utilized freight movement modes, such as regional and local rail networks and waterborne transport. The No Action Alternative will include planned upgrades to existing infrastructure, such as the full acquisition of the Greenville Yard Rail Float Facility, the rehabilitation of New York New Jersey Rail Float Operations and Assets, and committed and programmed improvements to New York City and Long Island rail lines and rail yards. The basic build alternatives may include an expanded railcar float alternative, several versions of a tunnel alternative, and a combination railcar float/tunnel alternative. In addition to evaluating multiple build alternatives, the EIS will consider variations of each build alternative that will analyze locating new or expanded rail yards that may be required for the proposed project.

**Probable Effects of the Project Alternatives:** The FHWA and PANYNJ will evaluate potential impacts from the proposed alternatives on: Transportation and traffic engineering; land use and social conditions; economic conditions; cultural and visual resources; air quality; noise; water and natural resources; energy and greenhouse gases; contaminated and hazardous materials; coastal zone management; environmental justice; section 4(f) of the U.S. Department of Transportation (USDOT) Act of 1966; and any indirect, secondary, or cumulative impacts. The Tier I of the EIS will include a general qualitative assessment of each of these environmental issues.

**Environmental Review Procedures:** The EIS will be prepared in accordance with the provisions of the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*) of 1969 and applicable FHWA regulations implementing NEPA, as set forth in 23 CFR part 771. In addition, the EIS will comply, as necessary, with Federal Transportation Conformity regulations (40 CFR parts 51 and 93); the National Historic Preservation Act; Section 4(f) of the U.S. Department of Transportation Act of 1966 (49 U.S.C. 303); Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations;" the Clean Water Act (33 U.S.C. 1251 to 1387); Executive Order 11990 ("Protection of Wetlands"); the Clean Air Act of 1970; and other

applicable Federal and State laws and regulations.

**Tiered EIS:** "Tiering," as described in 40 CFR 1508.28, is a staged process, applied to the environmental review of complex projects. A tiered EIS will allow the lead agencies to focus on broad, overall corridor issues, such as mode choice, general alignment, logical termini, and regional effects, within the Tier I EIS.

**Tier I of the EIS will include the following:**

- The development of comprehensive alternatives, designed to meet the goals of the Cross Harbor Freight Movement Program;
- Logistics and market demand, including the locations and capacities of intermodal facilities and warehouse/distribution clusters that could potentially benefit from the proposed project;
- Rail and highway operations and multimodal networks, including potential impacts on regional rail networks;
- Economic and financial analysis, including: economic impact analysis; market feasibility analysis; railroad financial analysis; cash flow analysis; and funding needs analysis;
- Capital investment estimation, to determine costs associated with the construction of the infrastructure required for each proposed alternative;
- Operations and maintenance cost estimation for each proposed alternative;
- Traffic screening analysis to determine whether the proposed project may result in significant traffic impacts on the road network leading to and from any proposed or existing rail yard site;
- Conceptual design criteria, such as right-of-way requirements, engineering requirements, and potential permits and approvals;
- Environmental impact assessments, including transportation and traffic engineering; land use and social conditions; economic conditions; historic, cultural and visual resources; air quality; noise and vibration; water and natural resources; energy and greenhouse gases; contaminated and hazardous materials; construction impacts; coastal zone management; environmental justice; Section 4(f) of the U.S. Department of Transportation (USDOT) Act of 1966; and any indirect, secondary, or cumulative effects; and
- A general assessment of site conditions to identify gaps in the coverage and the need for additional data in preparation for Tier II analyses and preliminary design.

Tier I of the EIS will result in a Record of Decision (ROD) that will

identify the transportation mode and alignment for the proposed project with the appropriate level of detail for corridor-level decisions, or select the No Action Alternative. The Tier I EIS will also include a discussion of measures that could be implemented to avoid, minimize, or mitigate potential adverse impacts of the build alternatives. These measures would be developed to mitigate both short-term (construction phase) and long-term (operational) adverse impacts of the proposed build alternatives. The mitigation strategies that will be examined will be designed to specifically minimize any potential adverse effects on the local communities where new or expanded infrastructure is proposed or where the operational effects of increased freight movement are expected. Tier II will then further explore the selected alternative in greater detail to evaluate regional and localized environmental impacts and outline site-specific mitigation measures in project-level environmental documentation. The PANYNJ and FHWA intend to engage the community in devising mitigation measures for potential adverse impacts at both tiers of the EIS. The scope of the Tier I and Tier II analyses will be commensurate with the level of detail necessary for those documents. Input from the public and from reviewing agencies will be solicited during both tiers.

**SAFETEA-LU:** SAFETEA-LU provisions and NEPA regulations, in general, call for public involvement in the EIS process. Section 6002 of SAFETEA-LU requires that agencies: (1) Extend an invitation to other Federal and non-Federal agencies and Indian tribes that may have an interest in the proposed project to become "participating agencies;" (2) provide an opportunity for involvement by participating agencies and the public in helping to define the purpose and need for the proposed project, as well as the range of alternatives for consideration in the impact statement; and (3) establish a plan for coordinating public and agency participation in and comments on the Scoping Document. Letters will be sent to any agency with a fiduciary, regulatory, or permitting authority over the program as an invitation to be part of the coordination process. Any interested Federal or non-Federal agency or Indian tribe that does not receive an invitation to become a participating agency can notify the contact persons listed above.

A Coordination Plan will be developed to facilitate and document the lead agencies' structured interaction with the public and other agencies, and to inform the public and other agencies

of the manner in which the coordination will be accomplished. The Coordination Plan prepared for the Cross Harbor Freight Movement Program will include: The Plan Purpose and Identification of Lead Agencies; Program History; List of Participating and Coordinating Agencies; Roles and Responsibilities of the Lead, Participating, and Coordinating Agencies; Agency Contact Information; Coordination Points; and the Program Schedule.

Comments or questions regarding this Notice of Intent should be directed to the FHWA or PANYNJ contacts identified above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research Planning and Construction. The regulations implementing Executive Order 12372, regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: April 23, 2010.

Jeffrey W. Kolb,  
Division Administrator, Federal Highway  
Administration, Albany, New York.

[FR Doc. 2010-11452 Filed 5-12-10; 8:45 am]

BILLING CODE 4910-22-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Record of Decision for Environmental Impact Statement: New Bedford Regional Airport, New Bedford, MA

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of availability.

**SUMMARY:** The FAA is issuing this notice to advise the public that a Record of Decision (ROD), resulting from an Environmental Impact Statement (EIS) has been prepared for a New Bedford Regional Airport, New Bedford, Massachusetts.

**FOR FURTHER INFORMATION CONTACT:** Richard Doucette, Environmental Program Manager, Federal Aviation Administration New England, 12 New England Executive Park, Burlington, MA. Telephone (781) 238-7613.

**SUPPLEMENTARY INFORMATION:** The FAA is making available a ROD regarding construction of Runway Safety Areas and other airfield improvements at New Bedford. The ROD documents the final Agency decisions regarding the proposed projects as described and analyzed in the EIS. The ROD is available for review during normal business hours at the following locations: FAA New England Region, Airports Division, 16 New England

Executive Park, Burlington, MA. Telephone (781) 238-7613 and New Bedford Regional Airport, 1569 Airport Rd., New Bedford, Massachusetts. Telephone (508) 991-6161.

Issued on: April 27, 2010.

Bryon H. Rakoff,  
Assistant Division Manager, Airports  
Division.

[FR Doc. 2010-11505 Filed 5-12-10; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### FTA Supplemental Fiscal Year 2010 Apportionments, Allocations, and Corrections

**AGENCY:** Federal Transit Administration (FTA), DOT.

**ACTION:** Notice.

**SUMMARY:** The Hiring Incentives to Restore Employment Act, (Pub. L. 111-147), signed into the law by President Obama on March 18, 2010, authorized funds for all of the surface transportation programs of the U.S. Department of Transportation (DOT) for the remainder of the Fiscal Year (FY) ending September 30, 2010, and the first quarter of FY 2011. This Notice supplements the February 18, 2009 Federal Register notice to apportion the full amount of FY 2010 formula funds. In addition, this Notice revises the Job Access and Reverse Commute (JARC) and Alternatives Analysis program carryover tables, Small Transit Intensive Cities (STIC) performance data and Apportionments table, and Bus and Bus Facilities Extensions and Reprogramming table, and allocates the remaining FY 2010 funds made available to congressionally designated projects under the Alternative Analysis program.

**FOR FURTHER INFORMATION CONTACT:** For general information about this notice contact Henrika Buchanan-Smith, Office of Program Management, at (202) 366-2053. Please contact the appropriate FTA regional or metropolitan office for any specific requests for information or technical assistance. The appendix at the end of this notice includes contact information for FTA regional and metropolitan offices.

**SUPPLEMENTARY INFORMATION:**

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- I. Overview
- II. FTA Program Funding Tables
  1. FTA Revised FY 2010 Appropriations and Apportionments for Grant Programs

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BEFORE THE  
FEDERAL MARITIME COMMISSION

Washington, D.C.

Docket No. 10-05

COMPLAINT



AMERICAN STEVEDORING, INC. v. THE PORT AUTHORITY OF NEW  
YORK AND NEW JERSEY

Complainant American Stevedoring, Inc., pursuant to Section 11 of the Shipping Act of 1984 ("the Act"), 46 U.S.C. 41106, brings this Complaint against Respondent Port Authority of New York and New Jersey, and in support thereof states the following:

**The Parties**

1. The Complainant is American Stevedoring, Inc. ("American Stevedoring"), a corporation organized and existing under the laws of the State of New York.
2. American Stevedoring is a marine terminal operator. 46 U.S.C. 40102(14).
3. American Stevedoring is engaged in foreign commerce, specifically the export and import of commodities in bulk and container shipments, which commodities are

loaded onto and discharged from foreign-flag ships entering the New York Harbor at Brooklyn Marine Terminal and Red Hook Marine Terminal in Brooklyn, New York.

4. American Stevedoring loads and/or discharges commodities for ocean common carriers, non-vessel operating common carriers, ocean freight forwarders, shipping customers, and marine terminal operators.

5. In addition to tens of thousands of containers lifted and moved each year, American Stevedoring moves a major portion of the beverages arriving for sale east of the Hudson River, including liquor and beer, as well as salt for roadway de-icing, most of the lumber used for construction projects, and other commodities used in the region.

6. American Stevedoring also handles "project shipments" such as power plants, rail cars, and heavy lift vessels, which are too heavy or too large to fit into a container. American Stevedoring is the only stevedore in the New York metropolitan area that handles such over-sized cargo.

7. American Stevedoring is well suited to handle break bulk cargo because it has sheds for storage, the equipment to handle bulk cargo, and the expertise to do so. This cargo will be lost to this port region if American Stevedoring is forced out of the New York Harbor.

8. American Stevedoring employs over 250 men and women as longshore or "metro" labor, at excellent wages and generous benefits, with hundreds more relying on the secondary and tertiary economic spin-off effects of American Stevedoring's operation in Brooklyn.

9. American Stevedoring's principal business address is 70 Hamilton Avenue, Brooklyn, New York, 11201.

10. The Respondent is the Port Authority of New York and New Jersey ("Port Authority" or "PA"), a body corporate and politic created by Compact between the States of New York and New Jersey with the consent of Congress of the United States of America.

11. The Port Authority was formed to provide, *inter alia*, efficient transportation and port commerce facilities and services to move goods within and to/from the New York-New Jersey region, and to provide transportation access to the rest of the nation and the world.

12. The Port Authority's principal place of business is 225 Park Avenue South, New York, New York 10003.

#### **Jurisdiction**

13. The Federal Maritime Commission has jurisdiction over this Complaint pursuant to the Shipping Act of 1984, 46 U.S.C. 41106 because, as alleged herein, the Port Authority has violated, and continues to violate, 46 U.S.C. 41106(2) and (3), respectively.

#### **Background – The Cross-Harbor Barges**

14. In or about 1987, American Stevedoring began marine cargo operations at several piers, at Brooklyn Marine Terminal and Red Hook, at the request of the Port Authority which was seeking a new tenant to take over from the former tenant, Universal.

15. At the same time, American Stevedoring also began marine cargo operations at 138 Marsh Street, Port Newark in Newark, New Jersey.

16. The Port Newark facility was a satellite facility to the main facility in Brooklyn. The Port Newark facility consisted of approximately 30 acres including open waters,

berths for ships, and upland areas for temporary storage of bulk cargo and cargo in containers.

17. The Brooklyn piers and Port Newark facilities are connected via a cross-Harbor barge operation. The operation consists of two Port Authority-owned barges, the "New York," and the "New Jersey," which are used to transfer bulk cargo and containers from Brooklyn to Port Newark, whereupon the cargo is either drayed to a railhead for shipment, or moved out via truck on the highways, to its destination.

18. A condition of American Stevedoring's operation of the Brooklyn piers and the Port Newark facility was that the Port Authority would supply the two cross-Harbor barges for the transfer of cargo and containers to the related Port Newark facility.

19. Federal funding under various federal and other laws and programs has been and continues to be available to fund barge operations to reduce the number of diesel-fueled truck trips, including but not limited to the American Reinvestment and Recovery Act of 2009, "TIGER" grants from the U.S. Dept. of Transportation, and annual Congressional appropriations.

20. Funding was available through the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) of 1998, and the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 for barge operations that reduced diesel-fueled truck trips. The Safe Accountable Flexible and Efficient Transportation Equity Act-A Legacy for Users (SAFETEA-LU) of 2005, through which such funding was also available, continues to be re-authorized by Congress.

21. In the past, the Port Authority applied for, cooperated with, or received the benefit of grants, funds and "earmarks" from Congress, through appropriations, or from federal

agencies, authorities, and/or other entities to offset the cost of operating the cross-Harbor barges, as part of Congestion Mitigation Air Quality (CMAQ) through the afore-cited federal transportation project and program funding laws, in concert with the federal Clean Air Act, or other laws or programs.

22. The cross-Harbor barges qualified for federal CMAQ funds because their operation removes soot exhaust from the air, which otherwise would be emitted from thousands of heavy duty, diesel-fueled truck trips annually and deposited into the local streets and neighborhoods in Brooklyn and Manhattan in New York State, and in Hudson, Essex and Union Counties in the State of New Jersey.

23. Diesel-fueled heavy duty trucks emit fine particle pollution 2.5 microns or less in size, known as particulate matter (PM 2.5), also known as soot, to the air that millions of New Yorkers and New Jerseyans breathe each day. PM 2.5 is known to cause serious health problems including aggravation of asthma and other serious respiratory ailments, especially in sensitive populations. PM 2.5 and larger-size soot particles are a suspected carcinogen.

24. Upon information and belief, through the CMAQ program and/or other funds, the Port Authority received at least \$5 million in funding for the cross-Harbor barge operation in the 1990s.

25. The U.S. Environmental Protection Agency and the Federal Maritime Commission have made "clean ports" a major environmental priority, one component of which is to replace diesel-fueled truck trips with rail and barge trips.

26. As such, there continues to be avenues of funding available for barge operations that reduce heavy duty, diesel-fueled truck trips.

27. Recently, President Obama signed a bill that directs the Federal Secretary of Transportation to “designate short sea transportation routes as extensions of the surface transportation system...” and to “designate” short sea transportation projects, along with establishment and implementation of a short sea transportation grant program to implement projects or components” of a designated project. The grant program of up to \$15 million annually is part of the federal Maritime Administration Authorization Act, which became part of the Defense Department authorization bill, at the time of passage.

28. With knowledge of the economic harm to American Stevedoring, and to the environment, the Port Authority unilaterally determined to withdraw any of its own capital or operating funding for the operation or maintenance of the cross-Harbor barges, and to refuse to participate or support others’ efforts to secure grants, appropriations and “earmarks” for such purpose.

29. The Port Authority also determined to stop assisting others in seeking funds from the federal or state appropriations processes, or from any governmental agency or authority, or their grant programs, to offset the costs of American Stevedoring’s use of the Port Authority’s cross-Harbor barges, on or before April 30, 2006.

30. Since May 1, 2006, American Stevedoring has borne the entire cost of the cross-Harbor barge operation itself, including labor, fuel and maintenance, which totals approximately \$450,000 per month.

31. Without the barge operation, American Stevedoring cannot practically move the cargo and containers that arrive in Brooklyn, to any inland destination west of the Hudson River, which requires transfer to Port Newark. To do so, American Stevedoring would have to move all of the containers or bulk cargo by truck, defeating the purpose of

a cross-Harbor barge operation, and adding significantly and unreasonably to the cost of the shipment to the customer.

32. Knowing that American Stevedoring moves approximately 75-85 percent of the cargo and containers that arrive in Brooklyn to Port Newark by barge, the Port Authority has, since 2006, refused to deal or negotiate in good faith with American Stevedoring on the barge funding issue, or to seeking funding, or assist American Stevedoring in seeking funding for the barge operation.

33. After having invited American Stevedoring to take over the Brooklyn and Port Newark marine terminal barge operation, and having paid for all or part of the barge connection operation between the two facilities, and having cooperated in finding additional funds to subsidize the barge operation, the Port Authority's actions in unilaterally refusing to deal and negotiate the barge funding issue constitutes a violation of the Shipping Act.

34. The Port Authority's failure and refusal to deal and negotiate in good faith with American Stevedoring over the cost of the barge operation, which is critical to Brooklyn's operation and, in particular, over which party shall bear that cost, in what amount and under what circumstances, terms or conditions, and the Port Authority's failure to assist in seeking funds for said operation, despite the barge operation's contribution to port and regional transportation efficiency, constitutes a continuing violation of the Shipping Act.

35. At all times, American Stevedoring has been ready, willing and able to deal with the Port Authority on the barge funding issue, and it has made all reasonable attempts to resolve difficulties and enter into negotiations with the Port Authority to assist the Port

Authority in obtaining or maintaining funding from various entities, authorities, elected officials and agencies for the cross-Harbor barge operation.

36. American Stevedoring has risked its own investment in the Brooklyn-Port Newark operation, which capital, labor and energy resulted in the growth of accounts and business there, and an increase in container volumes, and other indicia of success, including a Brooklyn bill of lading, which had never existed before American Stevedoring's operation of the Brooklyn piers.

**Background – the Leases for Port Newark, Pier 8  
And Red Hook, (Piers 9 and 10)**

37. At all times including from April 24, 2008 and continuing down to the present day, the Port Authority has also failed and refused to negotiate in good faith (or at all) any consideration of an offset of rent at either Brooklyn or Port Newark, which rent was increased precipitously in 2008, to account for American Stevedoring's bearing the cost of the barge operation.

38. American Stevedoring is unable to pay the rent on its Port Newark and Brooklyn facilities because it is now bearing the full cost of the barges.

39. To conduct business and gain contracts, it is essential that American Stevedoring, as a marine terminal operator, have in place a long-term lease with reasonable terms and conditions with the Port Authority.

40. Without a long term lease for its marine terminal operations at the piers, American Stevedoring cannot, in turn, negotiate long term commitments with its shipping customers and potential customers. Customers need the assurance of a lease before they will commit to bring their cargo/containers to Brooklyn/Red Hook, and be assured that the cargo will be moved safely and efficiently to its destination.

41. Federal, state and regional agencies and authorities were unable or unwilling to make barge funding grants available from 2006 through 2009 because American Stevedoring did not have a lease in place with the Port Authority.
42. American Stevedoring had engaged in considerable effort to obtain a long term lease from the Port Authority since 2003 for its facilities.
43. In January 2008, at American Stevedoring's request, the Port Authority agreed to a meeting in the first attempt to negotiate a ten year lease for the Port Newark facility, and for Pier 8 at the Brooklyn Marine Terminal, and Piers 9 (A and B) and 10 at Red Hook.
44. Subsequently, in early February 2008 the Port Authority sent American Stevedoring simple, one page terms sheets.
45. An email followed from the Port Authority in February 2008 with lease boilerplate provisions, none of which were negotiable or negotiated, nor did they contain certain critical terms.
46. No further substantive discussions were held nor substantive lease terms negotiated between the parties until American Stevedoring suddenly received, on April 23, 2008, a full set of leases for the Port Newark, Brooklyn and Red Hook facilities, which contained terms with which American Stevedoring did not agree, and to which it had not previously agreed.
47. American Stevedoring's representative received an ultimatum that unless the leases, prepared "as is" and without revision, were signed by America Stevedoring's chief executive officer, Sabato Catucci, the following day, April 24, 2008 shortly before the Board of Commissioners of the Port Authority were to meet, the Port Authority

would not offer any leases to American Stevedoring again, effectively putting American Stevedoring out of business.

48. American Stevedoring protested the Port Authority's unilateral imposition of the lease terms and conditions, precipitously increased rent, reduction in space, and one day's time to review and sign the leases.

49. American Stevedoring was also expected to pay any back rent on its piers, as well as back rent for Pier 7, which had been in litigation, through an affiliated company, as a condition of signing the Port Authority's unilaterally drafted leases.

50. American Stevedoring's protestations over the increased rent, reduced space and time frame for review and execution of the leases based on the ultimatum were ignored by the Port Authority.

51. Subsequently, on April 23, 2008, after the close of business, American Stevedoring received via email a new set of leases for the Brooklyn, Red Hook and Port Newark facilities, which differed from the version the Port Authority had sent earlier.

52. American Stevedoring was nevertheless required by the Port Authority to sign the leases by noon on April 24, 2008, approximately 1-2 hours before the Board of Commissioners of the Port Authority were to meet.

53. Left with no choice, American Stevedoring's chief executive appeared at the Port Authority's offices on April 24, 2008 and, under extreme duress purposely exerted by the Port Authority, signed the leases, while vociferously protesting the terms thereof, including the reduction in space, and other conditions imposed by the Port Authority without negotiation.

54. Despite that the Port Authority gave American Stevedoring one day to review the leases and insisted that the leases could not be negotiated and had to be signed by American Stevedoring by noon on April 24, 2008, the Port Authority inexplicably did not execute the leases which American Stevedoring's officer signed until February 10, 2009, ten months later.

55. In the ensuing ten months, American Stevedoring was injured by the Port Authority's refusal to execute the leases it had forced upon American Stevedoring.

56. American Stevedoring's existing customers, and contract prospects, needed to know that American Stevedoring would obtain a long term lease, so that they were assured that they could reliably load or discharge ships at Brooklyn, with confidence that the stevedore they hired for the work, American Stevedoring, would be there to serve them.

57. The "lease limbo" that the Port Authority put American Stevedoring in for ten months following American Stevedoring's signing the lease injured American Stevedoring because it still could not represent to its customers that it had a "signed lease."

58. This "lease limbo" hurt American Stevedoring's business, ultimately resulting in the loss of existing customers, and two potential large customer accounts, and other opportunities, which American Stevedoring reasonably expected to gain as customers.

59. Together, the ACL and Turkon accounts would have resulted in approximately \$11 million (US) for American Stevedoring.

60. Nevertheless, during this period, the Port Authority saw to it that it was paid all back rent owed by American Stevedoring and by the affiliate, American Warehousing, in

three substantial payments totaling several million dollars (US). The Port Authority obtained most of these funds from the Harbor Dredge Mitigation Fund.

61. The Port Authority subsequently “audited” the American Stevedoring account and found an additional \$485,000 in miscellaneous charges due and owing to the Port Authority, which the Port Authority also arranged to have paid to the Port Authority out of the Harbor Dredge Mitigation Fund.

62. By reason of the facts stated in the foregoing paragraphs, to wit, the refusal to deal and negotiate over barge funding, the refusal to negotiate the terms of the leases, the ultimatum and circumstances under which the Port Authority obtained American Stevedoring’s execution of the leases, and the purposeful “lease limbo” that followed, which the Port Authority purposefully forced American Stevedoring to endure while the Port Authority made arrangements to receive millions of dollars in rent, harmed American Stevedoring’s existing accounts were harmed, and American Stevedoring largely lost its ability to attract new customers and accounts, including two accounts worth \$11 million (US).

63. American Stevedoring’s injuries are a direct result of the Port Authority’s continuing violations of the Shipping Act, 46 U.S.C. 41106(2) and (3).

**Termination of the Leases and Issuance  
of Request for Expressions of Interest**

64. Although the Port Authority did not execute the leases until February 10, 2009, American Stevedoring was charged the exorbitantly increased rent by the Port Authority beginning on May 1, 2008, for the reduced space.

65. Through and with the approval of the Empire State Development Corporation ("ESDC"), American Stevedoring's rent was paid to the Port Authority through March or April 2009. Upon information and belief, the final payment of \$3.7 million was paid in May 2009.

66. In July 2009, within two months of the final payment to the Port Authority of \$3.7 million, and after depleting the Harbor Dredge Mitigation Fund, the Port Authority then and only then issued a default notice to American Stevedoring regarding the Port Newark lease.

67. The Port Authority then filed an action in New Jersey Superior Court, Landlord Tenant Court, in Newark, seeking to evict American Stevedoring from the Port Newark facility ("New Jersey Eviction Proceeding"), knowing that eviction from either the Newark or the Brooklyn facilities would end American Stevedoring's operation, since the nature of its operation is bi-State, encompassing barge travel across the Harbor.

68. In August 2009, well prior to the conclusion of the New Jersey Eviction Proceeding (and indeed before either party had even appeared in court), the Port Authority issued a Request for Expressions of Interest ("RFEI") for the operation of all piers and facilities then operated by American Stevedoring in Brooklyn and Newark.

69. The Port Authority's staff faxed the RFEI documents and spoke to and then held meetings with most of the marine terminal operators in the port district, including Maher Terminals in Elizabeth, APM Terminal in Newark, New York Container Terminal in Staten Island, and Port Newark Container Terminal in Newark.

70. American Stevedoring was given no notice of the issuance of the RFEI, and only learned of it when employees of two of the other marine terminal operators called American Stevedoring to ask about it.

71. Port Authority representatives tried to excuse its issuance of the FREI by claiming that it was concerned that American Stevedoring's customers would be left without service, and cargo would pile up and ships would not be unloaded, however, the Port Authority had absolutely no information that American Stevedoring was not in a position to service its customers, or that such unfounded fear was an actual risk.

72. The Port Authority did not inquire of American Stevedoring as to whether it was having any difficulty servicing its customers or accounts.

73. The Port Authority had not received any complaints about American Stevedoring's serving of its customers and accounts, nor had the Port Authority received any other evidence at all that American Stevedoring's accounts were in any danger of not being serviced or that it was going out of business.

74. The Port Authority had absolutely no factual basis to issue the RFEI for American Stevedoring's piers.

75. By issuing the RFEI, the Port Authority falsely announced to all of American Stevedoring's customers and its prospective customers, that American Stevedoring was going out of business. The RFEI thus had a further destabilizing effect on American's customers and accounts, and caused it to lose business, revenue and income.

76. The August 2009 New Jersey Eviction Proceeding and issuance of the RFEI, and the meetings the Port Authority held with marine terminal operators, where the Port Authority encouraged them to take over operation of American Stevedoring's piers and

facilities and to service American Stevedoring's customers, robbed American Stevedoring of the effect of finally having a fully executed lease (as of February 2009), five months earlier, which effect was beginning to take hold in its discussions with prospective and existing customers.

77. In August, the Port Authority then delivered to American Stevedoring a notice of termination of the Brooklyn and Red Hook leases for alleged failure to pay rent, which it followed in the fall of 2009 by filing actions in the Civil Court of New York City, Kings County, for possession of those premises operated by American Stevedoring ("New York Possession Proceeding").

78. The Port Authority's actions in forcing American Stevedoring into a set of leases with exorbitant rent, reducing its space, refusing to sign the leases after forcing American Stevedoring to hastily execute them, obtaining the rent arrearages in the following months, depleting the Harbor Mitigation Dredge Fund, and issuing the RFEI publicly announcing that American Stevedoring was going out of business, without cause, were part of the Port Authority's pre-conceived plan to create conditions under which American Stevedoring would fail.

79. All of the aforesaid acts on the part of the Port Authority, and others, are part of the malicious, continuing refusal to deal and negotiate with American Stevedoring for a long term set of leases with American Stevedoring, at competitive rates and reasonable terms, with an appropriate amount of space, including conditions for funding the cross-Harbor barge operation, comparable to connecting service investments and capital improvements the Port Authority has made to other marine terminal facilities.

80. The Port Authority's aforesaid actions and violation injured, and directly caused harm, to American Stevedoring.

81. Having been so injured, American Stevedoring thus seeks an order from the Federal Maritime Commission directing the Port Authority to cease and desist from the aforesaid violations and acts; requiring the Port Authority to deal with American Stevedoring over both the terms and conditions of the leases, and over funding for the barge operation; requiring the Port Authority to negotiate in good faith toward a resolution of the disputes between the parties that have arisen; and requiring the Port Authority to pay reparations for the unlawful conduct described herein in the sum of \$16 million (US), with interest and attorneys fees, or such other sum as the Commission may determine to be proper.

**Background – Capital Investments, Repairs and Maintenance,  
Operations and Opportunities**

82. The Port Authority has made and continues to make capital investments in and to provide other support and services to other marine terminals, including at Staten Island, Newark and Elizabeth.

83. For instance, the Port Authority has invested millions of dollars in its other marine terminal facilities and connecting railroads and highways to ensure that the Port is ready to handle trade volumes projected to double in the coming decade. These investments include the following:

A. The Port Authority has turned a brownfield site that once housed a Procter & Gamble plant into Howland Hook, one of the most efficient intermodal marine terminals on the East Coast. Linked by the terminal's own on-dock rail operation and ExpressRail Staten Island to transcontinental rail routes, the Staten Island terminal, operated by New York Container Terminal (NYCT), already is producing mile-long trains.

Intermodal yard expansion will further increase capabilities, as will a planned fourth berth.

B. Up Newark Bay, on the New Jersey side, Elizabeth-Port Authority Marine Terminal is benefiting from an ExpressRail Elizabeth expansion to 18 tracks and APM Terminals' addition of 84 acres, bringing its terminal site to a total of 350 acres. Other rail projects, including a new support yard, will further add to throughput capacities and efficiencies at both the Elizabeth-Port Authority Marine Terminal and Port Newark.

C. Port facilities already combine to offer a total of 10 berths with 50-foot depth - four at Maher Terminal and three at the APM Terminals complex at Elizabeth, two at PNCT's Port Newark facility, and one at the New York Container Terminal on Staten Island.

D. In another key move to build for the future, the Port Authority has acquired the former Northeast Auto-Marine Terminal in Bayonne, New Jersey. The agency plans to convert the property into a marine facility that will total 170 acres and be known as Port Jersey Container Terminal.

E. The Port Authority is advancing these redevelopment efforts with both public and private partners, each of whom has an "integral role in the development of infrastructure to serve global trade through the NY/NJ port."

F. The Port Authority assisted New York Container Terminal to build a fourth container berth, expanding NYCT's annual capacity to 950,000 boxes.

G. Maher Terminals now has 45,000 feet of on-dock track, enough capacity to accommodate four 10,000-foot trains.

H. APM Terminals now enjoys an expanded terminal area of 350 acres, up from 266.

I. Port Newark Container Terminal (PNCT) is set to receive an allocation of contiguous property to the container terminal and the construction of a permanent rail facility, which could increase capacity to 1.2 million boxes. The Port Authority also assisted with the deepening of two of its berths, so that it will have three 50-foot berths and one 45-foot berth.

84. The Port Authority also invested in or supported improvements to rail and highway connections to its other marine terminals, thus allowing cargo and containers to be moved to their inland destinations more efficiently.

85. The Brooklyn analog of these rail and highway improvements that the Port Authority has made elsewhere is the cross-Harbor barge operation.

86. The Port Authority discriminates against Red Hook Container Terminal and American Stevedoring's facility at Brooklyn Marine Terminal by continually refusing to make capital improvements or even minor upgrades, and to fund, deal and negotiate over the terms of the cross-Harbor barge operation.

87. The Port Authority gives an undue and unreasonable preference and advantage to its marine terminal operators in Newark, Elizabeth and Staten Island while discriminating against American Stevedoring and dis-advantaging it, by virtue of its differing approach to capital investments, other support and services, economic opportunities, dredging, equipment, rail and highway improvements or support, technical assistance, maintenance, and other conditions.

88. The Port Authority admitted, in a prior matter between American Warehousing of New York, Inc. and the Port Authority, that the Port Authority discriminates against Brooklyn.

89. There are no legitimate transportation factors which justify the Port Authority's discrimination against Brooklyn and Red Hook, and against American Stevedoring which operates there.

**COUNT I**

**VIOLATION OF 46 U.S.C. 41106(3)**

90. Paragraphs 1 through 88 are incorporated herein by reference.

91. Respondent, the Port Authority is a "marine terminal operator" as said term is defined in the Shipping Act, 46 U.S.C. 40102(14).

92. The Shipping Act at 46 U.S.C. 41106 prohibits marine terminal operators from unreasonably refusing to deal or negotiate.

93. Accordingly, it is unlawful for the Port Authority to "unlawfully refuse to deal or negotiate" lease terms and conditions including the amount of rent and the amount of space, with American Stevedoring. Section 10(b)(10).

94. By acting as aforesaid, the Port Authority has violated, and continues to violate, the Shipping Act, 46 U.S.C. 41106(3). The Port Authority has not provided any defense or reasonable justification for its refusal to deal or negotiate the terms and conditions of the lease renewal, its haste in forcing American Stevedoring to sign the leases on one day's notice, and its ultimatum that the set of leases, presented on April 23, 2008 to be signed by noon the following day, if not signed, would not be presented again to American Stevedoring, and that no leases would be presented.

95. The Port Authority exacerbated its refusal by not countersigning the set of leases for another ten months.

96. This lease limbo gave American Stevedoring's competitors at other terminals an unfair advantage, in terms of stability and opportunity, in addition to the preferences the

Port Authority shows the competitors in rent price, capital investments, and other services, support, terms and conditions.

97. The Port Authority then interfered with American Stevedoring's existing and prospective economic relationships by issuing an RFEI and encouraging competitors to take over American Stevedoring's piers and operations, and to service its customers.

98. As a result of the Port Authority's refusal to deal or negotiate, American Stevedoring has been injured, having lost valuable prospective contracts, and is now unable to enter into stable and long-term commitments or agreements with its customers and potential customers.

99. The Port Authority's refusal to deal or negotiate the terms of a long-term lease also adversely affected American Stevedoring's ability to formulate necessary long-term business forecasting, operational planning, and investments.

100. As a result, American Stevedoring has suffered and will suffer monetary damages in an amount yet to be determined, but exceeding \$16,000,000.00 per year, from diverted business, in barge costs, and unreasonable rent and other charges for reduced space, under the set of leases signed by American Stevedoring on April 24, 2008.

## COUNT II

### VIOLATION OF 46 U.S.C. 41106(2)

101. Paragraphs 1 through 99 are incorporated herein by reference.

102. The Shipping Act, at 46 U.S.C. 41106(2), provides: "A marine terminal operator may not – (2) give any undue or unreasonable preference or advantage or impose any undue or unreasonable prejudice or disadvantage with respect to any person[.]"

103. By acting as aforesaid, the Port Authority has injured American Stevedoring.

104. The Port Authority has violated, and continues to violate, the Shipping Act, 46 U.S.C.41106(2).

105. The Port Authority has not provided any defense or reasonable justification for its refusal to negotiate the terms and conditions of the set of leases with American Stevedoring, unlike its relationships and negotiations with other marine terminal operators for lease renewals.

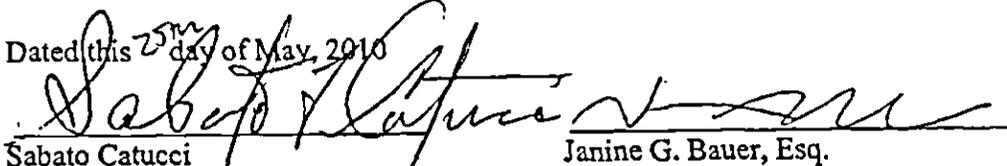
106. The Port Authority's actions have given American Stevedoring's competitors at other terminals an unfair advantage in that they have been and are able to negotiate the terms and conditions of the lease agreements, including the terms of capital investments the Port Authority undertakes, such as the provision of truck toll replacement payments, on-dock rail connections, highway improvements and other transportation connecting services, including barge operations and support, whereas American Stevedoring has been frozen out of negotiations, communications, capital investments, ordinary maintenance and repairs, and has suffered other kinds of different, discriminatory treatment, not justified by transportation factors.

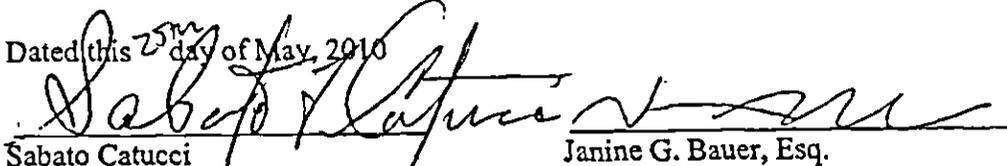
107. The undue and unreasonable preference for other marine terminal operators and undue and unreasonable prejudice and disadvantage to Complainant has damaged American Stevedoring, and as a direct result, American Stevedoring has suffered damages and lost business opportunities in an amount yet to be determined, but exceeding several million dollars per year.

**WHEREFORE**, Complainant prays that Respondent be required to Answer the charges herein; and that after discovery and a due hearing, an order be entered commanding Respondent

- (i) to cease and desist from all actions to terminate Complainant's leasehold relationships with Complainant;
- (ii) to recommence discussions with the Complainant in good faith over the terms and conditions of the Agreements of Lease entered into on April 24, 2008 comparable to those entered into by the Port Authority for its other marine terminals including the recently reduced rent of Maher Terminals;
- (iii) to order the Port Authority to cease interfering in the economic relationships of American Stevedoring with its customers and potential customers;
- (iv) to establish and put in force such other practices as the Commission determines to be lawful and reasonable governing the relationship between the Port Authority and American Stevedoring; and
- (v) to pay the Complainant by way of reparation for the unlawful conduct hereinabove described, in an amount yet to be determined, but exceeding \$16,000,000.00, with interest and attorney's fees, or such other sum as the Commission may determine to be proper as an award of reparation;
- (vi) and that such other and further order or orders be made as the Commission so determines to be appropriate.

Dated this 25<sup>th</sup> day of May, 2010

  
Sabato Catucci  
American Stevedoring, Inc.  
70 Hamilton Ave.  
Brooklyn, N.Y. 11231

  
Janine G. Bauer, Esq.  
SZAFERMAN, LAKIND,  
BLUMSTEIN & BLADER, P.C.  
101 Grovers Mill Road, Suite 200  
Lawrenceville, New Jersey 08648  
Telephone: 609-275-0400  
Facsimile: 609-275-4511  
Email: [jbauer@szaferman.com](mailto:jbauer@szaferman.com)  
Counsel to American Stevedoring, Inc.

Verification

State of New Jersey :

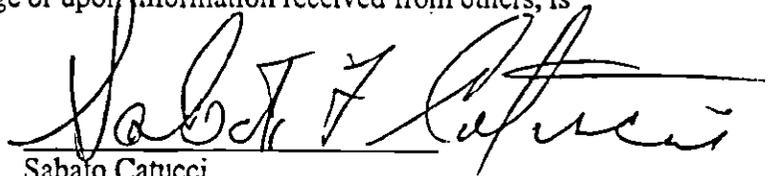
ss.

County of Monmouth :

Sabato Catucci, having been first duly sworn upon his oath, hereby deposes and states that he is

1. The chief executive officer of the Complainant herein, and that he signed the Complaint;

2. That he has read the Complaint, and that he believes that the facts stated therein, based on his own knowledge or upon information received from others, is true.



Sabato Catucci  
Chief Executive Officer  
American Stevedoring, Inc.

Sworn to and subscribed before me  
This 8<sup>th</sup> day of May, 2010



Janine G. Bauer, Esq.  
Attorney-at-Law  
State of New Jersey

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Verified Complaint has been service upon the person or organizations on the following service list, this 25th day of May, 2010, in the manner indicated below:

Office of the Secretary and  
Office of Legal Counsel  
The Port Authority of New York  
And New Jersey  
225 Park Avenue South  
New York, New York 10003  
(by First Class Mail)



Janine G. Bauer, Esq.  
SZAFERMAN, LAKIND,  
BLUMSTEIN & BLADER, P.C.  
101 Grovers Mill Road, Suite 200  
Lawrenceville, New Jersey 08648  
Telephone: 609-275-0400  
Fax: 609-275-4511

## REQUEST FOR EXPRESSIONS OF INTEREST

### RED HOOK CONTAINER TERMINAL / PORT NEWARK INTERIM OPERATING AGREEMENT

August 20, 2009

The Port Authority of New York and New Jersey (Port Authority) is seeking to enter into a short-term Operating Agreement with a terminal operator to operate, manage and maintain the Red Hook Container Terminal (RHCT) located in Brooklyn, New York, its satellite terminal located at Port Newark, New Jersey and a warehouse located at Pier 8 in Brooklyn, New York.

#### DESCRIPTION OF THE PROPERTIES

**RHCT** – The RHCT consists of approximately 65.6 acres located on Piers 9A, 9B and 10 and includes six container cranes (four of which are owned by the Port Authority and two by the City of New York) and two Port Authority owned container barges. There is a warehouse located on Pier 9B, consisting of approximately 176,800 square feet.

**Port Newark** – Port Newark consists of approximately 30 acres located on Berths 4 and 6 and includes two mobile cranes and a warehouse consisting of approximately 128,345 square feet.

**Pier 8** – Pier 8 consists of a warehouse of approximately 176,800 square feet.

#### TERM

The Port Authority anticipates entering into an Operating Agreement on or about September 1, 2009 at 12:01 a.m. for a period of six months, with the Port Authority having the option to extend the agreement for two additional three-month periods. The Port Authority will have the right to terminate the Operating Agreement on ten days' prior notice to the Terminal Operator.

#### SCOPE OF WORK

- Deliver cargo currently being stored at the premises located at RHCT, Port Newark and Pier 8.
- Stevedore ships destined to/from the Red Hook Container Terminal.
- Handle existing customers at the terminal (including steamship lines, salt, lumber, and other cargoes). Steamship lines and customers may include NSCSA, Seaboard Marine, CGM/CGA, Grimaldi, SAGA-lumber, GearBulk-plywood, Grey Shark-charter vessel for



POVs to Dominican Republic. Approximately 26,600 containers were handled at the terminal from January through July.

- Provide facility security which meets all Maritime Transportation Security Act requirements.
- Maintain container cranes and provide other terminal equipment as may be necessary.
- Perform routine maintenance at the three properties.
- Maintain accurate, readily available auditable records and accounts with supporting documentation in accordance with sound and generally accepted accounting principles of the services performed by the Terminal Operator. Maintain records of hours expended by staff, their labor categories, salaries, benefits and additional costs of labor and any other costs to the operator. Maintain records of revenues earned by the operator or any reimbursable items that it bills to the Port Authority.

NOTE: At the terminal operator's option, two container barges are available at the sole cost and expense of the terminal operator. The Port Authority will not provide funding for this service.

#### RFEI SUBMITTAL OF PROPOSALS

In the capacity of operator of the facilities, the terminal operators understand and agree that part of its services include, but are not limited to: operation, management and furnishing labor to the three properties; maintenance and routine repairs of the premises, cranes and other equipment and buildings, including the utility systems; honor the terms of or negotiate new terms with the existing customers and coordinate with those customers to receive and deliver cargo to and from the premises; and enter into all other contracts as necessary to operate, manage and maintain the properties, including facility security. Prospective terminal operators are requested to submit a proposal addressing the following request for information and criterion:

Identification -- Full corporate name, address, representative, and state of incorporation.

Financial Qualification -- Statement of capitalization and audited consolidated balance sheet and income statement.

Statement of Certification -- All respondents to the RFEI and all persons signing on behalf of any respondent to the RFEI certify that no person or organization has been retained, employed or designated on behalf of the respondent to impact any Port Authority determination with respect to the solicitation or evaluation of proposals or the selection of the successful Proposer or the preparation of specifications or requests for submittals in connection with this RFEI.

Fee -- State the monthly management fee or percentage amount the terminal operator will charge the Port Authority in addition to its costs to operate, manage and maintain the properties.

Operating Plan -- An operating plan that provides the Port Authority with the best opportunity to maintain a customer base at the RHCT under a future lease agreement between the Port Authority and a terminal operator. The Operating Plan should address the following information as well as provide information on labor management and any other information that may assist the Port Authority in evaluating the responses.

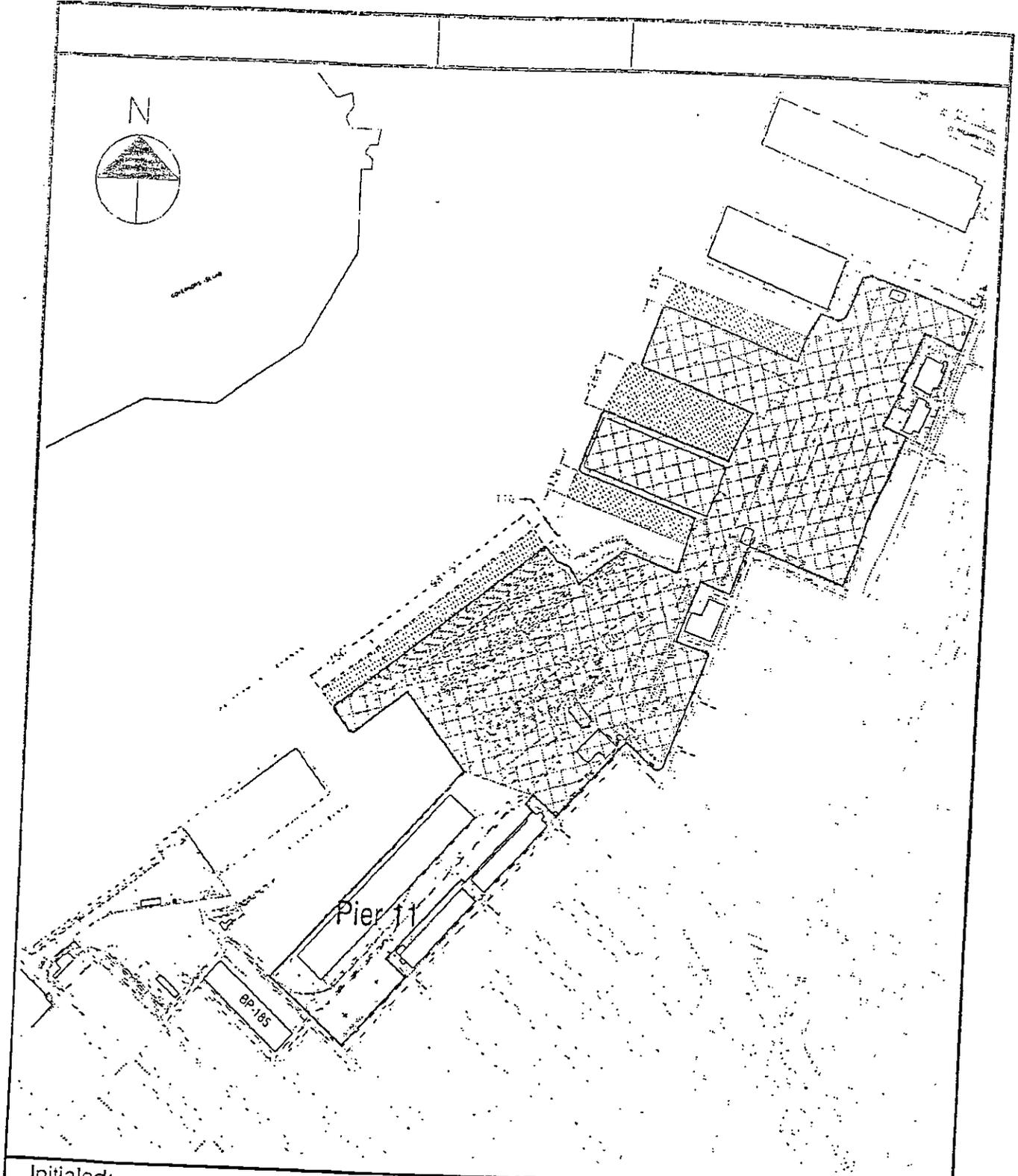
- 1) Ability to commence operations immediately.
- 2) Financial proposal including the handling / stevedoring of vessels, including a proposal for berth applications and collection of dockage, wharfage, occupancy and other fees. Proposer shall describe all reimbursable items it expects to receive from the Port Authority, the estimated cost of each and any other cost factors relevant to the proposal.
- 3) Proposed staffing of the properties, including supervisors, checkers, mechanics, clerical, etc. and average salary of each. If known, the individual that will act as the terminal manager charged with overseeing the operation.
- 4) Certification that the operator has the ability to enter into agreements as necessary to operate, manage and maintain the properties.
- 5) Indicate interest in Red Hook container barges.

Proposals will be evaluated based on the following criteria listed in the order of priority:

- 1) Management Fee
- 2) Financial Proposal to the extent to which the proposal is cost effective to the Port Authority and the overall cost of the service
- 3) Overall Approach, Quality and Thoroughness of the Operating Plan

Proposals in response to this RFEI are to be delivered only via US Postal Service, commercial courier or by hand no later than 5:00 p.m. Friday, August 28, 2009 in the following manner:

- One (1) original and Five (5) copies of the proposal;
- Delivered via US Postal Service, commercial courier or by hand in a sealed envelope clearly marked RFEI-RHCT/PN INTERIM OPERATING AGREEMENT. Note that electronic transmission submittal from the proposer to the Port Authority shall not be considered.
- Addressed to Patricia Keough, Sr. Property Representative, Port Leasing and Property Development Division, The Port Authority of New York and New Jersey, 260 Kellogg Street, Newark, NJ 07114.



Initialed:

\_\_\_\_\_  
 For the PORT AUTHORITY

\_\_\_\_\_  
 For the Lessee

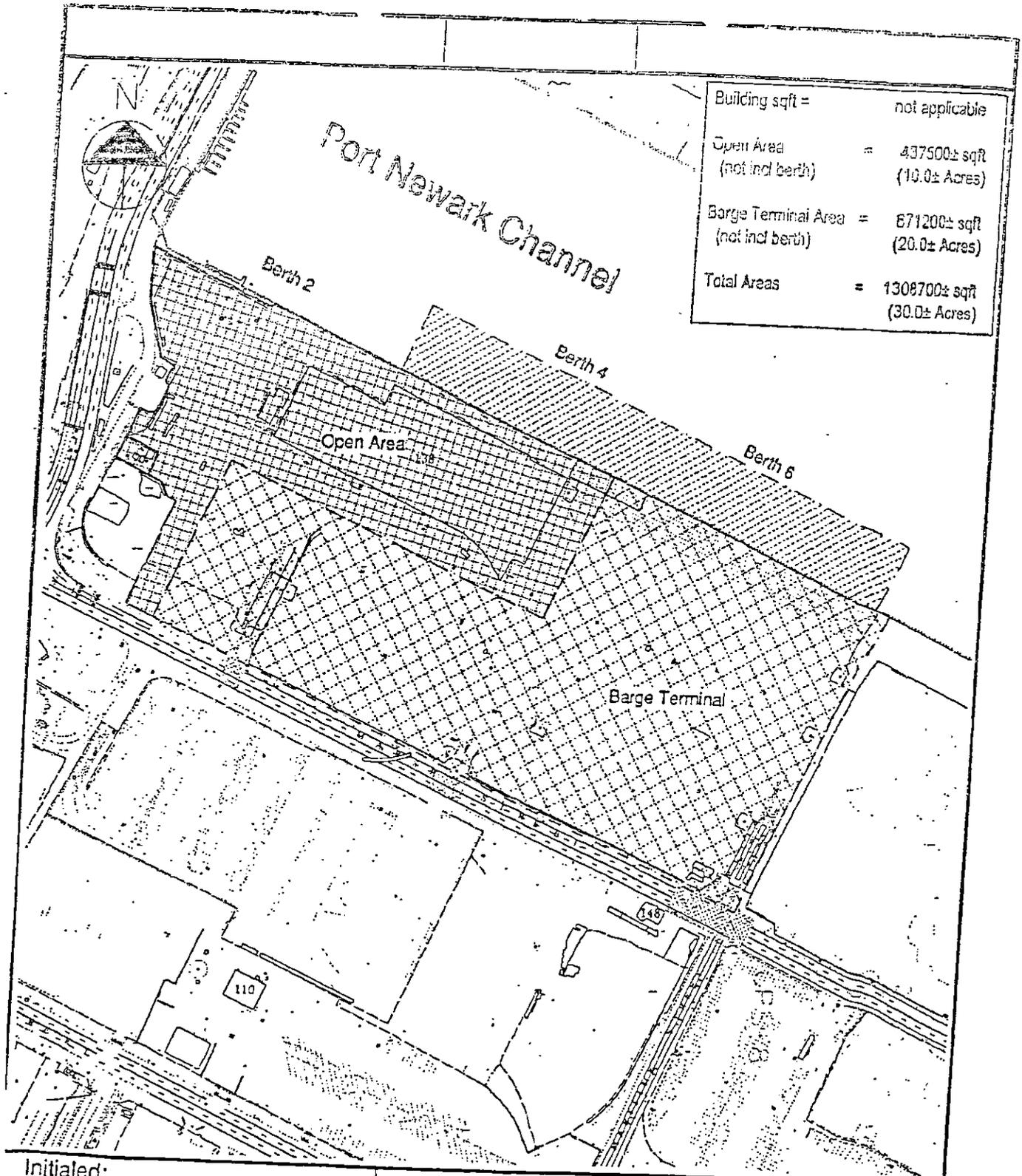
EXHIBIT :

**A**

THE PORT AUTHORITY OF NY & NJ

RED HOOK  
 CONTAINER TERMINAL

Date :



Initialed:

For the PORT AUTHORITY

For the Lessee

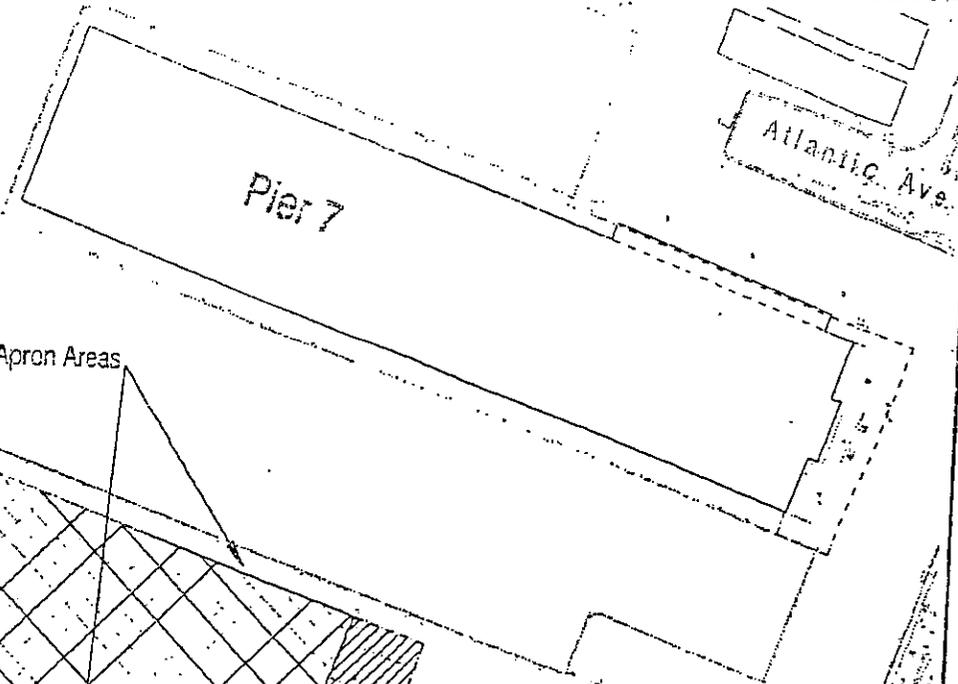
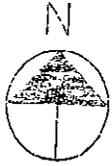
EXHIBIT :

**A**

THE PORT AUTHORITY OF NY & NJ

**PORT NEWARK**

Date :



Atlantic Ave.

Pier 7

Wharf Apron Areas

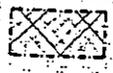
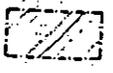
Pier 8

Open Associated Area

Congress St.

Pier 9a

Columbia Street

	Warehouse (Pier Shed)	= 176800 sqft (4± Acres)
	Open Associated Area	= 27350 sqft (.6± Acres)

Initialed:

For the PORT AUTHORITY

For the Lessee

EXHIBIT :

**A**

THE PORT AUTHORITY OF NY & NJ  
BROOKLYN - PORT AUTHORITY  
MARINE TERMINAL

Date :

Description of the RHCT Property:

- 1) Total Acreage: Approximately 65.6 acres at Red Hook and Pier 8
- 2) Berthing Area: Piers 9A, 9B, and 10  
2,080 feet - container  
3,410 feet - breakbulk
- 3) Depth: Pier 10 - 40 feet MLW  
Piers 9A, 9B and 11 – ranges between 23 and 33 feet  
MLW
- 4) Container Cranes: Two Port Authority owned Paceco cranes located at Pier 9A  
Height – 90 feet  
Outreach – 120 feet  
Tonnage 40 LT
- Two Port Authority owned Liebherr Cranes located at Pier 10  
Height – 100 feet  
Outreach – 150 feet  
Tonnage 60 LT
- One New York City owned Star crane located at Pier 10  
Height – 68 feet  
Outreach – 133 feet  
Tonnage 40 LT
- One New York City owned Kone crane located at Pier 10  
Height – 96 feet  
Outreach – 133 feet  
Tonnage 50 LT
- 5) Truck Scales: 9
- 6) Reefer Connections: 72 reefer plug slots
- 7) Buildings: Office Building  
Pier 8 Warehouse – 178,600 sq. ft.  
Pier 9 B Warehouse – 178,600 sq. ft.  
Maintenance Garage

- 8) **Barge Service:** 20-acre remote site at Berth 6 at Port Newark, New Jersey, including two barges known, as the "New York" and "New Jersey" and two Port Authority owned Liebherr Harbour Mobile Cranes.
- 9) **Terminal Access:** To Red Hook:  
 From New York – Long Island Expressway to I-278 (BQE) – south on BQE to Exit 26, Hamilton Avenue, follow signs  
  
 From New Jersey – NJ Turnpike – Exit 13 – cross Goethals Bridge to I-278-Staten Island Expressway – cross Verrazano Bridge – north on I-278 to Hamilton Avenue – local streets to terminal

Description of the PN Property:

- 1) **Total Acreage:** Approximately 30 acres of improved land with direct waterfront access.
- 2) **Berthing Area:** Berth 6 - <> feet  
 Berth 4 - <> feet
- 3) **Depth:** Berth 6 - <> feet MLW  
 Berth 4 - <> feet MLW
- 4) **Container Cranes:** Two Liebherr Harbour Mobile Cranes
- 5) **Building:** 128,000 sq. ft. warehouse space
- 6) **Terminal Access:** To Port Newark:  
  
 NJ Turnpike - Exit 14 – follow signs for Port Newark – Corbin Street exit to Marsh Street

RED HOOK - CROSS HARBOR CONTAINER BARGE IMPROVEMENTS:  
BISTATE APPLICATION FOR CONGESTION MANAGEMENT - AIR QUALITY  
(CMAQ) FUNDING

*Original FY 1994  
application*

Introduction

Following is an FY 1994 \$7.5 million CMAQ proposal that is being submitted to appropriate agencies in both the States of New York and New Jersey. It is sponsored by The Port Authority of New York and New Jersey (PANY&NJ) on behalf of the Red Hook Promotion Committee whose public members include: PANY&NJ, NYSDOT, NYS Urban Development Corporation (UDC), and the NY City Economic Development Corporation (EDC). We request capital, planning and operating funding for an intermodal barge service that will help improve air quality and intermodal access between port facilities located in each State.

Based on past contributions and proportionate future benefits -- \$4 million is being sought from New York and \$3.5 million from New Jersey. These amounts represent total program costs for FY 1994. In light of the 80% federal and 20% local funding formula -- 20% of the amount sought or \$1.5 million -- would be provided by contributions from local agencies, including the Port Authority, of a yet to be determined mix. Local support is likely to include in kind support (i.e. facility construction, study resources) by supporting agencies as well as substantial monies obtained from user fees.

FY 1994 CMAQ funding would be used to purchase equipment and make physical improvements that will attract a substantial and growing number of containers that otherwise would move entirely by truck over some of the region's busiest and most congested highways. It would help fund a study aimed at determining that most service and cost effective means to accomplish this end. Most importantly, it would help remove three tons of noxious particulates from the region's air in 1994.

Background

The original Red Hook to Port Newark barge service began in October 1991 as an emergency experiment to aid Red Hook efforts to arrest a decline in its business attributable to deteriorating landside access. Specifically, it sought to mitigate future negative impacts on access resulting from the recently initiated, decade-long Gowanus Expressway Reconstruction Project. As a direct result of the new barge operation and increased marketing efforts, ocean carrier service at Red Hook has stabilized and is beginning to grow again.

This thrice weekly "emergency" service, is now supported by \$2.8 million in Port Authority and New York State funds. This support has laid the foundation for a substantial new service across the New York Harbor. In the late Spring, barge operations

will be expanded to full, two-way service with FY 1993 CMAQ assistance obtained through New York City auspices. FY 1994 CMAQ funding would build volume as part of a multi-year strategy described in Attachment I.

Current barge operations demonstrate that economic development and clean air goals need not be incompatible. This service moves approximately 14,400 containers per year (or 1,200 per month) between Red Hook and Port Newark. Since the majority of these trips are round trips (with the trucks returning to their terminals) -- the barge, in effect, removes 28,000 truck trips per year from a congested 18 mile marine service network. This network includes the Gowanus Expressway, the Verranzano-Staten Island Crossings in New York (12 miles) and the Turnpike and Route 1&9 in New Jersey (6 miles).

FY 1994 CMAQ funding would aid the PA and other public sponsors to more quickly realize the achievement of a projected yearly service volume of 36,000 containers -- the equivalent of 72,000 truck trips (and midway between the 90,000 truck trip removal goal for 1995 and the current service goal of 54,000 trucks removed in 1993. Based on these projections, the clean air benefits from present and expanded barge services within the bistate inter-port drayage service corridor are impressive.

<u>Year</u>	<u>NY Emission Reductions (12 m.)</u>	<u>NJ Emission Reductions(6 m.)</u>	<u>Regional Totals</u>
1992	0.7 tons	0.4 tons	1.1 tons
1993	1.5 tons	0.8 tons	2.3 tons
1994	2.0 tons	1.0 tons	3.0 tons
1995	2.4 tons	1.2 tons	3.6 tons

Source: Estimates based on NY DEP data and approved assumptions

#### FY 94 CMAQ Bi-State Request

In the Spring of 1992 Red Hook Promotion Committee realized that the barge was a successful substitute service for truck trips between Red Hook and Port Newark-Elizabeth. Since then, it has sought means to make the Barge a long term service feature for container cargo and possibly general commodities moving between Brooklyn and New Jersey port and distribution points.

Of course, New Jersey's support and involvement in the effort is essential as major capital and general service improvements will take place there. Furthermore, the majority of Red Hook consignees (60%) are located in New Jersey -- and New Jersey is a major distribution processing center for marine and domestic cargo consumed in New York. The latter point is significant because the new CMAQ supported service, which is scheduled to start in late Spring, will be open to traffic

originating from all of Port Newark-Elizabeth, not just traffic tied to Red Hook service. Moreover, over one third of the Clean Air benefits from truck service removal will take place in New Jersey. (See Chart above.)

The multi-year objectives and milestones of this strategy are attached this request. The key elements to be advanced by this FY 1994 request are:

- o The Ro-Ro Conversion and Market Study -- to determine if a shift in service from current Lift-on to Lift-off (Lo-Lo) to Roll-on Roll-off (Ro-Ro) service will produce a significant reduction in operating cost savings indicated by preliminary estimates as well as make the service more attractive to potential users.
- o Operating Assistance -- A user fee of approximately \$20.00 will be introduced for the new service to start up in the Spring, these monies will be used to attract participation and ease a transition to fully allocated operating costs.
- o Barge Purchase/Conversion -- to add Ro-Ro equipment if the study indicates this as a practical cost lowering alternative.
- o Ramp improvements -- to accommodate Ro-Ro operations in both States if deemed cost effective by the study.

These program elements break down as follows:

- o Purchase of two barges  
(at \$1.2 million per barge) \$2,400,000
- o Study of cost/benefits of conversion from  
Lo-Lo to Ro-Ro operations to embrace  
domestic as well as marine freight needs \$ 300,000
- o Operating assistance (to lower user fees to  
encourage greater use) \$1,000,000
- o Conversion of barges to Ro-Ro (if shown  
to be cost and service effective in Study) \$ 800,000
- o Terminal improvements to accommodate  
Ro-Ro services in New Jersey (i.e., at  
Port Newark-Elizabeth or Greenville --  
dependent on study result) \$2,000,000

o Terminal improvements to accommodate Ro-Ro Service in Brooklyn (i.e. at So. Brooklyn -- dependent on study result)	\$1,000,000
Total:	\$7,500,000
New York Subtotal (two-thirds of barge, tug and study expenses plus So. Brooklyn Terminal costs):	\$4,000,000
New Jersey Subtotal (one-third of barge, tug and study expenses plus Greenville costs):	\$3,500,000

Conclusion

The above proposal represents a good faith effort to describe the goals and funding needs of an innovative, long term cross harbor freight barge program. Some additions and modifications of information may be necessary as the program suggested herein receives further review. The Port Department will continue to facilitate the resolution of outstanding issues and make changes required to successfully advance this useful, environmentally advantageous bistate transportation program.

Intermodal Division  
The Port Department  
Port Authority of NY&NJ  
January 26, 1993

Cross Harbor Barge Development Plans: 1993 - 1995

Key objectives of a multi-year strategy to be advanced by this funding request include:

- o Extending the Service and Customer Base. Current service essentially addresses the one-way (to New Jersey) surface distribution needs of ocean carriers using the Red Hook terminal. A new service contract, which is likely to go into effect this Spring, would offer two way service, by handling New Jersey originated containers for marine shippers who wish to move cargo to Brooklyn and other New York points as well as Red Hook originated containers. The applied for study would begin to measure the service market and cost advantages of Roll-on and Roll-off (Ro-Ro) services in comparison to the current Lift-on-Lift off (Lo-Lo) system, including domestic freight movement.
- o Lowering Operational Costs. Operating costs could be lowered through public purchase and ownership of the service equipment to be used. If shown feasible, Ro-Ro service -- which allows trucks to position their containers and chassis directly on the barge to be rolled off at the other end -- would replace current Lo-Lo service. (Lo-Lo service requires containers to be lifted on and off of the barge and onto truck chassis.) Over 60% of current operating cost may be reduced by equipment ownership and Ro-Ro implementation. Also, cost can be lowered through management improvements in the services provided including reforms in the audit and payment practices of the public agencies involved.
- o Achieving Public Sector Goals. The barge service should attract enough container volume at a reasonable public cost to demonstrate that air pollution is being reduced by this alternate service operation and that congestion mitigation and economic development purposes are well served.

Following are the key milestones for barge service development.

1993

- o Quarter One -- Complete FY 93 ISTEA Program Applications in NY and NJ; Determine overall contract administrator (currently UDC); Prepare a contract and bid for new service; Determine who will take title to barges and tugs to be purchased; Draw down funds for barge purchase (if feasibility of converting to Ro-Ro operation is clearly positive)

- o Quarter Two -- Choose new operator, Announce introduction of a new user fee and two way common carrier service; Complete Preliminary Ro-Ro determination. Purchase Barge.
- o Quarter Three -- Introduce new Barge service.
- o Quarter Four -- Draw Down ISTEA funds for new barges and tugs; Commence full scale Ro-Ro and potential service expansion study.

1994

- o Quarter One -- Complete Ro-Ro Study; Apply for further ISTEA assistance, if necessary, for present or expanded operations.
- o Quarter Two -- Introduce Ro-Ro service; review progress of barge operation; Renew or re-bid service contract depending on results.
- o Quarter Three, Quarter Four -- Review success of user fees -- raise if possible -- seek support from Gowanus Mitigation Funds if not.

1995

- o Quarter One -- Apply for ISTEA funds to bolster expanded marine and domestic operations, if shown feasible.
- o Quarter Two -- Review service contract and performance.
- o Quarter Three, Quarter Four -- Begin new operations or extend existing service.

PORT AUTHORITY OF NEW YORK AND NEW JERSEY:  
RED HOOK - PORT NEWARK AND ELIZABETH CONTAINER BARGE  
FY 94 CONGESTION MANAGEMENT/ AIR QUALITY  
WORK PROGRAM

I. BACKGROUND

Red Hook to Port Newark barge service began in October 1991 as an emergency experiment to aid Red Hook efforts to arrest a volume decline attributable to concerns about deteriorating landside access. It sought to mitigate future negative impacts on access resulting from the recently initiated, decade-long Gowanus Expressway Reconstruction Project. As a result of this barge operation and increased marketing, ocean carrier service at Red Hook has stabilized, and its throughput is growing again.

This service has been successful in attracting container movements. Since operations began, over 27,000 containers have been transported across the Hudson. This has significantly reduced the number of truck trips on the Gowanus Expressway and over crossings between Brooklyn and Port Newark - Elizabeth. As a result, tens of thousands of pounds of noxious truck emissions have been removed from the region's atmosphere.

The thrice weekly "emergency" service was supported by \$2.8 million in Port Authority and \$300,000 in New York State Economic Development Program funds. These monies were exhausted as of July 1993. However, PA supplemental funds were provided to extend the program until the CMAQ program can begin. The original barge start up program has laid the foundation for an even greater opportunity to support harbor based intermodal services and improve air quality. (See Attachment II for projected future NY impacts.) With CMAQ funding for both 1993 and 1994, barge operations will continue, major cost savings are likely to be introduced and the prospects for serving a broader freight service market will be analyzed.

1993 CMAQ monies will support a transition to a lower cost service. The program will eliminate an estimated \$300,000 in annual rental charges by supporting the public purchase of the barge. This CMAQ support comes at a crucial time. Due to reasons unrelated to the barge, the Universal Maritime Service has decided to exercise its lessor's right to terminate operations at Red Hook, effective December 31, 1993. The new operator American Stevedoring Inc., who views the barge as critical to its success, will continue to service the barge.

The Port Authority will provide the operating assistance local match for NY and NJ for FY 1994 and NY State has pledged up to \$ .8 million in capital matching funds for its share of the FY 94 CMAQ program. New Jersey DOT will provide monies for half of the cost of the market and operational improvements study contained herein. If expanded service to New Jersey Marine customers is deemed feasible, NJDOT has pledged capital support for New Jersey based improvements.

The FY 94 program is at the heart of improved and continuing barge operations. The results of the market and operations study, described below, will determine the practicality and effectiveness of the proposed capital improvements necessary for a long term program. The capital program suggested herein will be undertaken only if container operations are ongoing at Red Hook and future barge services are shown to be practicable.

## II. PROJECT DESCRIPTION

**Project Title:** Red Hook Cross Harbor Container Barge Development (Phase II)

**Agency:** Port Authority of New York and New Jersey as agent for the Red Hook Promotion Committee.<sup>1</sup>

**Department:** Port Department, Intermodal Development Div.

**Program Year:** 1994

**Est. Cost:** \$ 5,152 million in NY CMAQ funds, \$ 3,309 million in New Jersey Funding. (These numbers are rounded.)

**Est. Duration:** Twelve Months (for Phase II)

## III. PROJECT OBJECTIVES:

The Red Hook Barge Development Program, which includes the use of 1993 and 1994 CMAQ funds, advances a multi-year port access and air quality improvement strategy. The program aims to create a long term intermodal service system which would offer an attractive marine alternative to the truck drayage of containers on congested highways serving Red Hook Container Terminal, Brooklyn, New York and facilities at Port Newark-Elizabeth New Jersey. This system would contribute to improved New York air quality by removing thousands of marine related truck trips per year from the major regional highways – particularly the Gowanus Expressway which will be undergoing major reconstruction over the next decade.

Immediate barge volume goals include 18,000 containers in 1993 and 13,000 containers in 1994. (For an explanation for the dip in these numbers and the reasons for expected recovery, see Attachment I Key Assumption No. 2.) The potential introduction of ro/ro services by 1995, under appropriate market conditions, should cause this volume to climb to approximately 26,000 containers in 1995, 36,000 containers by 1996 and to 45,000 by the end of 1998. Each barge movement is, at least, the equivalent of a round trip by truck (trucks must ultimately return to their terminals). Therefore, approximately 90,000 truck trips would be diverted by the barge, when it reached this goal. (These goals and market expectations will be thoroughly tested by the Market and Ro/Ro Feasibility Study that is a major part of this Workplan.)

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<sup>1</sup> Red Hook Promotion Committee members include: the NYC Economic Development Corp; the NYS Department of Transportation; the NYS Urban Development Corp.; the PANY&NJ, and Universal Maritime Services.

The barge will contribute to the economic viability of the Red Hook Marine Container Terminal by insuring access between its ocean carriers and their West of Hudson consignees (which constitute 60% of their customers). Also, if practicable, it would introduce an environmentally positive means of moving marine containers from New Jersey facilities to the Brooklyn Waterfront for New York distribution.

Major objectives include:

- o Extending the Service and Customer Base: by attracting more containers from the lines serving Red Hook with improved roll-on roll-off (RO-RO) service; if practicable; creating expanded New Jersey to Brooklyn service for marine containers; and adding flexible features which may be compatible with moving general freight.
- o Lowering Operating Costs: by the public purchase of a barge 1993 funds to eliminate barge charter payments and the introduction for lower cost RO/RO operations through the 1994 program.
- o Improving Air Quality: by attracting two marine traffic, and if practical general freight, through an improved service offering.

#### IV. PROGRAM DESCRIPTION

Realization of the objectives stated above will take place within a program framework that includes three phases.

- o Demonstration Phase: Since the initiation of "emergency" barge service in October 1991, the Red Hook barge has been proving its utility. Barge volume has gone from 446 containers in the first month of operation to a current monthly average of 1475 containers during the second quarter of 1993. We've learned that the barge meets a clear market need. This phase of the program ended in July 1993. The challenge now is to evolve a new, more efficient service and cost effective system from the initial effort.
- o Transition Phase: With the availability of 1993 CMAQ funds, new cost and service-effective changes will be introduced. Further improvements in 1994 will be based on the 1993 new start. (This transition has been slowed due to the change in stevedores at Red Hook.)
- o Refinement Phase: The 1994 CMAQ program would support the study and likely implementation of RO-RO common user barge service. If practicable, the result will be sharply lower costs for individual container movements and a plan to maximize service within responsible economic parameters. Important issues such as the feasibility of expanded New Jersey - Brooklyn service, general freight barge service, and long term operational financial support will be addressed.

## V. 1994 PROJECT WORK PROGRAM

### A. CAPITAL ELEMENTS

**Task I: INITIATE A CONSULTANT'S STUDY (BARGE MARKET AND RO-RO CONVERSION STUDY) THAT WOULD IDENTIFY AND ANALYZE THE MARKET OPPORTUNITY AS WELL AS THE SERVICE NEEDS AND OPERATIONAL COSTS/ BENEFITS RELATING TO A CONVERSION FROM LIFT ON - LIFT OFF (LO-LO) TO ROLL ON - ROLL OFF (RO-RO) OPERATIONS**

- o Define the present and future market for both marine and general freight cross harbor barge operations including the demand for expanded New Jersey - Brooklyn service and the elasticity of demand as impacted by such factors as congestion along alternative highway service routes and the introduction of user fees at various levels.
- o Review major cost elements of the barge operation and determine if the shift to Ro-Ro service will produce a significant reduction in per unit handling costs and create a practical opportunity for future general freight service.
- o Make general recommendations to enhance the cost effectiveness of barge acquisition and capital improvements, their effectiveness in lowering future operating costs and in supporting potential general freight service.

**Task Two: PURCHASE OPERATING EQUIPMENT AND MAKE CAPITAL IMPROVEMENTS AS SUPPORTED BY THE BARGE MARKET AND RO-RO CONVERSION STUDY.**

- o This likely to include the purchase and/or conversion of up to three barges, the conversion of the currently operating Lo-Lo barge to Ro-Ro use and related ramp and facility improvements necessary to support Ro-Ro operations at both sides of the harbor.

### B. OPERATIONAL ELEMENTS

**Task One: MAINTAIN RED HOOK TO PORT NEWARK - PORT ELIZABETH LO -LO BARGE OPERATIONS UNTIL A TRANSITION TO RO-RO SERVICE IS DEEMED FEASIBLE.**

- o Continue to maintain, administer and oversee barge operations established under the FY 1993 Work Program.
- o Setting and tracking of emission, volume and cost performance goals.

**Task Two: INTRODUCE RO-RO SERVICES, AS DEEMED FEASIBLE BY THE BARGE MARKET AND RO-RO CONVERSION STUDY**

- o Make changes to barge operations and management necessary to effectuate the introduction of Ro-Ro service.

**C. ADMINISTRATION**

**PROVIDE GENERAL ADMINISTRATIVE SERVICES, LIAISON, AND OVERSIGHT REQUIRED TO INITIATE AND COMPLETE THE BARGE MARKET AND RO-RO CONVERSION STUDY, CONTINUANCE OF BARGE OPERATIONS, COMPLETION OF CAPITAL IMPROVEMENTS AND INTRODUCTION OF RO-RO SERVICES**

- o Establish and administer procedures for consultant selection, equipment acquisition, completion of capital improvements and receipt of operating assistance that meet Federal and State requirements for the receipt of CMAQ funds.
- o Present necessary documentation outlining oversight, billing and invoice review procedures, specifications of equipment to be acquired, and construction plans required for the receipt of CMAQ funds.
- o Define performance measures to track achievement of key objectives.
- o Provide requisite planning and project development assistance.
- o Provide liaison on program development and achievement with the Red Hook Promotion Committee and other stakeholders.

**VI. 1994 BUDGET**

The following workplan budget differs from the original FY 1994 application. Universal Maritime Services (UMS) has given notice that it intends to cease operations at Red Hook, effective December 31, 1993. A new firm, American Stevedoring Inc., will replace UMS after that date. In light of this notice, the Red Hook Promotion Committee will postpone introduction barge equipment purchases and capital improvements until the completion of the market and ro/ro conversion study described below. This will allow for a smoother transition of Stevedoring services as well as provide more specific information on future markets, cost effective improvements and long term financing. Moreover, the New Jersey DOT has decided to review the study findings before it provides the capital support. (Funding currently is reserved in the 1995 state budget for the barge.)

Costs for the acquisition and conversion of the barges and well as requisite new start operational assistance are allocated on a two-thirds New York and a one-third New Jersey basis. This allocation takes into account on the interport truck route mileage within each state that will be positively impacted in terms of congestion and clean air benefits of the barge operation. Ramp conversion costs are allocated as incurred in each state. Intermodal study costs are split on a 50-50 basis.



**D. LOCAL CAPITAL AND OPERATING GRANTS<sup>2</sup>**

1. Capital Match: New York Regional Economic Development Funds.	\$ 611,683	
2. Capital Match: New Jersey Contribution (includes total allocation of study costs to the State)	\$ 569,550	
3. PA New Start Assistance:		
-- For NY Local Match	\$ 418,711	
-- For NJ Local Match	\$ 212,194	
<b>TOTAL LOCAL GRANTS</b>		<b>\$ 1,812,138</b>

**E. FEDERAL ASSISTANCE SOUGHT**

	<u>NY</u>	<u>NJ</u>
1. Barge Study (NY)	\$ 120,000	--
2. Buy 2 barges	\$ 1,510,400	\$ 755,200
3. RO-RO Conversion	\$ 426,667	\$ 213,333
4. Bulkhead Modif.	\$ 320,000	\$ 640,000
5. New Start Assistance	\$ 1,652,140	\$ 826,070
6. Admin. Expenses	\$ <u>92,372</u>	\$ <u>92,372</u>
	\$ 4,121,579	\$ 2,526,975
<b>TOTAL FEDERAL AID</b>		<b>\$ 6,648,554</b>

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<sup>2</sup> Estimated capital and operating administrative costs for 1994 total to \$230,929. The local matches for these costs are subsumed within the capital match and new start assistance grants listed below. These administrative costs are allocated equally between the states. Each state will pay \$17,417 under the capital category and \$5,676 under new start assistance.

**IV. SUMMARY**

<b>1. 1994 Project Cost TOTAL</b>		<b>\$ 8,460,692</b>
<b>2. 1994 Project Funding</b>		
<b>-- Federal Sources:</b>		<b>\$ 6,648,554</b>
New York	<b>\$ 4,121,579</b>	
New Jersey	<b>\$ 2,526,975</b>	
<b>-- Local Sources:</b>		<b>\$ 1,812,138</b>
New York Capital	<b>\$ 611,683</b>	
New Jersey Capital	<b>\$ 569,550</b>	
NY New Start Match	<b>\$ 418,711</b>	
NJ New Start Match	<b>\$ 212,194</b>	
<b>FEDERAL AND LOCAL TOTAL</b>		<b>\$ 8,460,692</b>

## ATTACHMENT 1

### PORT AUTHORITY OF NEW YORK AND NEW JERSEY FY 94 RED HOOK -PORT NEWARK AND ELIZABETH CONTAINER BARGE CONGESTION MANAGEMENT/AIR QUALITY (CMAQ) FUNDING GRANT

#### A. KEY ASSUMPTIONS

1. Effective January 1, 1994 American Stevedoring Inc. (ASI) replaced Universal Maritime Services as the terminal operator at Red Hook. This impacts both barge's operating costs and the number of carriers served. Under these circumstances, the Port Authority will delay drawing down CMAQ capital until the future service market and potential Ro-Ro operational savings are evaluated within the Intermodal Barge (Market and Ro/Ro Conversion) Study which will be completed by October 30, 1994. This means that the present Lo/Lo operations will continue through 1994. Given the decision to await study results, January 1, 1995 is the earliest possible time the Lo/Lo barge can be purchased and brought into service.
2. Approximately 13,000 Containers are expected be handled by the Red Hook Barge in 1994. This estimate is strongly influenced by the change in terminal operators at Red Hook, effective January 1, 1994. One result of the change will be a smaller marine carrier customer base at the onset. American Stevedoring Inc., expects to grow the carrier clientele to 1993 levels by the fourth quarter of 1994. Barge activity will be very modest in January 1994 but it is projected to grow steadily thereafter. It is assumed the growth in volume beyond 1994 will receive a substantial boost from container traffic moving from NJ to Brooklyn via the barge. Based on American Stevedore's estimates, the barge will be utilized at a monthly rate that, by the end of 1994, will be close to an annualized movement of 22,000 containers -- a figure that equals the annual service goal set for 1994 barge operations prior to the announced change in terminal operators. A conservative estimate of the resultant number of truck trips diverted from the bistate inter-port service corridor between Red Hook and Port Newark-Elizabeth in 1994 is 26,000.
3. A detailed assessment of the immediate and long term environmental impact of barge operations is part of the Intermodal Barge Study that is included in this workplan. A NY Department of Environmental Protection analysis for projected 1995-1997 volumes appears within attachment II.
4. The administrative costs assigned Tasks I and II are totaled up in the workplan budget under capital program costs. Likewise, the Task III administrative costs included herein, are summarized within the workplan budget as operational costs. (These estimates are rounded.)
5. The schedule for task completion assumes Ro-Ro conversion. This is based on the likelihood that Ro-Ro feasibility study will demonstrate that a shift to Ro-Ro operations will prove both practicable and cost efficient.

**B. ADMINISTRATIVE TASK COMPLETION AND COST SCHEDULE**

<u>TASK</u>	<u>COMPLETION DATE</u>	<u>COST \$</u>
<b>I. Initiation &amp; Completion of Barge Market &amp; RO-RO Conversion Study</b>	<b>Oct. 31, 1994</b>	
a. Complete RFP & Consultant Selection	Apr. 30, 1994	\$ 9,367
b. Provide Study Admin. and Review Through Completion	Oct. 31, 1994	\$ 22,534
<b>II. Purchase/Convert Barges, Construct Ramps (As Deemed Feasible By The Study)</b>	<b>July 31, 1995</b>	
a. Develop Authorized Bid Packages For The Purchase Of Two Ro-Ro Barges	Nov. 30, 1995	\$ 10,218
b. Purchase Ro-Ro Barges	Jan. 31, 1995	\$ -
c. Develop Authorized Bids For The Conversion Of The Lo-Lo Barge To Ro-Ro Operations	Feb. 28, 1995	\$ 5,119
d. Convert Remaining Lo-Lo Barge to Ro-Ro	Oct. 31, 1995	\$ -
e. Complete Authorization & Design Process For Ro-Ro Ramps	Apr. 31, 1995	\$ 40,740
f. Finish Ramp Construction	July, 31, 1995	\$ -
g. Provide Procurement & Construction Mgt./Review	July 29, 1995	\$ 44,789

<u>TASK</u>	<u>COMPLETION DATE</u>	<u>COST \$</u>
III. Barge Operations	Ongoing	
a. Begin Contracted Service With CMAQ Purchased Lo-Lo Barge <sup>1</sup>	Jan. 1, 1995	\$ --
b. If Feasible, Develop New Stevedoring and Towing Contracts For Ro-Ro Service	Aug. 1, 1995	\$ 12,412
c. Monitor/Audit Barge Service Performance	Ongoing	\$ 34,608
d. Administer Funding & Disbursement Process	Ongoing	\$ 22,155
e. Provide Outreach/ Liaison With Key Stakeholders	Ongoing	\$ 21,539

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<sup>1</sup> Contacts with the stevedore and the barge operator will be completed under FY 93 CMAQ Work Plan.

ATTACHMENT II

New York City  
Economic Development  
Corporation

March 26, 1993

110 William Street  
New York, NY 10038  
212/619 5000

Mr. Richard Hansen  
NYSDOT - Region 11  
Planning and Development  
One Hunters Point Plaza  
47-40 21st Street  
Long Island City, NY 11101



Dear Mr. Hansen,

The following is the list of assumptions made in estimating the traffic potential of the CMAQ year 1 & 2 Red Hook Container Barge Service for calculation of emissions data:

1. Projected volume of 27,000 containers or 54,000 truck trips, represents 75% of the Red Hook Marine Terminal containers moving between New York and New Jersey. This is a conservative estimate based on recent recessionary trends and uses the 60,000 current Red Hook container traffic. Sixty percent of Red Hook traffic is destined for New Jersey. We estimate that 75% of the containers destined for New Jersey or 27,000 containers would use the program. The remaining 25% are specialized containers requiring expedited handling and would not use the service. Most recent data from existing program exceeded initial projections and has now reached 45% of all Red Hook container moves to west of Hudson points. As the program becomes better known we expect to achieve our estimates.
2. The ten mile one way trip in New York is the average distance over the Gowanus Expressway, the Veranzano - Staten Island Crossings or through Manhattan via the Williamsburg Bridge - Holland Tunnel to New Jersey. Approximately 78% of the trips are via Staten Island.

The project is expected to remove up to 320 heavy trucks a day (peak) or 50 trucks per hour (peak) from the Gowanus corridor. This is significant since peak existing Gowanus heavy truck count is 115 per hour.

Estimates were used in the DEP model and yielded the following reduction in emissions:

CO = 1.528 tons/year, NOX = 7.74 tons/year  
= 8.5 tons/year, PM-10 = 1.27 tons/year

For more information please call me at 212 312-3884.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Frank Salvia'.

Frank Salvia

ATTACHMENT II -2

Red Container Barge Service

	Mileages (round trip)	Speeds (MPH)
NYS		
SI, VNB:	14	41.6
Gowanus:	6.4	37.3
Local:	3.6	8.8

Emission Factors (g/ml.)

CO	SI Exp.	Bklyn. Exp.	Bklyn. Loc.
1995	6.70444	6.02212	22.8372
1996	6.70444	6.02212	22.8372
1997	6.64792	5.96248	22.6101

VOC	SI Exp.	Bklyn. Exp.	Bklyn. Loc.
1995	1.25088	1.36046	3.67232
1996	1.25088	1.36046	3.67232
1997	1.22636	1.33384	3.601
1998	1.20684	1.31222	3.5414

NOx	SI Exp.	Bklyn. Exp.	Bklyn. Loc.
1995	10.4094	10.0147	15.4655
1996	10.4094	10.0147	15.4655
1997	9.88212	9.50744	14.6825
1998	9.29428	8.9416	13.8085

Year	# of trucks	CO Emissions			Total
		SI Exp.	Bklyn. Exp.	Bklyn. Loc.	
1995	54,000	4,313	2,081	4,440	10,833
1996	72,000	6,750	2,775	6,919	14,444
1997	80,000	6,326	3,053	6,512	16,890
<b>Grand Total</b>					<b>41,168</b>

Year	# of trucks	VOC Emissions			Total
		SI Exp.	Bklyn. Exp.	Bklyn. Loc.	
1995	54,000	946	470	714	2,130
1996	72,000	1,261	627	852	2,840
1997	80,000	1,374	683	1,037	3,094
1998	90,000	1,521	756	1,147	3,424
<b>Grand Total</b>					<b>11,487</b>

Year	# of trucks	NOx Emissions			Total
		SI Exp.	Bklyn. Exp.	Bklyn. Loc.	
1995	54,000	7,870	3,461	3,006	14,337
1996	72,000	10,493	4,615	4,009	19,116
1997	80,000	11,068	4,868	4,229	20,164
1998	90,000	11,711	5,150	4,474	21,335
<b>Grand Total</b>					<b>74,953</b>

All emissions are in kilograms.