



## Bi-State Leadership Summit Meeting Summary

**Date:** July 22, 2020

**Time:** 9:30 AM - 11:00 AM

**Project Name:** I-80 Rockfall Mitigation Project

**Purpose:** Bi-State Leadership Summit

**Location:** Via Livestream and Call-In

### Elected Officials and Agency Representatives in Attendance

Name	Organization
Diane Gutierrez-Scaccetti	Commissioner, New Jersey Department of Transportation
Zach Fowler	Senior Counsel, U.S. Congresswoman Susan Wild, Pennsylvania
Helen Carew	Director of Constituent Services for New Jersey Legislative District 24, Senator Steve Oroho, Assemblyman Parker Space and Assemblyman Hal Wirths
Josh Gottheimer	U.S. Congressman, New Jersey
Richard Gardener	Freeholder Director, Warren County, New Jersey
Sandra Newman	Supervisor, Lower Mount Bethel Township, Pennsylvania
Lance Prator	Mayor, Portland Borough, Pennsylvania
Adele Starrs	Mayor, Knowlton Township, New Jersey
John Christy	Commissioner, Monroe County, Pennsylvania and Commissioner, Delaware River Joint Toll Bridge Commission
Kevin Duffy	Mayor, Hardwick Township, New Jersey
Aimee Wechsler	U.S. Senator Bob Casey, Pennsylvania
Rosemary Brown	State Representative, Pennsylvania
Sula Jacobs	National Park Service
David Behrend	North Jersey Transportation Planning Authority
Robert Clark	Federal Highway Administration, New Jersey Division
Cheryl Krouse	U.S. Congressman Josh Gottheimer, New Jersey
Kate Marcopul	New Jersey Historic Preservation Office
Zach Eckstein	U.S. Congressman Josh Gottheimer, New Jersey
Brian Fenstermaker	State Senator Mario Scavello, Pennsylvania
Scott Cressman	Pennsylvania Department of Transportation, District 5
Nathaniel Imtiaz	Pennsylvania Department of Transportation, District 5



Name	Organization
Emma Diehl	Pennsylvania State Historic Preservation Office
Michael Rebert	PennDOT District 5
Becky Bradley	Lehigh Valley Planning Commission

## Meeting Summary

### 1. Roll Call/Meeting Guidelines

- Tom Bermingham, the phone operator from Client Instant Access, LLC, welcomed participants and conducted a roll call of all attendees.
- Tom Bermingham explained the basic guidelines for the meeting.
- Tom Bermingham explained that questions may be submitted to the New Jersey Department of Transportation (NJDOT) via the project email by July 31, 2020.

### 2. Welcome

- NJDOT Commissioner Diane Gutierrez-Scaccetti thanked the meeting attendees for their participation in the Summit. The Commissioner explained that over the past several months elected officials have expressed concerns about the project, so it seemed prudent to provide the most up-to-date project information. The Commissioner explained that NJDOT and their federal partners understand their critical concerns and are here to listen to the attendees' issues, clarify the project objectives, and update them on the project status and next steps. The Commissioner stated that attendee input is welcome, and the goal is to advance this project with their full participation and involvement.
- The Commissioner explained that they also want to discuss next steps going forward, such as the formation of a Public Advisory Group and an Emergency Services Task Force.
- The Commissioner explained that the Summit meeting will include a pre-recorded project presentation. Attendees will then be invited to provide statements, then we will conclude/wrap up and discuss next steps.
- The Commissioner reiterated that the ultimate goal of the project, which supersedes all others, is the safety of the motoring public and the local communities.

### 3. Video Presentation

- A narrated video was presented. It included an overview of the proposed project, a summary of the project background, a summary of the project's purpose and need, an overview of rockfall hazards in the Project Area, a summary of alternatives that were developed, an overview of the Preliminary Preferred Alternative, an overview of construction management, a summary of public involvement, and a summary of public comments and how they have been addressed. The video concluded with an overview of next steps and contact information.
- The narrated video is available on the NJDOT project website at the following link:  
<https://www.youtube.com/watch?v=RW82UlwglQM&feature=youtu.be>

### 4. Attendees' Statements

- Elected officials were called upon one at a time to provide comments.
- A summary of comments, as well as responses to comments, is attached. Note that an extended comment period was provided and NJDOT accepted additional comments until July 31, 2020.



## 5. Wrap Up/Next Steps

- The Commissioner thanked everyone for their participation.
- The Commissioner explained that NJDOT will be reaching out to local emergency services providers for participation in the formation of the Emergency Services Task Force that will continue with the project through construction.
- The Commissioner explained that NJDOT will be contacting local officials in New Jersey and Pennsylvania to recommend members of their communities to serve on a Public Advisory Group that will continue with the project through construction.
- The Commissioner stated that questions directly related to the Summit and/or video presentation can be submitted in writing via email to [I80Rockfall@dot.nj.gov](mailto:I80Rockfall@dot.nj.gov) by July 31, 2020.
- The Commissioner explained that they look forward to working together to advance this project that is of critical importance to the safety of the motoring public and the local communities. The Commissioner also stated that the NJDOT will provide the information requested to the extent that it is available.
- The Commissioner stated that the goal of the NJDOT is to provide transparency and confidence that all alternatives have been thoroughly vetted and that the best option with the least amount of impact to the area is being proposed.



## Bi-State Leadership Summit: Meeting Comments and Responses

**Zach Fowler, Senior Counsel, U.S. Congresswoman Susan Wild, PA**

COMMENT: Yes, thank you very much. I appreciate it. My question is twofold; first, with respect to the 14 alternatives that were referenced and were considered, each one being rejected—are there studies and reports that analyze each of those alternatives and why the alternatives were rejected? And then the second question I had, you know, I heard the claim that it will not impact traffic in Pennsylvania and I was wondering what, if any, traffic impact studies in Pennsylvania were done and by whom?

RESPONSE: As part of the Preliminary Engineering phase of the project, a series of alternatives were developed in order to address the safety concerns posed by rockfall hazards along I-80 within the Project Area. These alternatives ranged from major and minor realignments of the I-80 corridor to more localized mitigation strategies. Through this process, NJDOT identified 14 conceptual alternatives for the proposed project. Several of these conceptual alternatives incorporated lengthy bypasses and tunnels but with costs in excess of \$1 billion they were removed from further consideration. Based on the alternatives analysis, the rockfall berm was recommended as the Preliminary Preferred Alternative as it addresses the project need while minimizing potential environmental impacts. An alternatives analysis summary—which will include a description of each alternative as well as the reasons why certain alternatives were not advanced—will be included in the environmental document. A traffic study for the Preliminary Preferred Alternative utilizing interstate traffic volumes was conducted by Dewberry Engineers, Inc. Coordination with the Pennsylvania Department of Transportation (PennDOT) will continue through the Preliminary Engineering and Final Design phases in order to evaluate impacts to the regional network. The alternatives analysis and traffic study will be provided to the Summit attendees, as requested.

**Helen Carew, Director of Constituent Services for New Jersey Legislative District 24, Senator Steve Oroho, Assemblyman Parker Space and Assemblyman Hal Wirths**

COMMENT: Thank you so much. Hi. Senator Oroho, Assemblyman Parker Space, and Assemblyman Hal Wirths were unable to make the call today but wanted to share their concerns with you. They do know that paramount—the most important thing is the safety of our motorists. But they do have concerns about the cost of the project outweighing the need for the project and still have not seen the evidence for the rockfall incidents throughout—the number of rockfall incidents at this location. And also they are fearful for the impact on the local tourism; especially now with COVID-19, our economy is going to be hit even worse. We are glad that there is—that DOT is looking at the realignment or concerns with the S curves because we do feel that that is probably the most important aspect of that whole area, is to reduce the accidents that have been created in that area. So I thank you very much for the time to speak.

RESPONSE: A summary of the incidents reported and recorded by NJDOT was provided pursuant to an Open Public Records Act (OPRA) request on December 6, 2018. Under the requirements of New Jersey Administrative Code, Title 16: Transportation, Chapter 1A, Administration, Organization, Records Management, and Information Requests (N.J.A.C. 16:1A), police and driver reports of accidents on file with the Bureau of Accident Records are exempt from public access.

NJDOT is guided by the requirements of N.J.A.C. 16:1A for information requested under the auspices of an OPRA request. In an effort for increased communication and community outreach, NJDOT is seeking further consultation with the New Jersey Attorney General regarding the release of accident report records without including any personal information. In addition, as requested by Summit attendees, data regarding rockfall incidents will be provided to Summit attendees.

The Preliminary Preferred Alternative would maintain the existing four lanes of traffic along I-80 (i.e., two lanes in each direction) during peak hours of travel during construction in order to avoid and minimize potential impacts to regional and local travel through the Project Area. Any temporary lane closures would occur during periods of low traffic demand, such as during the overnight hours. In addition, no temporary lane closures would occur on Fridays from mid-May to early September and holidays would be avoided. NJDOT is currently evaluating several measures to monitor and protect traffic during construction in order to avoid and minimize any potential impacts. The project would not cause any displacement of businesses or individuals. In the long-term, the project would improve the operations and safety of I-80 through the Project Area, thus maintaining access to local businesses and enhancing the region's popularity as



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a tourist destination. Based on the findings of the traffic analysis, no significant impacts to traffic are anticipated; minor to moderate delays resulting from various off-peak hour temporary lane closure and roadway stoppage scenarios are anticipated. As a result, the project is not expected to result in significant economic impacts. The traffic study will be provided to the Summit attendees, as requested.

NJDOT is aware of local concerns regarding the S-curves along this stretch of roadway. NJDOT is investigating these concerns separately from the I-80 Rockfall Mitigation Project and is considering roadway and driver enhancements using available innovative technologies that could improve driver attention and safety. Earlier this year, in response to these concerns, NJDOT installed new warning signs with flashing lights along the S-curve segment. In addition, there is a planned pavement improvement project along the S-curve segment and NJDOT will continue to review other safety and traffic mitigation options in this corridor. A change in the existing I-80 alignment will not be addressed in the proposed I-80 Rockfall Mitigation Project.

### **Josh Gottheimer, U.S. Congressman**

COMMENT: Thank you so much and thank you for convening this discussion on such an important issue. Good morning everyone, and I want to thank everyone for joining today and I know we all share the goal of keeping our roads safe for our residents and tourists and supporting our local communities and helping them strengthen infrastructure and improve navigability. I appreciate the state's efforts to make our roads safer and save lives. However, in this case—in all of my discussions regarding this proposal—I've heard overwhelmingly from local residents and local officials, including Mayor Starrs from Knowlton, and the Mayor of Hardwick, Duffy, and deputy mayor of Hardwick and many others and so many business owners who are rightfully worried that this proposed plan is unnecessary, that it would be ineffective, and that it would impact the beautiful environment of Warren County and the small businesses that rely on ecotourism here, and there's no proof that there aren't other solutions that could achieve safety in a way that would address the environmental concerns and ensure that ecotourism is secure. Additionally, residents just across the state line in Pennsylvania have expressed similar concerns as well as elected officials. Visitors come from across the country to visit the beautiful Delaware Water Gap, as you all know, building a gigantic wall will make the area less attractive to tourists coming to enjoy the natural beauty of the region. There are other solutions that we have looked at that would solve the problem and ensure safety without this structure proposed here. Additionally, the traffic caused by the construction of the wall will harm our local economy in the short and long run. This is dangerous, especially now, as so many businesses are struggling and tourism is down due to the COVID-19 pandemic. We need to focus on safety first and foremost and on practical solutions like the ones I have fought for with several mayors and other local officials and other things we have helped achieve together including lowering the speed limit on the S curve and placing flashing warning signs for oncoming motorists. This project proposed here will detract from the natural environment and weaken the economy and federal resources should be devoted to projects that local communities welcome that ensure safety and that will have a positive impact on our infrastructure and on ecotourism. I'll continue to fight on behalf of my constituents who rightfully believe this is unnecessarily expensive and an unnecessary project and it will only make matters worse instead of solving the problem. And as the mayors know and local communities know, I'll work with anyone to ensure that Knowlton, Hardwick, and Warren County and other surrounding communities are—continue to be welcoming and safe for residents and tourists alike. And working together with the local and state level, and the federal level, where we can preserve and do everything for our local communities to save taxpayer dollars, preserve natural beauty and the regional economy, and maintain safe infrastructure. I know we can do all these things here in the greatest country in the world, we'll get it done. So thank you so much for having me.

RESPONSE: The purpose of the project is to increase safety and improve the mobility of the traveling public by preventing rockfall incidents. I-80 serves as a regional connection between New Jersey and Pennsylvania and as a local access corridor to the Delaware Water Gap National Recreation Area (DWGNRA). Both functions are critical to the recreation and economic viability of residents, commuters, tourists, and the general public. This segment of highway carries approximately 51,000 vehicles per day. This equates to about 18.5 million vehicles per year passing through this segment of I-80 and the southern portion of the DWGNRA.

The existing rock cut areas along the westbound lanes of I-80 within the project limits exhibit physical and geological safety hazards. The primary modes of rock instability identified during the data collection and site characterization of the area include planar sliding, wedge sliding, toppling, rock mass failure, and discrete rockfall as evidenced by the large overhangs, steep vertical faces, loose boulders, and rock blocks, which have resulted in rock toppling down and landing on the shoulder and roadway lanes and washouts along the I-80 roadway. A series of large open fissures exists



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in the area near the steep vertical rock wall, and if not stabilized, there is the potential for a major rockfall incident to occur.

NJDOT has utilized a rating system to evaluate and rank the stability of all rock cuts within the state highway system. This rating system is a proactive approach developed by the Federal Highway Administration (FHWA) and is the accepted industry standard throughout the U.S. The system evaluates both geologic features and roadway features. It is important to note that motor vehicle crash data is not considered in any of the categories; the potential for rockfall is the determining factor in the ratings. The Project Area, which is the I-80 segment between mileposts 1.04 and 1.45, has been continually characterized as having the highest rockfall hazard rating scores (i.e., highest risk) in the state.

This high rockfall risk, combined with the high volume of motorists traveling on I-80 through the DWGNRA, results in an important concern for the safety and mobility of the traveling public and is the primary basis for the project's purpose and need.

Based on the request from the National Park Service that proposed mitigation be confined within the right-of-way of I-80 in order to avoid direct impacts to federally protected parkland, a series of revised alternatives that remained within the I-80 right-of-way and continued to meet the project purpose and need were developed. However, in doing so, the strategies employed are much more complex mitigation systems than regularly encountered on a project of this type. Similarly, these more robust alternatives introduced greater project costs as well. In addition, based on comments from the public and from project stakeholders, the design has evolved to incorporate additional mitigation measures in order to minimize impacts. By doing so, the cost has been increased to reflect the more complex design and construction requirements.

In addition, the requirements of Section 4(f) of the U.S. Department of Transportation Act of 1966 (now codified at 23 USC Section 138 and 49 USC Section 303) prohibit the FHWA from approving any project that requires the use of a Section 4(f) resource unless there is no feasible and prudent alternative to the use of such land and all possible planning has been undertaken to minimize harm to the Section 4(f) resource. Section 4(f) resources include publicly owned parks and recreational areas; therefore, FHWA is required to consider other feasible alternatives that avoid impacting parkland within the DWGNRA.

Based on the alternatives analysis, the rockfall berm was recommended as the Preliminary Preferred Alternative as it addresses the project need while minimizing potential environmental impacts. Of all the alternatives evaluated, it provides the greatest opportunities to minimize visual impacts as its construction allows for the incorporation of native plantings and aesthetic treatments that are in keeping with the color, scale, and material of the surrounding rock in the Project Area.

The Preliminary Preferred Alternative would maintain the existing four lanes of traffic along I-80 (i.e., two lanes in each direction) during peak hours of travel during construction in order to avoid and minimize potential impacts to regional and local travel through the Project Area. Any temporary lane closures would occur during periods of low traffic demand, such as during the overnight hours. In addition, no temporary lane closures would occur on Fridays from mid-May to early September and holidays would be avoided. NJDOT is currently evaluating several measures to monitor and protect traffic during construction in order to avoid and minimize any potential impacts. The project would not cause any displacement of businesses or individuals. In the long-term, the project would improve the operations and safety of I-80 through the Project Area, thus maintaining access to local businesses and enhancing the region's popularity as a tourist destination. Based on the findings of the traffic analysis, no significant impacts to traffic are anticipated; minor to moderate delays resulting from various off-peak hour temporary lane closure and roadway stoppage scenarios are anticipated. As a result, the project is not expected to result in significant economic impacts.

NJDOT is aware of local concerns regarding the S-curves along this stretch of roadway. NJDOT is investigating these concerns separately from the I-80 Rockfall Mitigation Project and is considering roadway and driver enhancements using available innovative technologies that could improve driver attention and safety. Earlier this year, in response to these concerns, NJDOT installed new warning signs with flashing lights along the S-curve segment. In addition, there is a planned pavement improvement project along the S-curve segment and NJDOT will continue to review other safety and traffic mitigation options in this corridor. A change in the existing I-80 alignment will not be addressed in the proposed I-80 Rockfall Mitigation Project.



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### **Richard Gardener, Freeholder Director, Warren County, NJ**

COMMENT: Good morning and thank you for having me. I just want to say that as a lifelong resident, I've always cherished the great vista of the Delaware Water Gap National Recreation Area—the fifth most visited park in the nation. And I have to tell you that I believe building a Jurassic Park-type fence of 60 feet plus is just going to be a federal distraction to a beautiful vista. I'm not so cavalier to realize that we don't need to improve the safety of Route 80, particularly in that area, but to build an extensive, costly—and I believe, if I'm not incorrect, the project is around \$65 million plus? And I do have a question: it's a four- to five-year project, is that true? So, I just want to say if you were to take a vote today by the public in Warren County, 90 percent would vote—90 percent plus would vote “no” on this enormously expensive project. I think there is plenty of alternatives to this major impact that's just going to make contractors richer and the federal taxpayer a lot poorer. So thank you very much for having me and I hope that you also will take this into consideration to have a live meeting when we can, perhaps in the fall. The North Warren Regional High School would be a great site to have that meeting. Thanks very much.

RESPONSE: As shown in the project video that was presented as part of the Summit meeting, the Preliminary Preferred Alternative involves the construction of a rockfall berm in Areas C and D which, when compared to other mitigation strategies available, can absorb the highest amount of energy without sustaining damage or deformation. It also provides the greatest opportunities to minimize visual impacts as its construction allows for the incorporation of native plantings and aesthetic treatments that are in keeping with the color, scale, and material of the surrounding rock in the Project Area. The Preliminary Preferred Alternative does not involve the construction of a 60-foot-tall fence; however, the proposed rockfall berm would range in height from 10 feet at the eastern limit to a maximum height of 60 feet above the highway. Please refer to the proposed visual treatment options posted to the project website:

<https://www.state.nj.us/transportation/works/rockfall/analysis.shtm>

There is an existing concrete barrier and a stacked stone rockery wall in Areas A and B; these features would be removed and a new concrete barrier (approximately three feet high) would be constructed in front of a proposed 10-foot-tall roadside barrier wall. The visible portion of the barrier wall, approximately seven feet high, would be faced with an aesthetic treatment. The proposed high capacity rockfall barrier fence (beginning in Area A and continuing into Area B) would “step up” in five-foot-high intervals to a maximum of 20 feet in height. This fence would be constructed approximately four feet lower than the top of the 10-foot-tall roadside barrier wall; as a result, from a visual perspective, the fence would extend approximately one to 16 feet in height above the roadside barrier wall. The tallest portion of this high capacity rockfall barrier fence would extend for approximately 325 feet in length. The fence would “step down” in height through Area C resulting in a proposed five-foot-tall fence to be installed on top of the barrier wall through the remainder of Area C and into Area D. The visible portion of the barrier wall and the proposed fence would be aesthetically treated to blend in with the natural landscape and to minimize visual impacts. As the project design advances, NJDOT will continue consultation with project stakeholders and the public regarding the final selection of these features in order to further develop strategies to minimize visual impacts and to enhance the visual experience for viewer groups.

Based on a detailed analysis of the design that was developed during the course of Preliminary Engineering, the current estimated cost for the Preliminary Preferred Alternative is \$47 Million. This increase in cost is consistent with the development of more robust mitigation measures required when constrained to the existing highway right-of-way. Original estimates were high-level budget estimates based on limited design information.

A Public Information Center was held on June 14, 2017, at the Knowlton Elementary School in Delaware, New Jersey and an Open House meeting for the project was held on June 18, 2019, at the North Warren Regional High School in Blairstown, New Jersey. As NJDOT Commissioner Diane Gutierrez-Scaccetti stated during the Summit, once the pandemic is over and it is safe to hold large indoor meetings, NJDOT will go back to live meetings.

The project team is continuing its efforts to maintain communication with project stakeholders. We have contacted local officials in New Jersey and Pennsylvania to recommend members of their communities to serve on a Public Advisory Group that will continue with the project through construction.



**Sandra Newman, Supervisor, Lower Mount Bethel Township, PA**

COMMENT: Thank you, it's Lower Mount Bethel Township in Pennsylvania. As you all are aware, the I-80 Rockfall Mitigation Project does not exist in a vacuum, it exists as a part of a larger network of roadways traversing numerous municipalities, counties, and crossing state lines. This project, in addition to dramatically altering the landscape of the Water Gap, will also have numerous regional, detrimental impacts. Impacts that extend far beyond the immediate vicinity of construction. That's why I'm addressing you this morning. Anticipated traffic delays, congestion, trucks idling, and of course driver frustration will result in detours—whether official or not—through adjacent municipalities, and that would include Lower Mount Bethel, because 611 is a connector between PA Route 33, I-80, and Route 78. My community is a small, rural community and is currently being overwhelmed with truck traffic. As a community, we've worked hard to implement land preservation and to maintain that rural character. In addition to preserving more farms—more farms than any township in my county, I might add—we worked with PennDOT to create the Delaware River Valley Scenic Byway, which includes Route 611, from the township's northern border passing through the village of Martin's Creek and then going south along the Delaware River towards Easton. Our corridor management plan for the Byway tasks us with doing all we can to maintain the aesthetic and scenic qualities of the Byway and we believe that this unneeded project, if it proceeds, the result will be environmental degradation due to gas emissions, noise pollution, and heavy truck traffic. In addition, there will be a direct impact on wildlife through wildlife-vehicle collisions, and that will create another safety issue, especially when considering our large deer population. Increasing traffic volume definitely correlates with road mortality, and we have real concern for both the residents who live along and travel on Route 611 and also for our farmers who quite frequently are moving large farm equipment. We request that we be kept in the line of your ongoing public discussions, because, if you proceed with this project, we will need to plan for some effective traffic control. We need to keep our fire company informed, because their response times will be affected, and we will also need to work with the school bus drivers who use 611 to pick up kids. So, thank you very much for holding this Summit, and, on a final note, I would really encourage you to do a region-wide traffic study. Thanks a lot.

RESPONSE: We appreciate your interest to continue to be involved in the ongoing public involvement program for the proposed project. We will keep you informed of future planned meetings with elected officials as well as planned public meetings. As discussed at the Summit, NJDOT has contacted local officials in New Jersey and Pennsylvania to recommend members of their communities to serve on a Public Advisory Group that will continue with the project through construction. In addition, NJDOT has initiated the formation of a bi-state Emergency Services Task Force where regional, state, county, and local representatives from emergency services will convene to evaluate current services and discuss opportunities for improvement before, during, and after project construction.

The Preliminary Preferred Alternative would maintain the existing four lanes of traffic along I-80 (i.e., two lanes in each direction) during peak hours of travel during construction in order to avoid and minimize potential impacts to regional and local travel through the Project Area. Any temporary lane closures would occur during periods of low traffic demand, such as during the overnight hours. In addition, no temporary lane closures would occur on Fridays from mid-May to early September and holidays would be avoided.

NJDOT is currently evaluating several measures to monitor and protect traffic during construction in order to avoid and minimize any potential impacts. Measures to further minimize potential impacts to traffic operations during construction include: coordinate with the NJDOT Traffic Operations and Statewide Traffic Management Center (STMC) to implement the extensive advanced warning of blasting events/construction at a local, regional and statewide level; implement the use of upstream dynamic messaging signs on I-80 and other major roadway connectors; provide advanced notice to advise thru travelers to divert to other regional interstates such as I-84 to the north and I-78 to the south; explore using "Smart Work Zone" technology, using variable-message signage, detectors, and cameras to actively monitor traffic in the construction zone; implement full-time Traffic Control Coordinator(s) during construction to continually assess traffic conditions and monitor emergency radio to make safe and timely adjustments to the traffic flow to meet arising situations; and coordinate temporary lane closures or roadway stoppages with traffic navigation applications such as Waze, Google Maps, and INRIX.

Based on the findings of the traffic analysis, no significant impacts to traffic are anticipated; minor to moderate delays resulting from various off-peak hour temporary lane closure and roadway stoppage scenarios are anticipated. The traffic study for the Preliminary Preferred Alternative was conducted by Dewberry Engineers, Inc. The traffic study will be provided to the Summit attendees, as requested.



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### Lance Prator, Mayor, Portland Borough, PA

COMMENT: Hi, thanks for having me. I just want to say that I know that in your presentation you said there is no proposed detours, but many of us that live on the Pennsylvania side of the river know that people are going to cut across the Columbia-Portland toll bridge and use 611 North. The traffic on 611 North—and it's really not the rockfall, it's the S turns that need to be fixed, let me just say that right off the bat—but people will be using 611 North from Portland to Delaware Water Gap. There is quite a lot of things going on with 611 from Portland to Delaware Water Gap. One is its Bike Route Z, State Bike Route Z. It's also part of the National 9-11 trail and it's also part of the Liberty Water Gap trail. With the narrow lanes that are up through there, from Portland to Delaware Water Gap, there is going to be a lot of deaths. A lot of people are going to die. And I heard safety a lot in the presentation and also Route 611 North from Portland to Delaware Water Gap—if anybody could use a wall or a rock mitigation, it's that part of the stretch. Last week we had a tree come down and hit a car on that piece of road. I just want to thank you for your time and, you know, hope to keep Portland and everybody on this side of the river informed. Thank you.

RESPONSE: The Preliminary Preferred Alternative would maintain the existing four lanes of traffic along I-80 (i.e., two lanes in each direction) during peak hours of travel during construction in order to avoid and minimize potential impacts to regional and local travel through the Project Area. Any temporary lane closures would occur during periods of low traffic demand, such as during the overnight hours. In addition, no temporary lane closures would occur on Fridays from mid-May to early September and holidays would be avoided.

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In addition, in order to address concerns with emergency services access through the Project Area during construction, NJDOT has initiated the formation of a bi-state Emergency Services Task Force where regional, state, county, and local representatives from emergency services will convene to evaluate current services and discuss opportunities for improvement before, during, and after project construction.

Based on the findings of the traffic analysis, no significant impacts to traffic are anticipated; minor to moderate delays resulting from various off-peak hour temporary lane closure and roadway stoppage scenarios are anticipated.

As stated by NJDOT Commissioner Diane Gutierrez-Scaccetti during the Summit, if you have factual data to support your comment regarding anticipated deaths, please submit this information to the NJDOT.

### Adele Starrs, Mayor, Knowlton Township, NJ

COMMENT: Yes, hello. Thank you very much for having me today. I actually would like to start by addressing the Commissioner's comment that we don't have the factual analysis that is needed. One of the reasons that we don't have that factual analysis is that it was denied to us. So some of our legislators like Senator Oroho, Assemblymen Wirths and Space have already requested studies—economic studies of the impact, studies of the traffic impact to the area—and that was denied to us, in writing. So, you know, I think it's an unfair, you know, statement to put forward to say, "Let's put forward the facts" when we've asked for them and haven't been given them. But more on point, I'd like the DOT to address why some of the records haven't been provided, because that continues, really, to be the core issue. I don't think any of us object to—if there is a genuine need—to erect something through the Gap. If that need has been proved, I think all of us would be reasonable and say, "Okay, we need to do this," but part of the issue is that those records continue to not have been provided. And, just as an example, there have been OPRA requests that have been submitted asking for how much blasting was going to go on. Those were denied by the New Jersey DOT. I was able to



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get a copy of those through a FOIA request through a federal agency and, as of December of last year, the blasting information contained in there said that the blasting that was going to go on was two times a week. So I would also like the DOT to address the presentation that we just saw said that the blasting would be one time a week, the FOIA request that I turned up said that it would be two times a week for a four-month period. So if you could just address what changed there. Another point I'd like to address is that, regarding the blasting, the original concept development report was created by an engineering company called Wyllie and Norrish Rock Engineering, and that is the same company that developed the rockfall hazards rating system, the system—the computer system—that's being used to justify this project and that engineering company said, in their report, that, and I'm quoting here, "large-scale rock removal in this area would not be feasible given that the site is located in the Delaware Water Gap National Recreation Area, the roadway width is limited, and there is a lack of suitable long-term alternate parallel routes for Route 80's traffic." So, this is pretty substantial that the company that came up with the rockfall hazard system has noted that large-scale rock removal is not going to be possible and yet, somehow, now that is the plan that we're going forward with. So I would like the DOT to please address how that came about. And then my final point is that I think the real need here is for an EIS. So the level of study that's going on now is a lighter level of study and if an EIS were granted, which has been requested many many times now, what we would get is a much deeper level of study that would look at the scenic impacts, which we're not getting now. And that is really significant because that is what's unique about this area. And in particular, the Delaware River has wild and scenic designations. That's a significant impact to that. Old Mine Road is on the National Historic Register—you have to travel through the Project Area to get to the entry point to that. That's going to be impacted. As Mayor Prator said, we've got the National Water Gap trail, we've got the 9-11 trail, we've got the Appalachian Trail. All of these are really significant historic entities, properties, you know, facets that need to be taken into consideration, which an EIS would do. And I guess I just would like the DOT to address, at this point, why they are not volunteering to undergo that deeper level of study. Because if they did, we would also then be able to look at the community impacts, we would be able to quantify what the impacts to business and commerce is going to be, because does it really make sense to undertake a 64-million dollar project without understanding what the consequences to business and commerce in the area are going to be? And that concludes my comment. Thank you very much for your time.

RESPONSE: NJDOT is guided by the requirements of N.J.A.C. 16:1A for information requested under the auspices of an OPRA request. In an effort for increased communication and community outreach, NJDOT is seeking further consultation with the New Jersey Attorney General regarding the release of accident report records without including any personal information. In addition, as requested by Summit attendees, data regarding rockfall incidents will be provided to Summit attendees. In addition, the traffic study will be made available for review.

As part of the Preliminary Engineering phase and continuing into the Final Design phase of the project, the design team has and will continue to refine the project design in order to minimize potential impacts. As the project design has advanced, it has been determined that in an effort to minimize impacts, blasting is anticipated to occur once per week (Monday through Thursday) between May 15 and September 15 (except holidays) during one construction season. Blasting activities are anticipated to occur early in the day in order to minimize delays.

The Preliminary Preferred Alternative involves the use of controlled blasting techniques to trim the rock spine in Area B in order to construct the proposed catchment ditch. The Preliminary Preferred Alternative does not involve large-scale rock removal. The Mass Excavation Alternative, which was dismissed from further evaluation, included a cutback of the rock slopes through the limits of the Project Area.

The analyses that are being conducted as part of the Environmental Assessment will assist the Federal Highway Administration (FHWA) in deciding whether the level of impacts are significant enough to warrant the preparation of an EIS. As part of the Environmental Assessment, technical environmental studies are being prepared to evaluate potential impacts that may result from construction of the Preliminary Preferred Alternative. Technical environmental studies are being prepared to evaluate socioeconomics, land use, Environmental Justice, natural ecosystems, archaeological resources, historic properties, visual resources (which includes scenic resources), hazardous waste, noise, and vibration. In addition, a Wild and Scenic Rivers Act Evaluation will be prepared as part of the Environmental Assessment. The Environmental Assessment will be made available for public review and a Public Hearing will be held. After public comments are received and considered, a determination of the significance of the impacts will be made. If the FHWA, as the federal lead agency, determines that the project would result in significant impacts, an EIS will be prepared. If, after completing the Environmental Assessment, it is evident that there are no significant impacts associated with the project, a finding of no significant impact, known as a FONSI, may be prepared.



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Based on a detailed analysis of the design that was developed during the course of Preliminary Engineering, the current estimated cost for the Preliminary Preferred Alternative is \$47 Million. This increase in cost is consistent with the development of more robust mitigation measures required when constrained to the existing highway right-of-way. Original estimates were high-level budget estimates based on limited design information.

### **John Christy, Commissioner, Monroe County, PA and Commissioner, DRJTBC**

COMMENT: My question is who are your contacts with Pennsylvania Department of Transportation, District 5 and Central Office?

RESPONSE: NJDOT's contacts with PennDOT have been Yassmin Gramian, PE, Secretary of Transportation and Michael W. Rebert, District Executive, Engineering District 5.

NJDOT held a meeting with PennDOT on December 3, 2019, in order to provide a project overview and to discuss coordination efforts. In addition, PennDOT District 5 was notified and invited to attend the June 18, 2019, Open House meeting. Yassmin Gramian and Michael Rebert were also invited to attend the Summit meeting.

In an effort to minimize impacts to traffic during construction, NJDOT will continue coordination with PennDOT to provide regional coordination on traffic and construction activities in New Jersey and Pennsylvania. Special provisions will be included to identify appropriate contacts for concurrent projects in New Jersey and Pennsylvania to communicate and coordinate activities. NJDOT will routinely review the construction schedule for the proposed I-80 Reconstruction Project in Monroe County, Pennsylvania (located approximately five miles west of the Project Area), as well as other planned projects in the region, to anticipate and minimize potential traffic disruptions and delays.

### **Kevin Duffy, Mayor, Hardwick Township, NJ**

COMMENT: Am I live now? Okay, thank you. A couple—I've got a couple comments I'd like to make. One, we've been asking for a number of years for public meetings, prior to now, just to keep the public informed—and I understand, you know, obviously the pandemic now is going to seriously impact your ability to do that—but I think it's really critical that you bring a team up here and schedule something, I think as Freeholder Gardner suggested at North Warren High School, so that, you know, this is the area where people will be most directly impacted. You might want to schedule the same thing on the Pennsylvania side of the river because I think people are very frustrated that they have not been given that opportunity. Secondly, again I'll reflect on some of the things that Mayor Prator talked about with the traffic impact. On the New Jersey side of the river, regardless of what you're telling people about two lanes being open, those trucks are going to detour. They are going to be stuck in traffic, and you're going to severely impact the ability of our first—the emergency services folks to get to the scene of accidents and transport those folks to the Pennsylvania hospitals. It's also critical, having a four- to five-year project, that NJDOT is not performing an economic impact study. I mean, the commerce and the business on both sides of the river are going to be severely impacted by this over a four- to five-year period and I think it's essential that we understand just what the potential impacts are. And last point would be in terms of alternatives. I know—I don't know how much a tunnel was investigated, but a tunnel would eliminate all these issues altogether: the need for a fence, it would eliminate the S curve, and it would take apart, remove the part of Route 80 that should never have been built in the first place. So I would—I realize that the funds here are earmarked for rockfall mitigation, but I think a much better use of those funds would be one of the alternative solutions, such as a tunnel. Thank you.

RESPONSE: NJDOT has held two public meetings to date for the proposed project: A Public Information Center was held on June 14, 2017, from 6:00 PM to 8:00 PM at the Knowlton Elementary School in Delaware, New Jersey and an Open House meeting was held on June 18, 2019, from 4:00 PM to 8:00 PM at the North Warren Regional High School in Blairstown, New Jersey. A Public Hearing also will be hosted by the NJDOT to share information about the project and to obtain community input.

In addition, the project team is continuing its efforts to maintain communication with project stakeholders. We have contacted local officials in New Jersey and Pennsylvania to recommend members of their communities to serve on a Public Advisory Group that will continue with the project through construction.



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The Preliminary Preferred Alternative would maintain the existing four lanes of traffic along I-80 (i.e., two lanes in each direction) during peak hours of travel during construction in order to avoid and minimize potential impacts to regional and local travel through the Project Area. Any temporary lane closures would occur during periods of low traffic demand, such as during the overnight hours. In addition, no temporary lane closures would occur on Fridays from mid-May to early September and holidays would be avoided. NJDOT is currently evaluating several measures to monitor and protect traffic during construction in order to avoid and minimize any potential impacts. Measures to further minimize potential impacts to traffic operations during construction include: coordinate with the NJDOT Traffic Operations and Statewide Traffic Management Center (STMC) to implement the extensive advanced warning of blasting events/construction at a local, regional and statewide level; implement the use of upstream dynamic messaging signs on I-80 and other major roadway connectors; provide advanced notice to advise thru travelers to divert to other regional interstates such as I-84 to the north and I-78 to the south; explore using “Smart Work Zone” technology, using variable-message signage, detectors, and cameras to actively monitor traffic in the construction zone; implement full-time Traffic Control Coordinator(s) during construction to continually assess traffic conditions and monitor emergency radio to make safe and timely adjustments to the traffic flow to meet arising situations; and coordinate temporary lane closures or roadway stoppages with traffic navigation applications such as Waze, Google Maps, and INRIX.

The project would not cause any displacement of businesses or individuals. In the long-term, the project would improve the operations and safety of I-80 through the Project Area, thus maintaining access to local businesses and enhancing the region’s popularity as a tourist destination. Based on the findings of the traffic analysis, no significant impacts to traffic are anticipated; minor to moderate delays resulting from various off-peak hour temporary lane closure and roadway stoppage scenarios are anticipated. As a result, the project is not expected to result in significant economic impacts.

In addition, in order to address concerns with emergency services access through the Project Area during construction, NJDOT has initiated the formation of a bi-state Emergency Services Task Force where regional, state, county, and local representatives from emergency services will convene to evaluate current services and discuss opportunities for improvement before, during, and after project construction.

As part of the Preliminary Engineering phase of the project and the development of project alternatives, three tunnel realignment alternatives were considered—two would shift the I-80 highway alignment through the Delaware Water Gap National Recreation Area (DWGNRA) in New Jersey and one would shift the highway alignment through the DWGNRA in Pennsylvania. These alternatives would require temporary lane closures during construction. These tunnel realignment alternatives were not advanced for further evaluation as they would result in significant environmental impacts including impacts to parkland and river disturbance as well as costs in excess of \$1 billion. Impacts to parkland would result in a loss of habitat for threatened and endangered species and could impact potential archaeological resources. These alternatives and their associated extensive construction footprint and timeframe (over 10 years) would also have a significant impact on the operations of the DWGNRA (including use of the river and important trails) as well as local tourism during construction. Additionally, there are unique constructability concerns associated with tunneling due to the geology along the proposed alignments. In addition, the requirements of Section 4(f) of the U.S. Department of Transportation Act of 1966 (now codified at 23 USC Section 138 and 49 USC Section 303) prohibit the Federal Highway Administration (FHWA) from approving any project that requires the use of a Section 4(f) resource unless there is no feasible and prudent alternative to the use of such land and all possible planning has been undertaken to minimize harm to the Section 4(f) resource. Section 4(f) resources include publicly owned parks and recreational areas; therefore, FHWA is required to consider other feasible alternatives that avoid impacting parkland within the DWGNRA.

### **Aimee Wechsler, U.S. Senator Bob Casey, PA**

COMMENT: Great, thank you so much. I was on mute. I just wanted to quickly say, you know, thank you so much for having this meeting, keeping us in the loop. And on behalf of Senator Casey, I just really look forward to, you know, being kept in the loop moving forward and being a part of listening and learning. And I just want to say thank you again. Thanks.

RESPONSE: We appreciate your interest to continue to be involved in the ongoing public involvement program for the proposed project. We will keep you informed of future planned meetings with elected officials as well as planned public meetings.



## I-80 Rockfall Mitigation Project

### Rosemary Brown, State Representative, PA

COMMENT: Thank you so much. I have been on the whole time but unfortunately, we had a little bit of technical difficulties here, so thanks for your patience and calling me back up again. I just want to say thank you for pulling this session together, and I do appreciate the video that was nicely done and some of the details. And as many people have stated previously, safety of course obviously is always the first concern no matter what we're doing, but I do want to bring attention, a little bit, to some of the details that you mentioned during the presentation of the—I think it was 2003 to 2008—that three times Route 80 was closed, or there was major episodes there where Route 80 was closed, and also the 29 events which included 14 rockfalls, six tree, four flooding, and five icing. I would definitely like to see some greater details to those episodes and some more information because I think what you heard on this call is the true necessity and understanding we can never predict everything or anything in life, as we can see from what we're currently going through, but I think we have to do our best to really look again at the risk-benefit. And some of that information, to me, is still very much lacking, and a piece that I'm really trying to work with the New Jersey side and our Pennsylvania side on this as well. I absolutely think we need those facts and I would agree with the Mayor on that and helping us with this overall process and the reasonability of everyone to say what is needed. I do have to say, there was very strong disappointment on my end on the communications from the New Jersey and the Pennsylvania Department of Transportations together. There is no question that we are connected so strongly, New Jersey, Pennsylvania, and New York. We sort of live together in this tri-state area and we have a lot of commuters—everyone knows that—and there is absolutely no justification for the fact of pushing aside one state over the other. We have to be good neighbors, we have to be smart neighbors, and that is extremely important. And again, once again, we're seeing this with even the COVID-19 crisis. But the statement to be said during the presentation that Pennsylvania traffic will not be impacted is really just a play on words for me. Of course it's New Jersey territory. It's New Jersey traffic. That's a play on words to me. There is—common sense and honesty have to be put out here. The comments of before about 611 and that traffic and the north into Delaware Water Gap will be deeply affected, there is no doubt. We have a tremendous amount of commuters, the tourism market for a five-year period is extreme. And so we really cannot ignore that there definitely needs to be a traffic study, economic study, and definitely an EIS study too. There is no denying the fact of the environmental piece, the aesthetics and the beauty of Delaware Water Gap. So anyway, I really am very, of course, open, but I am a factual person and a person who is common sense and honest and I really don't enjoy and actually appreciate the wording to sort of disregard that this won't impact Pennsylvania. We have to work together. Thank you so much.

RESPONSE: As requested by Summit attendees, data regarding rockfall incidents will be provided to Summit attendees. In addition, the traffic study will be made available for review.

As part of the Open House meeting that was held on June 18, 2019, a mailing list was generated based on zip codes for municipalities in New Jersey and Pennsylvania that are near the Project Area. Approximately 7,600 postcard invitations were mailed to property owners in the following zip codes: 07825 (Blairstown, New Jersey); 07832 (Columbia, New Jersey); 07833 (Delaware, New Jersey); 18327 (Delaware Water Gap, Pennsylvania); 18343 (Mt. Bethel, Pennsylvania); and 18351 (Portland, Pennsylvania). Postcards were also mailed to project stakeholders that included stakeholders in New Jersey and Pennsylvania. Postcards were mailed to following Pennsylvania stakeholders: Delaware River Joint Toll Bridge Commission; PennDOT Engineering District 5 (Monroe County Office); Pennsylvania State Historic Preservation Office; Monroe County; Upper Mt. Bethel Township; Lower Mount Bethel Township; Borough of Portland; and Borough of Delaware Water Gap.

NJDOT has been coordinating with PennDOT on the proposed project. NJDOT held a meeting with PennDOT on December 3, 2019, in order to provide a project overview and to discuss coordination efforts. In addition, PennDOT District 5 was notified and invited to attend the June 18, 2019, Open House meeting. PennDOT was also invited to attend the Summit meeting. NJDOT has also been coordinating with the Pennsylvania State Historic Preservation Office regarding consideration of potential impacts to historic properties.

In an effort to minimize impacts to traffic during construction, NJDOT will continue coordination with PennDOT to provide regional coordination on traffic and construction activities in New Jersey and Pennsylvania. Special provisions will be included to identify appropriate contacts for concurrent projects in New Jersey and Pennsylvania to communicate and coordinate activities. NJDOT will routinely review the construction schedule for the proposed I-80 Reconstruction Project in Monroe County, Pennsylvania (located approximately five miles west of the Project Area), as well as other planned projects in the region, to anticipate and minimize potential traffic disruptions and delays.



## I-80 Rockfall Mitigation Project

In addition, the project team is continuing its efforts to maintain communication with project stakeholders. We have contacted local officials in New Jersey and Pennsylvania to recommend members of their communities to serve on a Public Advisory Group that will continue with the project through construction. We have initiated the formation of a bi-state Emergency Services Task Force where regional, state, county, and local representatives from emergency services will convene to evaluate current services and discuss opportunities for improvement before, during, and after project construction.

I-80 provides local and regional access for residents, commuters, and tourists that travel through the Project Area. The Delaware Water Gap National Recreation Area (DWGNRA) and Worthington State Forest are popular attractions; the surrounding area is a popular destination for hiking, river activities, camping, shopping, and many other year-round events. I-80 is a key component to the regional transportation network providing access to these features and local area businesses. Therefore, a safe and reliable roadway that supports the mobility needs of the approximately 18.5 million vehicles per year that travel along this segment of I-80 is necessary in order to help promote local and regional economic development. The Preliminary Preferred Alternative would maintain the existing four lanes of traffic along I-80 (i.e., two lanes in each direction) during peak hours of travel during construction in order to avoid and minimize potential impacts to regional and local travel through the Project Area. NJDOT is currently evaluating several measures to monitor and protect traffic during construction in order to avoid and minimize potential impacts. In addition, the project would not require property acquisition and therefore would have no impact on county and municipal tax revenues. The project would not cause the displacement of businesses or individuals. In the long-term, the project would improve the operations and safety of I-80 through the Project Area, thus maintaining access to local businesses and tourist attractions and enhancing the region's popularity as a tourist destination. The proposed project is a safety project, extending less than one half-mile; all work would occur within the NJDOT right-of-way and would be compatible with surrounding land uses. Based on the findings of the traffic study, no significant impacts to traffic are anticipated; minor to moderate short-term delays resulting from various off-peak hour temporary lane closure and roadway stoppage scenarios are anticipated during project construction. Therefore, the project is not expected to result in significant economic impacts.

The analyses that are being conducted as part of the Environmental Assessment will assist the Federal Highway Administration (FHWA) in deciding whether the level of impacts are significant enough to warrant the preparation of an EIS. As part of the Environmental Assessment, technical environmental studies are being prepared to evaluate potential impacts that may result from construction of the Preliminary Preferred Alternative. Technical environmental studies are being prepared to evaluate socioeconomics, land use, Environmental Justice, natural ecosystems, archaeological resources, historic properties, visual resources, hazardous waste, noise, and vibration. The Environmental Assessment will be made available for public review and a Public Hearing will be held. After public comments are received and considered, a determination of the significance of the impacts will be made. If the FHWA, as the federal lead agency, determines that the project would result in significant impacts, an EIS will be prepared. If, after completing the Environmental Assessment, it is evident that there are no significant impacts associated with the project, a finding of no significant impact, known as a FONSI, may be prepared.

### **Bi-State Leadership Summit Extended Comment Period: Comments and Responses**

**Helen Carew, Director of Constituent Services for New Jersey Legislative District 24, Senator Steve Oroho, Assemblyman Parker Space and Assemblyman Hal Wirths (comment provided on July 27, 2020)**

COMMENT: I was hoping you could help address Mr. Kleindienst's concerns. The link is to an article in the NJ Herald stating the DOT hired a lobby firm to help with the Route 80 Rockfall Project. Appreciate your looking into this so I can respond to Mr. Kleindienst.

Dear Senator Oroho, I find the article in the link below very disturbing in light of our state's current budget woes. I'm not against the safety fence. What I do oppose is DOT's misuse of our tax dollars by hiring a lobbying firm to try and sell a project. Instead of going further into debt maybe our governor should tell the DOT commissioner to watch how they spend our taxes.

<https://www.njherald.com/news/20200721/dot-hires-lobbying-firm-to-ldquolobbyrdquo-on-rockfall-project>

Thank you for your time in this matter.



## I-80 Rockfall Mitigation Project

**RESPONSE:** The NJDOT typically retains professional consultants to assist in project design and public involvement activities. As part of the I-80 Rockfall Mitigation Project, a public involvement consultant was involved with the project beginning in 2015. MBI, the firm referenced in the article cited above, has been on the project team since 2019. MBI assisted the NJDOT in preparing for the June 2019 Open House meeting. MBI staff also attended the Open House meeting and assisted NJDOT in facilitating the meeting. MBI is continuing their role on the project team and supporting the NJDOT in its public involvement activities. MBI is an NJDOT cost basis approved sub-consultant and a New Jersey Treasury Small Business Enterprise (SBE). Since 2000, MBI has been engaged on more than 50 NJDOT projects throughout the State of New Jersey. Community outreach/public outreach is one of many services offered by MBI. As a cost basis approved sub-consultant, MBI adheres to the strict accounting measures dictating the hourly fees charged based on the approved man-hour rates and overhead.

**Helen Carew, Director of Constituent Services for New Jersey Legislative District 24, Senator Steve Oroho, Assemblyman Parker Space and Assemblyman Hal Wirths (comment provided on July 28, 2020)**

**COMMENT:** Good morning again. Thanks for sending the presentation. I have been asked to find out what the original \$5 million plan entailed. Is this something that you can provide? I appreciate your checking.

**RESPONSE:** The preliminary cost estimates as presented in the 2011 Concept Development Report were intended to incorporate removal and stabilization of source material from areas much farther upslope within areas under the jurisdiction of the National Park Service (NPS). The NPS formally responded in April 2016 with their preference that proposed mitigation be confined within the right-of-way of I-80 and not encroach upon federal lands. Accordingly, a series of revised alternatives that remained within the I-80 right-of-way and continued to meet the project purpose and need were developed. However, in doing so, the strategies employed are much more complex mitigation systems than regularly encountered on a project of this type. Similarly, these more robust alternatives introduced greater project costs as well. In addition, based on comments from the public and from project stakeholders, the design has evolved to incorporate additional mitigation measures in order to minimize impacts. By doing so, the cost has been increased to reflect the more complex design and construction requirements.

**Jennifer W. Smethers, Township Manager, Lower Mount Bethel Township (comment provided on July 30, 2020)**

**COMMENT:** The I-80 Rockfall Mitigation Project does not exist in a vacuum. It exists as a part of a larger network of roadways, traversing numerous municipalities, counties, and crossing state lines. In addition, to dramatically altering the landscape of the Water Gap, it has the potential to considerably impact the entire region's significant and unique natural and scenic qualities.

Lower Mount Bethel Township is a fortunate participant in Pennsylvania's Scenic Byway program and the location of one of 21 designated Pennsylvania byways – the Delaware River Valley Scenic Byway. Our byway winds through 17 miles of preserved farms, historic landmarks, countryside views, historic villages and encompasses the beautiful Little Martins Creek as well as the Delaware River. It is situated between the Delaware and Lehigh Canal National Heritage Corridor to the south and the Delaware Water Gap National Recreation Area to the north. The byway's Corridor Management Plan proposes linking these corridors by extending the Byway from Easton, PA to the Delaware Water Gap, thereby becoming eligible for designation as a National Scenic Byway based on its scenic, regionally significant qualities.

Because this entire region contains a wealth of natural, cultural, and historical resources along with magnificent scenic viewsheds, and because of its future potential for achieving "national significance," we are requesting that the Delaware River Valley Scenic Byway be incorporated into the upcoming Revised Visual Impact Assessment.

Please let us know if further information needs to be provided for confirmation of our Byway's inclusion in this assessment.

**RESPONSE:** The revised Visual Impact Assessment will consider potential visual impacts to the Delaware River Valley Scenic Byway.



## I-80 Rockfall Mitigation Project

**Adele Starrs, Mayor, Knowlton Township, NJ  
(comment provided on July 31, 2020)**

COMMENT: Opposition to this project exists, not just because it is highly controversial, but because there is substantial dispute over the size, nature, and effect of the project. The NJDOT appears to be relying upon an inadequate record upon which to base its claims—it is currently not taking into account the economic, social, and community impacts of this project. The NJDOT denied the requests of Congressman Gottheimer, Senator Oroho, Assemblyman Space, and Assemblyman Wirths to study those impacts. In *Hanly v. Mitchell*, a court case involving NEPA's definition of "significant impacts," the court rendered a ruling that "environmental considerations" for NEPA purposes must include "protection of the quality of life for...residents." How can the NJDOT assert that the I-80 Rockfall Mitigation Project, which is regulated by NEPA, will be constructed with "unimpeded traffic flow and without impact to the local economy" when the NJDOT has rejected the requests to study those elements of quality of life for local residents?

RESPONSE: The analyses that are being conducted as part of the Environmental Assessment will assist the Federal Highway Administration (FHWA) in deciding whether the level of impacts are significant enough to warrant the preparation of an EIS. As part of the Environmental Assessment, technical environmental studies are being prepared to evaluate potential impacts that may result from construction of the Preliminary Preferred Alternative. Technical environmental studies are being prepared to evaluate socioeconomics, land use, Environmental Justice, natural ecosystems, archaeological resources, historic properties, visual resources (which includes scenic resources), hazardous waste, noise, and vibration. In addition, a Wild and Scenic Rivers Act Evaluation will be prepared as part of the Environmental Assessment. The Environmental Assessment will be made available for public review and a Public Hearing will be held. After public comments are received and considered, a determination of the significance of the impacts will be made. If the FHWA, as the federal lead agency, determines that the project would result in significant impacts, an EIS will be prepared. If, after completing the Environmental Assessment, it is evident that there are no significant impacts associated with the project, a finding of no significant impact, known as a FONSI, may be prepared.

The Preliminary Preferred Alternative would maintain the existing four lanes of traffic along I-80 (i.e., two lanes in each direction) during peak hours of travel during construction in order to avoid and minimize potential impacts to regional and local travel through the Project Area. Any temporary lane closures would occur during periods of low traffic demand, such as during the overnight hours. In addition, no temporary lane closures would occur on Fridays from mid-May to early September and holidays would be avoided. NJDOT is currently evaluating several measures to monitor and protect traffic during construction in order to avoid and minimize any potential impacts. The project would not cause any displacement of businesses or individuals. In the long-term, the project would improve the operations and safety of I-80 through the Project Area, thus maintaining access to local businesses and enhancing the region's popularity as a tourist destination. Based on the findings of the traffic analysis, no significant impacts to traffic are anticipated; minor to moderate delays resulting from various off-peak hour temporary lane closure and roadway stoppage scenarios are anticipated. As a result, the project is not expected to result in significant economic impacts.

In addition, the project team is continuing its efforts to maintain communication with project stakeholders. We have contacted local officials in New Jersey and Pennsylvania to recommend members of their communities to serve on a Public Advisory Group that will continue with the project through construction. We have initiated the formation of a bi-state Emergency Services Task Force where regional, state, county, and local representatives from emergency services will convene to evaluate current services and discuss opportunities for improvement before, during, and after project construction.

As the project design advances, NJDOT will continue consultation with project stakeholders and the public regarding the final selection of design features in order to further develop strategies to minimize visual impacts and to enhance the visual experience for viewer groups.

COMMENT: Commissioner Gutierrez-Scaccetti's letter dated September 4, 2019, states, "the I-80 Rockfall Mitigation Project will be constructed with unimpeded traffic flow and without direct impact to the local economy." Please provide NJDOT modeling, studies, or documentation that confirms construction on I-80 for four to five years will not affect local economies or impede traffic flow.

RESPONSE: A traffic study for the Preliminary Preferred Alternative was conducted in order to assess the potential for impacts on traffic during construction activities. The Preliminary Preferred Alternative would maintain the existing four



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lanes of traffic along I-80 (i.e., two lanes in each direction) during peak hours of travel during construction in order to avoid and minimize potential impacts to regional and local travel through the Project Area. Any temporary lane closures would occur during periods of low traffic demand, such as during the overnight hours. In addition, no temporary lane closures would occur on Fridays from mid-May to early September and holidays would be avoided. NJDOT is currently evaluating several measures to monitor and protect traffic during construction in order to avoid and minimize any potential impacts. The project would not cause any displacement of businesses or individuals. In the long-term, the project would improve the operations and safety of I-80 through the Project Area, thus maintaining access to local businesses and enhancing the region's popularity as a tourist destination. Based on the findings of the traffic analysis, no significant impacts to traffic are anticipated; minor to moderate delays resulting from various off-peak hour temporary lane closure and roadway stoppage scenarios are anticipated. As a result, the project is not expected to result in significant economic impacts.

The traffic study will be provided to the Summit attendees, as requested.

**COMMENT:** In *Sierra Club v. Marsh*, the federal court ruled that for projects where there are "significant effects" agency officials should make the decision in favor of an EIS instead of an EA. This project involves constructing permanent walls and structures, stretching over a half-mile, on a mountain sacred to Native Americans. It involves permanently impeding recreation at the top-rated climbing spot in New Jersey. Those are just two significant effects that have been raised. There are 18 letters from elected officials and national groups stating that this project will have significant impacts and requesting an EIS. How will NJDOT address the significant effects of the project?

**RESPONSE:** The analyses that are being conducted as part of the Environmental Assessment will assist the Federal Highway Administration (FHWA) in deciding whether the level of impacts are significant enough to warrant the preparation of an EIS. As part of the Environmental Assessment, technical environmental studies are being prepared to evaluate potential impacts that may result from construction of the Preliminary Preferred Alternative. Technical environmental studies are being prepared to evaluate socioeconomics, land use, Environmental Justice, natural ecosystems, archaeological resources, historic properties, visual resources (which includes scenic resources), hazardous waste, noise, and vibration. In addition, a Wild and Scenic Rivers Act Evaluation will be prepared as part of the Environmental Assessment. The Environmental Assessment will be made available for public review and a Public Hearing will be held. After public comments are received and considered, a determination of the significance of the impacts will be made. If the FHWA, as the federal lead agency, determines that the project would result in significant impacts, an EIS will be prepared. If, after completing the Environmental Assessment, it is evident that there are no significant impacts associated with the project, a finding of no significant impact, known as a FONSI, may be prepared.

FHWA and NJDOT have coordinated closely with federal and state agencies over the course of the development of the project in order to develop measures to avoid, minimize, or mitigate potential impacts. The following agencies have participated in meetings or consultations for the project: Appalachian National Scenic Trail, National Park Service; Delaware River Joint Toll Bridge Commission; New Jersey Department of Environmental Protection; New Jersey Historic Preservation Office; National Park Service; Pennsylvania Department of Transportation; Pennsylvania State Historic Preservation Office; U.S. Army Corps of Engineers; U.S. Coast Guard; U.S. Environmental Protection Agency; and U.S. Fish and Wildlife Service.

The project is subject to review pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (36 CFR Part 800). Section 106 requires federal agencies to consider the effects of their undertakings on historic properties that are listed in or eligible for listing in the National Register. As part of the Section 106 process, the NJDOT is required to solicit public input to assist it in carrying out that process. Section 106 consulting parties may include, but are not limited to, the State Historic Preservation Officer, Indian tribes, local governments, and others with an interest in history, archaeology, or historic preservation.

Section 101(d)(6)(B) of the National Historic Preservation Act requires FHWA to consult with any Indian tribe that attaches religious and cultural significance to historic properties that may be affected by an undertaking. As part of this consultation process, tribes are provided a reasonable opportunity to identify concerns about historic properties, advise on the identification and evaluation of historic properties, including those of traditional religious and cultural importance, articulate their views on the project effects on such properties, and participate in the resolution of adverse effects.



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The Delaware Water Gap National Recreation Area (DWNRA) is culturally significant to tribal nations; as a result, ongoing consultation regarding the proposed project was conducted in order to avoid and minimize any impacts to culturally significant viewsheds. Five federally recognized tribes that have been notified of the project and include: Delaware Tribe of Indians of Oklahoma; Absentee-Shawnee Tribe of Indians of Oklahoma; Shawnee Tribe; Delaware Nation, Oklahoma; and Stockbridge Munsee Community, Wisconsin. Consultation with tribal nations will be ongoing during Preliminary Engineering and Final Design in order to further develop avoidance, minimization, and mitigation measures.

The project team is continuing its efforts to maintain communication with project stakeholders. We have contacted local officials in New Jersey and Pennsylvania to recommend members of their communities to serve on a Public Advisory Group that will continue with the project through construction. We have initiated the formation of a bi-state Emergency Services Task Force where regional, state, county, and local representatives from emergency services will convene to evaluate current services and discuss opportunities for improvement before, during, and after project construction.

As the project design advances, NJDOT will continue consultation with project stakeholders and the public regarding the final selection of design features in order to further develop strategies to minimize potential impacts.

**COMMENT:** The Pennsylvania Department of Transportation, in cooperation with FHWA, is moving forward with the Interstate 80 Reconstruction Project (SR 0080 Section 17M). This project is currently scheduled for construction at the same time as NJDOT's I-80 Rockfall Mitigation Project. What steps has the NJDOT taken to ensure that these two projects will not occur at the same time? What agreement with PennDOT has been reached?

**RESPONSE:** The NJDOT is committed to the delivery of projects based in a timely and efficient manner. Since the I-80 Rockfall Mitigation Project is focused on addressing the safety of the motoring public, it is imperative that the project not be unduly postponed. In accordance with the NJDOT 2019 Standard Specification for Roads and Bridges, a Traffic Control Coordinator will be responsible for coordinating traffic control with all other contractors and adjacent projects. In an effort to minimize impacts to traffic during construction, NJDOT will continue coordination with PennDOT to provide regional coordination on traffic and construction activities in New Jersey and Pennsylvania. Special provisions will be included to identify appropriate contacts for concurrent projects in New Jersey and Pennsylvania to communicate and coordinate activities. NJDOT will routinely review the construction schedule for the proposed I-80 Reconstruction Project, as well as other planned projects in the region, to anticipate and minimize potential traffic disruptions and delays.

**COMMENT:** AutoCAD modeling shows that two trucks traveling side by side through the Project Area will likely contact because of the narrowness of the lanes and nature of the curved roadway. The NJDOT has acknowledged this and responded that it will prevent truck accidents by installing signage restricting trucks to one lane. Based upon average truck volume through the Project Area, what does the NJDOT's computer modeling show will be the accident rate for trucks that ignore those signs? How does the NJDOT address concerns that accident risk to motorists will increase due to the narrowing lanes?

**RESPONSE:** The Highway Capacity Manual, 6th Edition was used to estimate the capacity of existing conditions operations, and the construction base condition in the work zone. Speed data from StreetLight was used to validate the existing capacity and vehicle travel statistics. The Aimsun Next version 8.3 microsimulation software was utilized to model and assess traffic conditions. The model was calibrated for existing base conditions during summer weekdays supported by data collected via field observations, as well as speed and travel time information obtained from StreetLight and Google Maps travel time.

Geometric analysis was based upon information obtained from the American Association of State Highway and Transportation Officials (AASHTO) Policy on Geometric Design of Highways and Streets (Green Book) which is the federal standard for highway design in the U.S. The modeling was based on a WB-67 design vehicle template from the Green Book. These templates define the critical vehicle dimensions and are the national standard. The project team's licensed professional engineers have modeled the flow of traffic through the project limits utilizing MicroStation, Inroads and AutoTurn software.

A proposed reduction of the lane widths to 11-feet is acceptable by current standards identified in the Green Book and the NJDOT Roadway Design Manual. The traffic analysis reflects that the lane widths provided during construction will



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be adequate for two trucks to travel with no conflicts. However, in view of making a safer transit, we will be incorporating a truck lane restriction for the duration of the project. In addition, advanced warning signage and a lower posted speed limit will be incorporated to enhance driver safety and awareness in the work zone in accordance with standards set forth in the Manual for Uniform Traffic Control Devices and the NJDOT Standard Details for Traffic Control and Staging.

**COMMENT:** At the June 2019 open house, NJDOT representatives publicly stated that “all options are on the table” regarding how rockfall mitigation might be achieved for this project. Despite that assurance, the project design has remained substantially unchanged since 2017. Neither the size, nature, nor effect of the project has been altered, despite more than 65 newspaper articles in five newspapers and opposition from well over a dozen state and federal representatives about the size, nature, and effect of the project. How can the NJDOT assert that they are taking officials’ comments into consideration when no substantive changes—those affecting the size, nature, or effect of the project—have been made?

**RESPONSE:** As part of the Preliminary Engineering phase of the project, a series of alternatives were developed in order to address the safety concerns posed by rockfall hazards along I-80 within the Project Area. These alternatives ranged from major and minor realignments of the I-80 corridor to more localized mitigation strategies. Through this process, NJDOT identified 14 conceptual alternatives for the proposed project. Several of these conceptual alternatives incorporated lengthy bypasses and tunnels but with costs in excess of \$1 billion they were removed from further consideration. Based on the alternatives analysis, the rockfall berm was recommended as the Preliminary Preferred Alternative as it addresses the project need while minimizing potential environmental impacts. Of all the alternatives evaluated, it provides the greatest opportunities to minimize visual impacts as its construction allows for the incorporation of native plantings and aesthetic treatments that are in keeping with the color, scale, and material of the surrounding rock in the Project Area. In addition, based on comments from the public and from project stakeholders, the design has evolved to incorporate additional mitigation measures in order to minimize impacts.

NJDOT is aware of local concerns regarding the S-curves along this stretch of roadway. NJDOT is investigating these concerns separately from the I-80 Rockfall Mitigation Project and is considering roadway and driver enhancements using available innovative technologies that could improve driver attention and safety. Earlier this year, in response to these concerns, NJDOT installed new warning signs with flashing lights along the S-curve segment. There also is a planned pavement improvement project along the S-curve segment and NJDOT will continue to review other safety and traffic mitigation options in this corridor. A change in the existing I-80 alignment will not be addressed in the proposed I-80 Rockfall Mitigation Project.

In addition, the local community identified retaining wall erosion along the eastbound lanes of I-80. In March 2020, repairs were completed to a drainage pipe under the highway and to inlets in the shoulder near milepost 1.4. A plan for further investigation of the condition of the entire retaining wall is currently being developed.

**COMMENT:** Officials continue to request details related to alleged incidents of rockfall. Commissioner Gutierrez-Scaccetti stated at the Bi-State Summit on July 22, 2020, that those details could not be provided to protect the identities of those involved. The 2011 project summary provided unredacted reports of two incidents. Why did the NJDOT provide two reports but will not release the others? It would be acceptable for the NJDOT to redact the name and identifying information of persons involved but release all other details of alleged incidents. Why not do so?

**RESPONSE:** A summary of the incidents reported and recorded by NJDOT was provided pursuant to an Open Public Records Act (OPRA) request W135527 on December 6, 2018. Under the requirements of New Jersey Administrative Code, Title 16: Transportation, Chapter 1A, Administration, Organization, Records Management, and Information Requests (N.J.A.C. 16:1A), police and driver reports of accidents on file with the Bureau of Accident Records are exempt from public access.

NJDOT is guided by the requirements of N.J.A.C. 16:1A for information requested under the auspices of an OPRA request. In an effort for increased communication and community outreach, NJDOT is seeking further consultation with the New Jersey Attorney General regarding the release of accident report records without including any personal information. In addition, as requested by Summit attendees, data regarding rockfall incidents will be provided to Summit attendees.



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COMMENT: OPRA requests for information about this project from the NJDOT have been met with a pattern of unreasonable responses. By law, OPRA requests are filled within one week, unless a request for extension is made. The NJDOT has requested extensions of one Knowlton resident's OPRA request for over a year. Another OPRA request from the Mayor of Hardwick has been delayed for months. Another OPRA request was filled, after four months, with 17 completely, fully redacted pages. There are many denials to other OPRA requests. How can the NJDOT assist officials in getting the information sought?

RESPONSE: NJDOT is guided by the requirements of N.J.A.C. 16:1A for information requested under the auspices of an OPRA request. In an effort for increased communication and community outreach, NJDOT is seeking further consultation with the New Jersey Attorney General regarding the release of accident report records without including any personal information.

COMMENT: The 2011 Concept Development report by HNTB Engineering states, "NJDOT Geotechnical Engineering Unit determined that largescale rock removal would not be feasible given that the site is located in the Delaware Water Gap National Recreation Area, the roadway width is limited, and there is a lack of suitable long-term alternate parallel routes for Route I-80's traffic." The NJDOT is now calling for what appears to be large-scale rock removal. How does the NJDOT explain this?

RESPONSE: The Preliminary Preferred Alternative involves the use of controlled blasting techniques to trim the rock spine in Area B in order to construct the proposed catchment ditch. The Preliminary Preferred Alternative does not involve large-scale rock removal. The Mass Excavation Alternative, which was dismissed from further evaluation, included a cutback of the rock slopes through the limits of the Project Area.

COMMENT: The NJDOT is using public relations firm MBI Gluckshaw for aspects of this project. Please provide a listing of the activities MBI Gluckshaw has undertaken relating to this project. What has the cost of those activities been?

RESPONSE: The NJDOT typically retains professional consultants to assist in project design and public involvement activities. As part of the I-80 Rockfall Mitigation Project, a public involvement consultant was involved with the project beginning in 2015. MBI has been on the project team since 2019. MBI assisted the NJDOT in preparing for the June 2019 Open House meeting and MBI staff also attended the Open House meeting and assisted NJDOT in facilitating the meeting. MBI is an NJDOT cost basis approved sub-consultant and a New Jersey Treasury Small Business Enterprise (SBE). Since 2000, MBI has been engaged on more than 50 NJDOT projects throughout the State of New Jersey. Community outreach/public outreach is one of many services offered by MBI. As a cost basis approved sub-consultant, MBI adheres to the strict accounting measures dictating the hourly fees charged based on the approved man-hour rates and overhead.

Information pursuant to costs are currently being reviewed under the OPRA Requests W161671 and W161668 submitted on July 24, 2020. The NJDOT Custodian of Records will respond directly to these requests.

COMMENT: Please provide an accounting of the funding spent on this project. What are the total dollars spent to date? Please provide the names of the recipients of those funds. We are aware that federal funds will be used for the rockfall mitigation; This is a request for an accounting of funds prior to the receipt of those federal funds.

RESPONSE: Information pursuant to this request is currently being reviewed under the OPRA Requests W161671 and W161668 submitted on July 24, 2020. The NJDOT Custodian of Records will respond directly to these requests.

COMMENT: Has the NJDOT evaluated the relationship between the dangers associated with having seven exit and entrance ramps plus a design deficient curve within ¼ mile of the project? Please provide the traffic analysis or documentation showing this was taken into consideration.

RESPONSE: The analysis was based upon information obtained from the American Association of State Highway and Transportation Officials (AASHTO) Policy on Geometric Design of Highways and Streets (Green Book) which is the federal standard for highway design in the U.S.



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Preliminary traffic staging plans are under development and will be refined during Final Design. All work will be in accordance with approved allowable lane closure hours as determined based on the traffic study. Standard Maintenance and Protection of Traffic Details are available to view at the NJDOT website.

**COMMENT:** During the NJDOT's Mount Arlington/Roxbury I-80 Rockfall Mitigation Project, typical construction and blasting problems occurred such as a piece of equipment rolling over, resulting in delays, and a controlled blasting accident where rock shot across the highway causing delays and a redesign of the traffic plan to create more of a buffer to the construction site. The area for this project is unusually narrow and the NJDOT admits there is "no suitable long term detour route." Please provide documents showing contingency plans for when accidents occur during construction.

**RESPONSE:** Generally, guidance for incident management on this segment of I- 80 will come from the Warren County Traffic Incident Management Diversion Route Plan, February 2001. This plan is the combined effort of the NJDOT, the New Jersey State Police - Incident Management Unit, the Warren County Office of Emergency Management, and the municipality police departments in Warren County. It has been developed to provide guidance when responding to traffic incidents on state highways. The plan is intended to improve traffic incident management through better communications and more efficient use of available resources.

Post-incident evaluations during construction will be conducted to afford an opportunity to assess the effectiveness of the Incident Management Plans. In addition to the NJDOT and contractor, other participating agencies and emergency management officials will be requested to attend evaluations, resolve area issues, present suggestions, and develop operational improvements.

In addition, in order to address concerns with emergency services access through the Project Area during construction, NJDOT has initiated the formation of a bi-state Emergency Services Task Force where regional, state, county, and local representatives from emergency services will convene to evaluate current services and discuss opportunities for improvement before, during, and after project construction.

**COMMENT:** The NJDOT has not yet involved the National Park Service to be a joint party in the creation of an EIS. Why? Will the NJDOT invite the NPS to be a joint party in the creation of an EIS?

**RESPONSE:** On March 11, 2019, the Federal Highway Administration, New Jersey Division, invited the National Park Service (NPS) to become a Participating and Cooperating Agency for the project. NPS accepted this invitation on May 15, 2019. As the proposed project would occur entirely within NJDOT right-of-way, NPS's jurisdiction would be limited to a Section 7 Determination under the Wild and Scenic Rivers Act and a review under Section 4(f) of the U.S. Department of Transportation Act.

**COMMENT:** In February 2020, the NJ Sierra Club, along with Senator Steven Oroho, the NJ Sierra Club and Assemblyman Space and Assemblyman Wirths, submitted requests for a "charrette"—a kind of conflict mediation in which affected stakeholders, including officials, work together to choose an alternative that has the support of all involved. The NJDOT has not yet responded to that request. What is the NJDOT's response?

**RESPONSE:** As referenced during the Summit meeting, the project team is continuing its efforts to maintain communication with project stakeholders. We have contacted local officials in New Jersey and Pennsylvania to recommend members of their communities to serve on a Public Advisory Group (PAG) that will continue with the project through construction.

The purpose of the PAG is to provide a forum for the exchange of information between the project team, members of the public, and key business groups that are representative of the local communities affected by the project. The PAG is intended to be regionally balanced and includes interested citizens eager to participate and contribute to the planning process.

The PAG will hold regularly scheduled working meetings to discuss project progress, issues of interest to the community, and quickly respond to community concerns. An experienced facilitator will lead the PAG meetings. The PAG is anticipated to remain active throughout the duration of the project (Preliminary Engineering, Final Design, and Construction) and to serve as an active means to communicate and update project information, raise local concerns to the project team and hear how they are being incorporated into the project development process.



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As the project evolves, PAG members would be responsible for bringing community-specific issues and concerns to the table as well as sharing information from the project team with their constituents. The PAG members would supplement the knowledge of local government officials or their delegates about the Project Area and provide input on ideas, problems, observations, and solutions.

