



December 11, 2018

**Via email & regular mail**

Brian T. Wilton, Esq.  
Deputy Chief Counsel, Authorities Unit  
Office of the Governor  
P.O. Box 001  
Trenton, New Jersey 08625

**Re: Alternative Site Analysis – Union Dry Dock, Hoboken**

Dear Mr. Wilton:

Kindly accept this letter as a summary of our meeting yesterday to discuss the above-referenced matter, which as you know, is time sensitive in light of the issuance of a permit from the United States Army Corps of Engineers to the property location known as Union Dry Dock in Hoboken, New Jersey, and New York Waterway's (NYWW) intention to begin work on this site tomorrow. (*See, enclosure*)

For the record, also in attendance at yesterday's meeting was Edmund Caulfield, Senior Counsel – Authorities Unit, Office of the Governor; Vinn White, Senior Policy Advisor, Office of the Governor, and Rob Field, Aide to the Governor for Intergovernmental Affairs. Participating from my office were John Allen, Chief of Staff, Jason Freeman, Deputy Chief of Staff, and myself.

I presented to you and your colleagues copies of (a) a report prepared by New Jersey Transit titled "Ferry Berthing and Maintenance Facility Alternative Site Analysis", dated August 2009 (hereinafter "NJT Report"); (b) a report prepared by Boswell Engineering on behalf of the City of Hoboken titled "Alternative Site Analysis Recommendation", dated September 6, 2018 (hereinafter "Boswell Report"), and (c) a study conducted by Noelle Thurlow titled "Biodiversity of the Hoboken Waterfront: A survey of the species richness, urban impact and sustainability", dated January 8, 2018.

I further explained that both the NJT Report and the Boswell Report reached the same conclusion: the most optimal location for New York Waterway's Ferry refueling, repair and maintenance facility is at the Lackawanna Train Terminal in the southern end of Hoboken. The

proposed site, known as Union Dry Dock ("UDD") was not even among the top three recommended locations for this use. Virtually identical criteria were applied in both studies.

Accordingly, as of this writing, both of the State of New Jersey and the City of Hoboken have concluded, through separate and independent studies, that the Lackawanna Train Terminal is the most appropriate location for the intended use at issue, not the UDD site. According to the NJT Report, *"After analyzing nine alternative locations, the most cost-effective location identified for the berthing and maintenance facility is in Hoboken, south of the Hoboken Terminal, on property owned by NJ TRANSIT."* (NJT Report, p. 3)

I further explained to you that the Boswell Report went above and beyond the NJT Report in examining three additional criteria and applying these criteria to its analysis: (a) Environmental Constraints; (b) Prospective Regionalization of Ferry Mass Transit; and (c) Public Safety. The environmental hazards associated with this use at the UDD site are grave, were discussed briefly at our meeting, and explained in greater detail in the report I provided you from Noelle Thurlow. Among other things, I explained to you that unlike the other sites, UDD is unique because it abuts a Hudson River Estuary, wherein over 70 difference species of sea and animal life exist, including certain species that support a clean ecosystem. These species and the entire supporting estuary would suffer grave environmental harm, as explained in Ms. Thurlow's report, if NYWW conducts its operations at the UDD site. On the issue of the environment, I further clarified an estuary exists only at the Hoboken Cove abutting the UDD site, and accordingly this unique environmental hazard exists exclusively at the UDD site. Estuaries do not exist at the southern Hoboken or other sites analyzed by NJT and Boswell Engineering.

Second, I acknowledged my appreciation for the importance of NJT's mandate to maintain robust, diverse and efficient mass transit operations for residents across the State, indicating that my Administration is sensitive to this important objective and desires to work with NJT and NYWW to further strengthen the region's mass transit infrastructure. I referenced the Boswell Report's identification of no less than three municipalities south of Hoboken and along the shoreline that are in various stages of developing ferry infrastructure to support mass transit across the Hudson River: Bayonne, Carteret and South Amboy. I further noted that the expansion and regionalization of ferry service as mass transit is vitally important because of the current uncertainties with the Gateway Tunnel Project, the long term viability of the existing tunnels remaining in operation pending completion of the Gateway Tunnel and regular traffic and mass transit congestion in multiple other modes of vehicular and mass transit. Expansion of ferry service infrastructure away from upper Hudson County and further south to south Hoboken and/or Bayonne would provide a prudent "insurance policy" in the event one of the existing tunnels went out of service for repairs in the coming years.

Finally, I explained the public safety impact considered in the Boswell Report and noted that the UDD location sits just about 150 away from a park and children's playground where many children, including my own young children, enjoy the swing sets, play equipment and other amenities on a daily basis during the spring, summer and fall. I explained that the Boswell Report identified potential dangerous conditions by kayakers in the Hudson Estuary, noise impacts, air quality (fumes) impacting children and dogs, and traffic congestion.

In addition to the foregoing, I suggested that a split of uses should be considered if this is most practical – for example, locating refueling operations at southern Hoboken, and repair and maintenance operations at the Marine Ocean Bay Terminal (“MOTBY”) in Bayonne.

I express with disappointment the fact that you and your colleagues could not provide any meaningful response to the aforementioned issues raised by me. Despite the opportunity to consider this issue of paramount importance for the State and region for a full year, I remain without any understanding of the Governor’s position on this issue.

Rather, you asked me to review whether the Rebuild by Design project, pilings at the southern Hoboken location, and the long slip canal would be impediment to use of this location. Upon discussing your questions with Boswell, I have learned that they have previously addressed this concern and explained why any claim that Rebuild by Design or the long slip canal is an impediment is baseless and without merit. Please see the enclosed letter from Boswell to the US Army Corps of Engineers addressing this concern raised at our meeting.

Finally, as also discussed yesterday at the Governor’s office, Kevin Corbett, Executive Director of New Jersey Transit, met with me on May 15, 2018, wherein he disclosed that NJT was conducting another alternative site analysis, and indicated that it would be completed in September 2018. Director Corbett further assured me that he would share a draft of the report with me prior to making a decision as to the appropriate site location. As we have heard nothing from NJT regarding the study, I wrote to Director Corbett on November 30, 2018 to request an update on the status of the study. I indicated to you that Director Corbett has not, to date, acknowledged receipt of my letter, much less provide a substantive response. You indicated you would follow up with me on this matter, and I thank you in advance for this.

Towards the end of our meeting, I expressed Hoboken’s desire to work with Governor Murphy to identify an alternative location for this use which will meet the dual policy objectives of preserving our environment and strengthening our regional mass transit system. While you took no position whatsoever, I indicated that the proverbial “ball” is now in the Governor’s court, and a decision as to an appropriate site must be made as a matter of urgency. You responded by stating there would be no further action taken with respect to this site as your office continues to consider the matter, and that we would aim to amicably resolve this issue in the best interests of the residents of both our State and the City of Hoboken.

Disturbingly, and contrary to the representation of no further action, upon returning from Trenton yesterday evening, legal counsel for the City of Hoboken received the attached letter from New York Waterways indicating its intention to commence work at Union Dry Dock tomorrow, December 12, 2018. This intended action is inconsistent with what was discussed at our meeting yesterday. I acknowledge this is a prospective action by NYWW, not the State, but nonetheless, I implore your office to request that NYWW cease any intended activity at this site until Governor Murphy makes a decision as to the appropriate location for these operations.

I appreciate the complexity of this issue, but I must respectfully request that a resolution be identified in the very near future. The City of Hoboken has borne the expense of conducting an engineering study to assess alternative sites, I have made my Administration available to NJT,

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DEP, and the Governor's Office to work collaboratively to craft a reasonable solution. I cannot help but express my frustration with what I interpret as the lack of will from the aforementioned State agencies to tackle this challenging issue. NYWW's stated intention to begin work on the site immediately has now made this an emergency. I am, and will remain, committed to being a helpful partner with the Governor.

I am still hopeful we can resolve this matter amicably. I remain optimistic he will exercise leadership and sound judgment to resolve this matter without further delay. I remain confident that Governor Murphy will protect our environment, as well as the health, safety, and welfare of our children, and preserve this land as open space for the benefit of our City and State. Thank you again for your time and assistance in this urgent matter.

Respectfully,

A handwritten signature in blue ink, appearing to read "Ravi S. Bhalla".

Ravi S. Bhalla  
Mayor

Enclosure

cc: Edmund Caulfield, Esq. (via email)  
Vinn White (via email) (w/encl.)  
Rob Field (via email)(w/encl.)