



**US Army Corps  
of Engineers®**

# PUBLIC NOTICE

Applicant:

Heriberto Morales

Amtrak

Published: June 10, 2025

Expires: July 11, 2025

**New York District**

**Permit Application No. NAN-2024-01115**

TO WHOM IT MAY CONCERN: The New York District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403). The purpose of this public notice is to solicit comments from the public regarding the work described below:

**CO-APPLICANT:** Heriberto Morales

Amtrak

400 West 31st Street

New York, New York 10001

**CO-APPLICANT:** John Geitner

NJ Transit

One Penn Plaza East

Newark, New Jersey 07105

**WATERWAY AND LOCATION:** The project would affect waters associated with Passaic River, Western Pond, Northern Pond, and Cedar Creek Marsh North. The project/review area is located at Latitude 40.743889 and Longitude -74.125; in Kearny, Hudson County, New Jersey.

**EXISTING CONDITIONS:** Constructed in 1907, the Sawtooth Bridges mainly span other rail tracks. Amtrak Bridge No. 7.80 carries two North East Corridor (NEC) tracks over four New Jersey Transit Corporation (NJ Transit) commuter rail tracks that serve the NJ Transit Morris & Essex (M&E) Line. Amtrak Bridge No. 7.96 carries two NEC tracks over one Port Authority Trans-Hudson Corporation (PATH) Newark– World Trade Center (WTC) commuter rail track and one Consolidated Rail Corporation (Conrail) freight rail track

## **PROJECT PURPOSE:**

**Overall:** The age of the Sawtooth Bridges, their poor structural condition, and their two tracks limit the efficiency and reliability of rail operations throughout this segment of the Northeast Corridor. The purpose of the Sawtooth Bridges Replacement Project is to achieve a state of good repair and to improve the reliability and resiliency of rail service along this critical segment of the Northeast Corridor. The Early Enabling Phase will facilitate the construction activities.

**Basic:** The existing bridge is built within wetlands. The early enabling phase construction activities will allow the existing bridge to be serviced and repaired.

**LEAD AGENCY:** The Federal Railroad Administration (FRA) was determined to be the lead agency for compliance under the National Environmental Policy Act (NEPA). USACE intends to adopt FRA's NEPA documents and consultations with resource agencies.

**PROPOSED WORK:** The applicant requests authorization for the construction of a surcharge embankment, relocation of a fiber optic cable, and culvert maintenance. A total of approximately 0.894 acres of permanent wetland impacts and 0.371 acres of temporary wetland impacts are anticipated.

### **Surcharge Embankment**

The construction of the surcharge embankment will include the discharge of approximately 1,808 cubic yards (CY) of fill. Approximately 1105 CY will be placed across 0.479 acres of open water and approximately 226 CY will be placed across 0.199 acres of wetlands. Permanent impact from the Surcharge Embankment will total to 0.679 acres. No temporary wetland impacts for the surcharge are anticipated.

### **Fiber Optic Relocation**

Third-party fiber optic utilities owned by Verizon Business, Lumen, and Zayo run throughout the project corridor and must be temporarily relocated to accommodate reconstruction of the Sawtooth Bridges. After the construction period, the fiber optic lines will be relocated along the rail corridor. The proposed relocation will be accomplished via a combination of underground duct banks and above-ground pole line.

18 poles will be located in Northern Pond which will be accessed via temporary timber matting. Two temporary 24-inch reinforced concrete pipes will be installed perpendicular to the access road to provide for cross drainage beneath the matting.

A peninsula of land within Northern Pond (formerly a rail bed) will be excavated and graded to provide for fiber optic line installation and maintenance purposes. Peninsula grading will permanently impact 0.063 acres of open waters and .0366 acres of wetlands. Installation of fiber poles will permanently impact 0.0003 acres of open water and 0.001 acres of wetlands. The concrete duct bank will permanently impact 0.003 acres of open waters and 0.032 acres of wetlands. Permanent wetland impacts from the fiber optic relocation, will total 0.465 acres. Temporary wetland impact from the fiber optic relocation, to consist of a timber matting access road, will total 0.317 acres

### **Culvert Cleaning**

Temporary disturbance to approximately 0.054 acres of wetlands for cleaning and maintenance of existing culverts

**AVOIDANCE AND MINIMIZATION:** The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: The number of fiber optic poles to be installed within the ponds has been minimized to relocate the fiber optic line away from the Sawtooth Bridges construction. As part of this work, an access road has been proposed to facilitate construction of the fiber optic line and has been designed to the minimum width and length necessary for construction vehicles. The embankment surcharge has been sized to the minimum necessary in order to support the Track 5 viaduct. Impacts due to cleaning and maintenance of existing drainage structures will be kept to the minimum necessary. The signal power line relocation through a concrete encased duct bank has been sized to the minimum necessary to minimize impacts. Silt fencing and turbidity barriers will be used in and around Western and Northern Pond.

**COMPENSATORY MITIGATION:** The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: Mitigation is expected to be accomplished via Amtrak's purchase of credits from a Federally approved wetland mitigation bank.

**CULTURAL RESOURCES:**

The FRA has evaluated the undertaking for effects to historic properties as required under Section 106 of the National Historic Preservation Act and concurrent with the development of an Environmental Assessment in 2020, FRA conducted consultation pursuant to Section 106 of the National Historic Preservation Act. One additional historic property was identified in the re-evaluation of the EA in 2024. The project changes and early enabling components will have an adverse effect on two previously identified historic properties. However, the additional project activities since the 2020 analysis will not result in additional adverse effects under Section 106. If monitoring is warranted, Amtrak will prepare an Archaeological Monitoring Plan, which will be submitted to NJHPO for review, prior to undertaking archaeological monitoring for the project and will continue to comply with Section 106 PA.

**ENDANGERED SPECIES:** Coordination by FRA with U.S. Fish and Wildlife Service (USFWS) indicated that the Project is within or near the range of the monarch butterfly and Tri-colored bat; and National Marine Fisheries Service (NMFS) was consulted to address potential effects to Atlantic sturgeon and shortnose sturgeon. Through consultation with USFWS and NMFS and incorporating recommended conservation measures, adverse effects to these threatened and endangered species are unlikely to occur.

USFWS concurred with FRA's determination that the Project is "not likely to jeopardize" the continued existence of the Tri-colored bat and Monarch Butterfly.

NMFS concurred with FRA's determination that the Project is "not likely to adversely affect" any ESA-listed species under NMFS' jurisdiction.

**Table 1:** ESA-listed species and/or critical habitat potentially present in the action area.

Common Name	Scientific Name	Status	Agency
Atlantic Sturgeon	<i>Acipenser oxyrinchus oxyrinchus</i>	Endangered	NMFS
Shortnose Sturgeon	<i>Acipenser brevirostrum</i>	Endangered	NMFS
Monarch Butterfly	<i>Danaus plexippus</i>	Proposed Threatened	USFWS
Tricolored Bat	<i>Perimyotis subflavus</i>	Proposed Endangered	USFWS

Pursuant to Section 7 ESA, any further required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402 by FRA.

**ESSENTIAL FISH HABITAT:** Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act 1996, the FRA reviewed the project area and consulted with NMFS on the available species information.

The FRA initiated Essential Fish Habitat (EFH) consultation with NMFS. NMFS provided conservation recommendations requesting that construction activities not start until compensatory mitigation is finalized via either the purchase of credits from an approved wetland mitigation bank or the development and implementation of a permittee-responsible mitigation plan (with five years of monitoring and adaptive management) to be constructed prior to or concurrent with the impacts to the aquatic environment. FRA and Amtrak have adopted the measures for avoiding, minimizing, or offsetting the Project's impacts on EFH.

**NAVIGATION:** The proposed structure or activity is not located in the vicinity of a federal navigation channel.

**SECTION 408:** The applicant will not require permission under Section 14 of the Rivers and Harbors Act (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

**WATER QUALITY CERTIFICATION:** Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision.

#### **COASTAL ZONE MANAGEMENT ACT:**

Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified in the permit application that the activity complies with, and will



be conducted in a manner that is consistent with, the approved state coastal zone management program. By this public notice, we are requesting the state's concurrence with, objection to, or waiver of the applicant's certification. No permit decision will be made until one of these actions occurs. For activities within the coastal zone of New Jersey State, the applicant's certification and accompanying information is available from the New Jersey Department of Environmental Protection , Coastal Management Program, P.O. Box 418, 401 E. State Street, Trenton, NJ, 08625, Telephone (609) 633-2201. Comments regarding the applicant's certification, and copies of any letters to this office commenting upon this proposal, should be so addressed.

**OTHER AUTHORIZATIONS:** In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

- New Jersey Department of Environmental Protection

**NOTE:** This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has been verified by Corps personnel.

**EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food, and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

**COMMENTS:** The Corps is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to endangered species, historic properties, water quality, general environmental

effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The New York District will receive written comments on the proposed work, as outlined above, until the expiration date of this public notice. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Jarod Ostir at [jarod.r.ostir@usace.army.mil](mailto:jarod.r.ostir@usace.army.mil). Please refer to the permit application number in your comments.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. Comments provided will become part of the public record for this permit application. All written comments, including contact information, will be made a part of the administrative record, available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof, may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.



In order for us to better serve you, please complete our Customer Service Survey located at <https://www.nan.usace.army.mil/Missions/Regulatory/Customer-Survey/>.

For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>.

 Digitally signed by  
Rosita Miranda

**FOR AND IN BEHALF OF**  
Stephan A. Ryba  
Chief, Regulatory Branch



FILE #	LOCATION: KEARNY, NEW JERSEY		PROPOSED PROJECT: REPLACEMENT OF SAWTOOTH BRIDGES – EARLY ENABLING COMPONENTS	
APPLICANT:	NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)		IN: PASSAIC RIVER AND OTHER OPEN WATERS NEARAT: KEARNY, NEW JERSEY COUNTY: HUDSON STATE: NEW JERSEY	
COMMENTS: REMOVED TREESTES			BLOCK 284, LOTS 10,04, 10,06, 15,01, 16, 17,01, 17,02, 18,01, 18,02, 19, 22, 24,01, 24,03, 25, 26,01, 53; BLOCK 285, LOTS 10, 16 TOWN OF KEARNY, HUDSON COUNTY, NJ	
REVISIONS	DESIGN	CHD	APPRO	QUALITY  Thomas R. Chief 02-29-2024
	CAD	B2	BUS	N.J. LIC No. _____ DATE: _____
				REPLACEMENT OF SAWTOOTH BRIDGES EARLY ENABLING COMPONENTS TITLE SHEET
				AMTRAK FILE No. _____ AMTRAK Work Order No. _____ DING No. _____ GEN-0001 PERMIT SHEET No. _____ OF _____ DATE NOVEMBER 2024
				DESIGNED: G.J.H. DRAWN: G.J.H. CHECKED: B.J.S. APPROVED: B.J.S.






NOTES:  
1. ACCESS VIA NJ TURNPIKE AUTHORITY PROPERTY WILL REQUIRE ADVANCED APPROVAL FROM NJTA, AS SPECIFIED.  
2. ACCESS ROAD NOTES:  
ACCESS ROAD USE SHALL NOT DISTURB EXISTING VEGETATION OR INCLUDE ANY IMPROVEMENTS.  
3. INSTALL STABILIZED CONSTRUCTION ENTRANCE AS NECESSARY.  
4. PROVIDE SIGNS FOR CONSTRUCTION ENTRANCES IN ACCORDANCE WITH LOCAL GUIDELINES.

DESIGNED: BMW		DRAWN: BMW	CHECKED: RDS	APPROVED: RDS	CONTRACT NO.
JACOBS ENGINEERING GROUP INC.		AMTRAK Work Item No.			CONTRACT No.
CERTIFICATE OF AUTHORIZATION NO. 24CA27990200		DESIGN			DESIGN No.
BLOCK 284, LOTS 10,04, 10,06, 15,01, 16, 17,01, 17,02, 18,01, 18,02, 19, 22, 24,01, 24,03, 25, 26,01, 59;		PERMIT			PERMIT No.
BLOCK 285, LOTS 10, 16		DATE			DATE
TOWN OF KEARNY, HUDSON COUNTY, NJ		NOVEMBER 2024			NOVEMBER 2024
REVISIONS		REVISIONS			REVISIONS
DATE		DATE			DATE
1 3/24/25		1 3/24/25			1 3/24/25
INDEP COMMENTS/REMOVED DETAILS		INDEP COMMENTS/REMOVED DETAILS			INDEP COMMENTS/REMOVED DETAILS
DESIGN		DESIGN			DESIGN
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APPROV		APPROV			APPROV




412 Mt. Kemble Ave, Morristown, NJ 07960



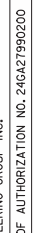
David R. Pomeroy  
Professional Engineer  
No. 00000024  
State of NJ

NOV 2024



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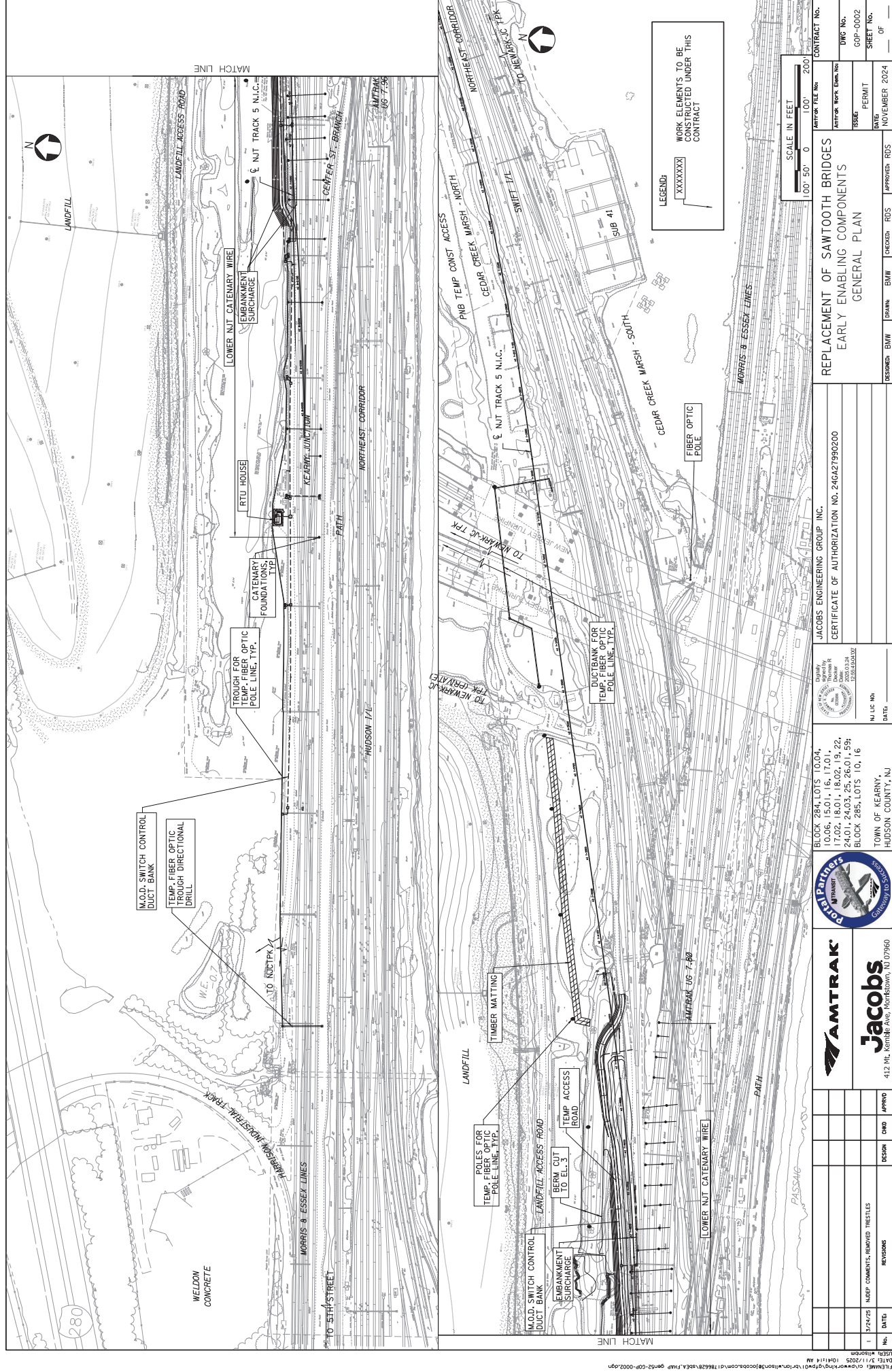
NOV 2024



David R. Pomeroy  
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No. 00000024  
State of NJ

NOV 2024





AMTRAK NOTES:

- ENVIRONMENTAL NOTES:

- REPLANTING NOTES:

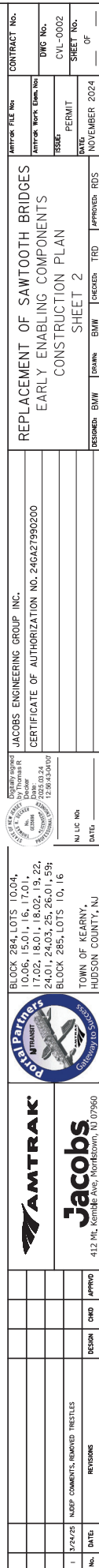
1. THE CONTRACTOR SHALL REPLANT BIPINNATE ZONE VEGETATION THAT HAS BEEN DISTURBED IMMEDIATELY AFTER COMPLETION OF THE REGULATED ACTIVITY UNLESS PREVENTED BY SEASONAL WEATHER, IN WHICH CASE THE VEGETATION SHALL BE REPLANTED AS SOON AS CONDITIONS PERMIT.
2. ALL PLANTINGS SHALL CONSIST OF NATIVE, NON-INVASIVE SPECIES AND MUST RESTORE THE IMPACTED AREA WITH EQUAL OR GREATER DENSITY AND ECOLOGICAL FUNCTION AND VALUE; REMOVED TREES MUST BE REPLACED WITH TREES AND REMOVED SHRUBS MAY BE REPLACED WITH EITHER TREES OR SHRUBS.
3. SUGGESTED TREE SPECIES: COMMON HACKBERRY (CELTIS OCCIDENTALIS), SASSAFRAS (SASSAFRAS ALBIDUM), SERVICEBERRY (AMELANCHER SPP.)
4. SUGGESTED SHRUB SPECIES: ARROWWOOD (VIBURNUM DENTATUM), BLACKHAW VIBURNUM (VIBURNUM PRUNIFOLIUM), GRAY DOGWOOD (CORNUS RACEWOSAI), RED OSIER DOGWOOD (CORNUS SERICEA).

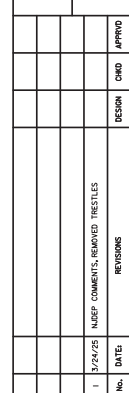
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REPLACEMENT OF SAWTOOTH BRIDGES  
EARLY ENABLING COMPONENTS  
GENERAL NOTE AND  
SHEET KEY PLAN LAYOUT

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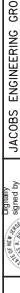





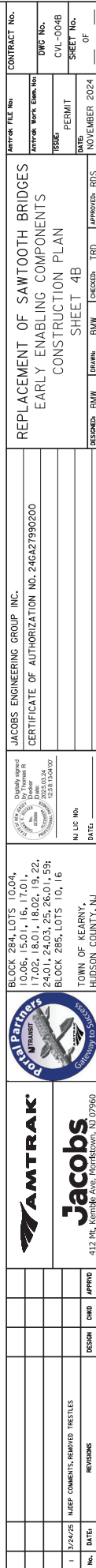






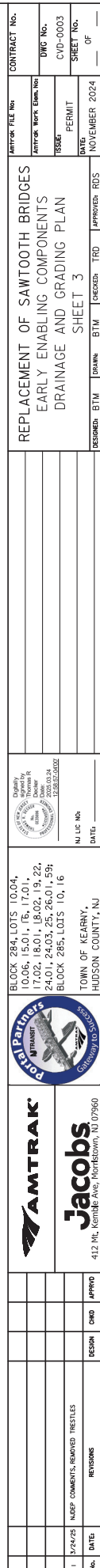


DATE	DESIGN	CHD	APPROV	 			BLOCK 284, LOTS 10.04, 10.06, 15.01, 16, 17.01, 17.02, 18.01, 18.02, 19, 22, 24.01, 24.03, 25, 26.01, 1, 59; BLOCK 285, LOTS 10, 16	TOWN OF KEARNY, HUDSON COUNTY, NJ	NJ LIC NO. 12-27-23-2007 DATES	<div><div>Authority signed by Thomas R Date 03-24 12-27-23-2007</div><div></div></div>	JACOBS ENGINEERING GROUP INC. CERTIFICATE OF AUTHORIZATION NO. 246G27990200	REPLACEMENT OF SAWTOOTH BRIDGES EARLY ENABLING COMPONENTS CONSTRUCTION PLAN SHEET 4	AMTRAK FILE NO.	CONTRACT NO.
DATE	DESIGN	CHD	APPROV	REVISIONS	3/24/25									
DATE	DESIGN	CHD	APPROV	REVISIONS	3/24/25									
DATE	DESIGN	CHD	APPROV	REVISIONS	3/24/25									

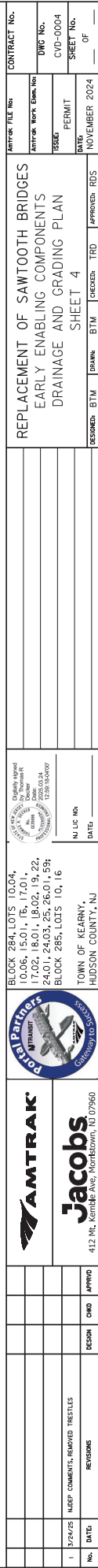








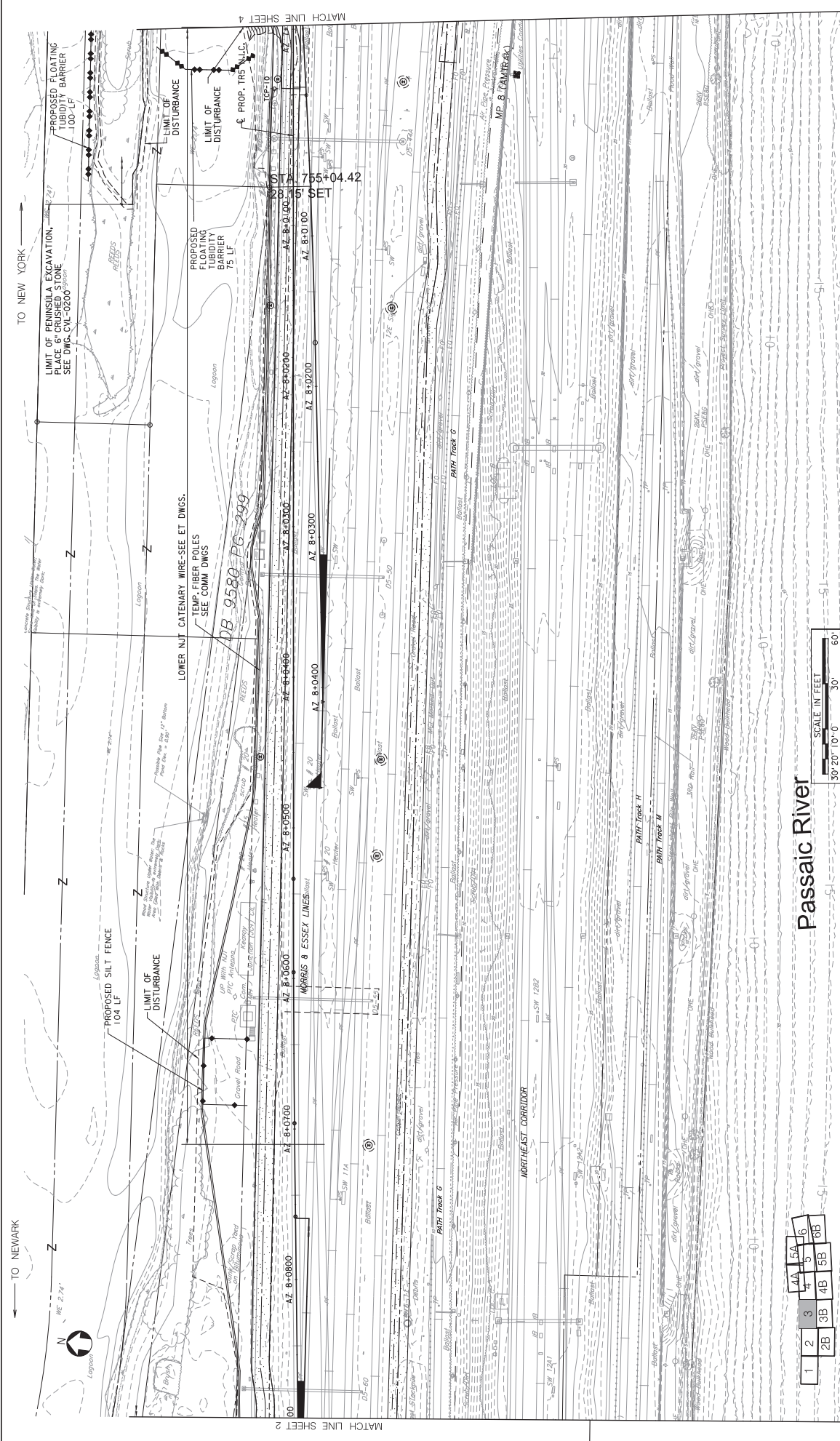












AMTRAK		REPLACEMENT OF SAWTOOTH BRIDGES EARLY ENABLING COMPONENTS SESS PLAN SHEET 3		CONTRACT NO.	
JACOBS		DESIGNED: BTM		DRAWN: BTM	
412 Mt. Kemble Ave., Morristown, NJ 07960		CHECKED: TRD		APPROVED: RDS	
BLOCK 284, LOTS 10, 04, 10, 06, 15, 01, 16, 17, 01, 17, 02, 18, 01, 18, 02, 19, 22, 24, 01, 24, 03, 25, 26, 01, 59; BLOCK 285, LOTS 10, 16		TOWN OF KEARNY, HUDSON COUNTY, NJ		DATE: NOVEMBER 2024	
AMTRAK		AMTRAK Work Item No.		CONTRACT NO.	
JACOBS		DESIGN		DRAWING NO.	
1 2 3 4 5 6 2B 3B 4B 5B 6B		REVISIONS		SHEET NO.	
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**Block 21**

Type of Material Being Discharged and the Amount of Each Type in Cubic Yards

Early Enabling Activity	Type	Amount in Cubic Yards
Fiber Optic Relocation	Timber	1271.11
Surcharge Embankment	RipRap (Open Water)	1104.85
Surcharge Embankment	RipRap (Wetlands)	225.67
Surcharge Embankment	Crushed stone/granular fill (Wetlands)	477.15

## Block 22

Early Enabling Component	Wetland Area Impact (acres)	Waters of the U.S. Impact (acres)	Means by which discharge is to be done
Surcharge Embankment	0.199	0.479	Fill will be placed in compacted lifts using standard earthwork equipment including excavators, graders, backhoes, etc.
Penninsula Grading for Fiber Optic Relocation	0.366	0.063	Fill will be placed in compacted lifts using standard earthwork equipment including excavators, graders, backhoes, etc.
Fiber Optic Relocation	0.001	0.0003	Fiber optic poles consist of a closed end tip and will be directly driven into the surface. The work will be conducted from the peninsula in Western Pond and from the access road in Northern Pond.
Timber Matting Access Road for Fiber Optic Relocation	0.116	0.201	The access road is to be installed in Northern Pond via a forklift.
Concrete Encased Duct Bank (signal power) for Fiber Optic Relocation	0.032	0.003	The concrete encased duct bank will be installed on top of crushed stone and the excavation backfilled with earthen materials based on manufacturers recommendations, using standard earthwork equipment including excavators, graders, backhoes, etc.
Maintenance Cleaning and Inspection of Drainage Pipes and Culverts	-	0.054	Cleaning/ Maintenance of existing culverts and drainage pipes by means of jetter trucks or other pressurized water equipment, backhoes, and cables.
Total	0.714	0.800	-