



EMPOWER NJ

NO FOSSIL FUEL PROJECTS

REDUCING GREENHOUSE GAS EMISSIONS IN THE TRANSPORTATION SECTOR, PROMOTING ENVIRONMENTAL JUSTICE, AND MAKING TRANSPORTATION PLANNING MORE RATIONAL, EFFECTIVE, EQUITABLE AND AFFORDABLE

REVISED APRIL 29, 2022

EmpowerNJ, a coalition of 135 environmental and community groups, submits the following proposals to reduce greenhouse gas emissions in the transportation sector as required by Executive Order 274 (“EO 274”), to require cost-benefit analyses before spending billions of dollars on highway expansions, and to consider and prioritize environmental justice in New Jersey’s transportation planning as required by Executive Order 23.

Summary of Needed Executive and Legislative Actions

- EO 274 establishes that it is State policy to reduce greenhouse gas emissions (“GHGs”) by 50% from 2006 levels (“50 x 30” Goal) and directs all State agencies to develop strategies to meet the 50 x 30 Goal. ¹ The Department of Transportation (“NJDOT”) and the New Jersey Turnpike Authority (“NJTA”) have failed to implement EO 274 and are undermining the 50 x 30 Goal. Each agency should be directed to implement EO 274 and prepare a carbon reduction strategy.
- The failure to adopt a carbon reduction strategy and the NJTA’s \$16 billion capital plan to expand the Turnpike and Parkway conflicts with federal policy and will makes New Jersey ineligible for grants available under the Bipartisan Infrastructure Law.²
- NJTA and NJDOT must perform a cost-benefit analyses on all highway expansion projects which considers (i) whether a project would increase or decrease traffic, vehicle miles traveled (“VMT”) and GHGs; (ii) potential increases in budgeted construction costs, (iii) the health, economic, and social costs of a project; and (iv) alternatives to the highway expansion. No project should proceed if it is inconsistent with the 50 x 30 Goal or would increase GHGs.
- The \$4.7 billion Turnpike expansion from Exits 14 through 14C³ which is opposed by Jersey City where most the road widening will take place, should be halted until a carbon reduction strategy and a cost-benefit analysis are prepared for public review and comment.
- NJDOT should prepare a State-wide transportation plan for funding all transportation projects – new highways, road repair, public transportation, safe streets, bikeways, greenways, and walkways – that prioritizes reducing GHG and fix-it-first projects over highway expansions, consistent with federal policy.
- The annual diversions from New Jersey Transit’s capital budget should end.

- Environmental justice must be considered in all transportation planning decisions as required by Executive Order 23⁴, something neither NJDOT nor NJTA has done.
- The protections of the environmental justice law, N.J.S.A. 13:1D-157 to -161, should be expanded to highway projects. Highway projects cause as much or more health and economic harm to overburdened communities than the projects covered by that legislation.
- There is no NJTA Board member or member of NJTA's senior staff who has expertise or a background in climate or environmental justice issues, is from an overburdened community or is African American.⁵ The NJTA Board should be reconstituted, and senior staff should be hired to address climate and environmental justice issues.
- NJT should be barred from building a 24/7 gas fired, methane producing power plant in the Meadowlands, which directly conflicts with New Jersey's climate goals.
- NJDOT and NJTA should provide for robust public input and review of its major projects, most importantly at the outset of the project and before millions of dollars are spent.

The Looming Climate Catastrophe

- The incontrovertible scientific consensus is that there must be a 45%- 50% reduction in GHGs by 2030 to limit global warming to 1.5 °C and thereby avoid climate catastrophe.⁶
- The dire February 28, 2022 report of the IPCC Working Group confirms that climate change is already causing severe and permanent loss and damage and that even temporary global warming of more than 1.5 °C would result in further irreversible harm from which recovery or adoption would be difficult, if not impossible.⁷

GHGs from the Transportation Sector

- The transportation sector accounts for 42% of the state's carbon emissions, more than the national average of 28%.⁸
- 40.6% of the State's net carbon emissions is fossil fuel-powered vehicle use. This does not consider GHGs created through the extraction, refining and distribution of fossil fuels used to run those vehicles.
- EO 274 directs NJDOT and NJTA to develop strategies to meet the 50 x 30 Goal. Each agency has failed to do so.
- Reducing the growth in VMT is critical to reducing GHGs from the transportation sector. VMT have been steadily increasing in New Jersey.⁹
- Funding highway expansions relative to other strategies is "the main driver of emissions outcomes."¹⁰
- The use of public transportation reduces GHGs relative to fossil fuel powered private cars: 76% for heavy rail, 62% for light rail, and 33% from using even fossil fuel run buses.¹¹

- Electric vehicles (EVs) will eventually reduce vehicular GHGs but will not do so in the amount needed by 2030. Less than 1% of the 250 million cars, SUVs, and light-duty trucks on the road in the United States are EVs. If 50% of new passenger cars and light trucks sales are EVs by 2030, an ambitious goal that will be hard to meet, fossil fuel powered vehicles would still make up the vast majority of the vehicles in use in 2030 and between 30% to 40% of cars in 2050.¹²
- Medium- and heavy-duty vehicles account for less than 5% of the vehicles on the road but produce 25.9% of the emissions from the transportation sector.¹³ Battery electric trucks are not expected to become cost-competitive for smaller trucks until 2030 while heavy trucks with less than 500-miles of range are not projected to be cost-competitive until 2035.¹⁴

Pollution from Vehicle Use

- Particulate matter, known as PM 2.5, is a great risk to human health and one of the most dangerous environmental pollutants.¹⁵ It is associated with premature deaths, heart and lung disease, asthma, and respiratory issues. COVID-19 mortality rates are higher in areas with more particulate pollution than in areas with even slightly less particulate pollution.¹⁶
- Particulates also create ground-level ozone, informally known as smog. Vehicles are the largest contributors to ground level ozone and are responsible for “71% of the State’s nitrous oxide emissions.”¹⁷ Ground level ozone causes respiratory diseases and premature death with children and senior citizens being among the most vulnerable.¹⁸
- In New Jersey, more than 600,000 adults and 167,000 children suffer from asthma, and thus are also particularly vulnerable to ozone pollution.¹⁹ There were also 385,665 cases of COPD, all of which were caused or exacerbated by vehicle pollution.²⁰
- In the United States, 350,000 premature deaths are attributed to fossil fuel pollution with New Jersey being among the states with the highest number of deaths per capita.²¹ Fossil fuel pollution kills more people each year than HIV, tuberculosis, and malaria combined with the U.S. having the highest estimated rate of deaths among children under the age of five from lower respiratory infections.²²
- People who live, work, or attend school near major roads have an increased incidence and severity of health problems associated with air pollution.²³
- 30% to 45% of the urban population in North America, live “next to a busy road”²⁴, a percentage that is undoubtedly higher in New Jersey with our highest in the nation population density. Vehicle pollution will directly affect people who are within 0.2 to 0.3 miles of a highway.²⁵
- All of New Jersey suffers from unhealthy air due to excess levels of ground-level ozone.²⁶ The American Lung Association gives Hudson County, the site of NJTA’s \$4.7 billion Turnpike expansion, an F grade with respect to high ozone days.²⁷

Environmental Justice

- Traffic-caused pollutants disproportionately harm people of color and low-income communities.

- Poor air quality is one reason that people of color die disproportionately from COVID-19.²⁸ African Americans are three times more likely to die from asthma.²⁹
- Climate change and car pollution increase the risk that pregnant women have premature, underweight, or stillborn babies with African American mothers affected the most.³⁰
- Black and Hispanic populations bear a “pollution burden” by being exposed to 56% to 63% more PM 2.5 pollution than non-Hispanic whites.³¹
- Highways have been disproportionately built and expanded in African American and other low income, minority communities at great economic and health costs to those communities. The 2021 federal Bipartisan Infrastructure Law provides \$1 billion in grants to tear down or refigure highways to mitigate their impact and the Biden Administration and cities around the country are attempting to increase this amount many times over.³²
- The Biden Administration stopped a \$7 billion highway expansion that would have been built in largely minority neighborhoods in Houston.³³ There is no such effort being made in New Jersey.
- EO 274 states that “minority and low-income communities are disproportionately affected by climate change, including by the health effects of higher temperatures and increased air pollution...”
- The Environmental Justice Act, N.J.S.A. 13:1D-157 to -161, recognizes that minority and low-income communities are disproportionately affected by climate change and pollution and limits the future placement and expansion of certain polluting facilities in “Overburdened Communities.”
- The Environmental Justice Act does not apply to highway projects, even though those projects can be equally or more harmful than the facilities the law covers.
- EO 23 directs all Executive Branch departments and agencies to consider environmental justice in implementing their responsibilities.³⁴
- NJTA and NJDOT have ignored EO 23 and environmental justice in its plans and decision-making. They have not issued any rules or regulations, or taken any action we are aware of, to comply with EO 23, but instead are doubling down on the failed policies of the past by expanding highways in urban areas all over the State.

Induced Demand

- Traffic studies and experience universally show that highway widenings, particularly in urban areas, will only provide temporary, if any, reduction in traffic congestion.³⁵ Ultimately, lane widening results in more driving and even greater long-term congestion, a phenomenon known as induced demand. Each mile of new highway lane increases capacity up to 2,850 vehicles/hour.³⁶
- Induced demand is a fundamental, incontrovertible principle of traffic planning.³⁷
- There are also countless real-world examples of this. Los Angeles’ I-405 freeway was completed in 2014 after five years of construction and a cost of over \$1 billion. The data shows that traffic is moving slower now on I-405 than before the widening.³⁸

- When Texas widened the Katy Freeway in Houston to more than 20 lanes in 2011, the widest in the world, at a cost of \$2.8 billion, congestion returned to previous levels within a few years, and it is now worse.³⁹
- The EPA's Guidebook on Induced Travel concluded studies showing that a 10% increase in highway capacity caused an immediate 3% to 5% increase in VMT in 1 to 2 years and a 5% to 9% increase in VMT over 10 to 20 years.⁴⁰
- Another report found that between 1993 and 2017, 30,511 new freeway lane-miles of road were built in the largest 100 urbanized areas in the country, an increase in capacity that far outstripped the population growth in those regions over the same time. Traffic delays in those urbanized areas increased by 144 %.⁴¹
- Rocky Mountain Institute ("RMI") -- a highly regarded firm dedicated to researching climate change and sustainability issues, which aided NJBPU in preparing the 2020 State Energy Master Plan, -- summarized the failed policies of highway expansions: "[R]oad expansion projects move us in the wrong direction, generating more traffic that increases climate pollution, worsens local air quality, and leads to more road crashes. Vulnerable and frontline communities bear a disproportionate burden from these impacts, including health effects from hazardous air pollutants."⁴²
- NJTA has not provided any evidence, or given any reason, why its proposed Highway Expansions will produce different results.

The NJTA's Highway Expansion Plans

- NJTA's 2020 \$24 billion capital improvement plan calls for spending more than \$16 billion over ten years to widen the New Jersey Turnpike and Garden State Parkway, overwhelmingly in the most urbanized northeastern corner of the state.⁴³ None of the projects allow for or incorporate a transit component. This amount does not include the health, social, economic, quality-of-life, and opportunity costs caused by the highway widenings.
- The costs of highway construction projects, particularly in urban areas, are often understated to hide their true costs. The Big Dig in Boston was originally scheduled to cost \$2.8 billion.⁴⁴ The final cost of the project was \$24.3 billion.⁴⁵
- When the Turnpike expansion from Exits 14 to 14C was first proposed in 2020, the budget was \$4.3 billion. It is now \$4.7 billion, and construction has not begun.⁴⁶
- Federal agencies have long incorporated health, social, economic, quality-of-life, and opportunity costs in their benefit-cost analyses. On his first day in office, President Biden issued E.O. 13990, directing those costs be updated to reflect the best available science and consider climate risk, environmental justice, and intergenerational equity.⁴⁷
- NJTA's capital plan and ten-year strategic plan do not mention GHGs, climate change or social costs of carbon and we are unaware of those matters being addressed anywhere else.

- There is no one on NJTA's Board or senior staff who has expertise or a background in climate or environmental justice issues, is from an overburdened community or is African American.⁴⁸
- The proposed lane widenings would increase VMT dramatically by increasing highway capacity. Funding highway expansions are a main driver of increased GHGs.⁴⁹
- NJTA did not include any cost-benefit analysis in its capital plan, and we are unaware of those issues being addressed anywhere else.
- NJTA's capital plan does not mention GHGs, climate change or social costs and we are unaware of those costs being addressed anywhere else.

The Jersey City Turnpike Extension Expansion

- NJTA is currently proceeding with its plan to expand the Turnpike from Exit 14 through Exit 14C, most of which runs through Jersey City.⁵⁰
- When this expansion was first proposed in 2020, the budget was \$4.3 billion. It is now \$4.7 billion and only preliminary design work has started.⁵¹
- In a January 7, 2022 letter to the NJTA, Jersey City stated its opposition to the project because i) it will produce additional traffic on city streets as there will not be any capacity change at the Holland Tunnel or its approaches; ii) it will increase pollution and noise; iii) it will not reduce traffic congestion over the long-term due to induced demand; iv) road widening projects are not a sustainable, long-term solution to meet regional travel needs; and v) it will run counter to state, regional, and local climate goals. Jersey City asked NJTA to consider an alternative that modernizes the Turnpike without expanding it.
- NJTA has not publicly addressed these concerns or the concerns of the many citizens who have expressed their opposition to the Project during public NJTA hearings.
- NJTA has only provided a cursory explanation for why its Highway Expansion Projects are being proposed and built. For example, the entire description of the \$4.7 billion Jersey City is set forth in two pages of big print with photographs taking up almost half the pages. The entirety of the explanation for spending \$4.7 billion on the Project consists of three words: Safety and Customer Satisfaction.⁵²

Federal Policy and Funding

- NJDOT's failure to adopt a carbon reduction strategy conflict with federal policy and will makes New Jersey ineligible for grants available under the Infrastructure Investment and Jobs Act, also known as the Bipartisan Infrastructure Law.⁵³
- On April 21, 2022, USDOT/FHA issued eligibility requirements to participate in a \$6 billion grant program to fund state carbon reduction strategies.⁵⁴

- By November 15, 2023, States are required to develop a carbon reduction strategy to reduce transportation emissions and identify projects and strategies to reduce these emissions.
- Each carbon reduction strategy is required to facilitate the use of alternatives to single occupant vehicle trips, including public transportation, bikeways and walkways.
- A wide variety of carbon reduction strategies are eligible for funding, including “certain types of projects to include traffic flow” with one notable exception, they cannot “involve construction of new capacity.” Projects to add general-purpose lane capacity for single occupant vehicle use will not be eligible absent analyses demonstrating emissions reductions over the project’s lifecycle
- By dedicating the bulk of NJTA’s capital funds on highway expansions rather than fix-it-first projects, NJDOT and NJTA are also in direct conflict with federal policy.
- In December 2021, the Federal Highway Administration issued a memo regarding projects to be funded under the Bipartisan Infrastructure Bill, which prioritized repairing and maintaining “existing transportation infrastructure before making new investments in highway expansions.”⁵⁵
- A 2021 report found that 36% of the state’s highways are deficient (rough and/or distressed), 529 bridges are structurally deficient and 2,367 need repairs. The price tag for unfunded fix-it-first projects is more than \$10 billion -- at least \$8.6 billion for bridges and \$679 million for just the top 500 state road projects over the next few years, which doesn’t even include needed repairs to the far larger network of local and county roads.⁵⁶
- Investments are needed in road safety to address the skyrocketing number of vehicular fatalities since the pandemic. From 2020 to 2021, New Jersey vehicular fatalities increased by 19.9%, from 587 to 701. Year to date as of March 24, 2022, fatalities have increased another 9.9%.⁵⁷

NJT’s Unfunded Capital Plans

- The New Jersey Energy Master Plan (EMP) calls for, among other things, a concerted effort to expand public transportation options and reduce VMT which “will also yield many economy-wide financial and health benefits.”⁵⁸
- Many crucial projects in New Jersey Transit’s s five-year and ten-year capital plan are unfunded.⁵⁹ Since 1990, \$10 billion has been diverted from NJT’s Capital Budget to cover NJT operating expenses with \$1.7 billion having been diverted in the last four years.⁶⁰ The proposed FY 2023 budget calls for \$362 million to be diverted from NJT’s capital account to pay for operating expenses.
- NJTA’s contributions to NJT have recently increased but have been erratic. It was \$154M in FY 2019 and \$129M in FY 2020 and 2021 as compared to an average of \$295 million in fiscal years 2013-2016. The April 20, 2021 MOU between Treasury and NJTA provides for payments of \$350M in FY 2022; \$746M in FY 2023; \$465M in FY 2024; \$480M in FY 2025; \$495M in FY 2026; \$510M in FY 2027 and \$525M in FY 2028.⁶¹
- The MOU can be unilaterally revoked by NJTA or Treasury. Section 2.02 provides that funding after FY 2021 “is subject to approval [by NJTA] as part of the corresponding year’s Annual Budget.”

- With the end of federal COVID funding through the American Rescue Plan and additional federal stimulus funding, NJT is projecting a \$550 million deficit in its \$3 billion budget for its FY26 budget, which is being described as a fiscal cliff.⁶²
- Crucial NJT projects are not being funded or are moving at a snail's pace. Electric buses are a prototypical example. NJT did not approve its first order of electric buses until October 2021⁶³ and is finally planning on putting those eight electric buses into service later this year.⁶⁴ This is years after other public transit systems have done so.
- Los Angeles ordered 155 electric buses in 2020 as part of its plan to fully electrify its fleet by 2028.⁶⁵ In 2021, Los Angeles phased out all its fossil-fuel run buses on its popular G Line and replaced them with 40 zero-emissions electric buses.⁶⁶ California has in total 1,400 electric buses in use or on order.⁶⁷
- Transit systems with fewer bus riders than NJT are using and purchasing far more electric buses than NJT. King County Metro (Seattle) first started using and testing electric buses in 2016; it leased ten more electric buses in 2018-19 and ordered 40 more electric buses in 2021.⁶⁸ Austin, Texas ordered 197 electric buses in 2021.⁶⁹ Denver has 36 electric buses in use.⁷⁰
- The slow pace of NJT's bus electrification program will almost certainly put it in violation of the omnibus EV bill (S2252/A4819), signed into law by Governor Murphy in January 2020, which mandates that NJT electrify 10% of its bus fleet purchases by December 2024.
- A recent Star-Ledger editorial correctly summarizes the situation this way:
 "Once again, Murphy is stitching together a \$2.75 billion budget that includes another massive raid of the capital budget, which compromises crucial infrastructure projects. This abysmal habit of shifting seed money into operations has cost the agency about \$10 billion in potential investments over the last few decades, which is a good reason why NJ Transit still has no electric buses, why its light rail projects have stalled, and why its rail passengers still bounce inside those creaky, 40-year-old Arrows."⁷¹

The Economic Benefits of Public Transportation vs Highway Expansions

- Besides for reducing GHGs, VMT and traffic congestion, funding public transportation projects creates more jobs and economic growth than highway expansions.
- A Rutgers report submitted with NJT's capital plans details how, if fully funded, the 5-year plan "would generate significant direct and spillover impacts within the New Jersey economy creating jobs and economic activity throughout the state." Project spending in the first five years would generate an estimated \$13.3 billion in economic output in the state, supporting 60,000 direct, indirect, and induced jobs and providing \$3.7 billion in employee compensation. The 10-year capital plan would generate \$54.9 billion in economic output in New Jersey, 245,000 jobs and \$15 billion in employee compensation.⁷²
- In contrast to the Rutgers NJT study, NJTA has not provided any analysis showing that the highway expansions would produce economic growth other than in one-time construction jobs.

- Other research shows that public transportation projects produce even more jobs and economic growth. One study found that each \$1 billion invested in public transportation produces \$5 billion in GDP growth and 49,000 jobs.⁷³ Public transportation projects generally generate 31% more jobs/dollar spent than expanding highways.⁷⁴
- Public transportation particularly benefits low-income families and essential workers, providing them with increased access to jobs and allowing them to spend less on housing and transportation as a percentage of their income.⁷⁵
- The economic and population growth in Hudson County illustrates the benefits of public transportation. The population of Hudson County grew 14.3% between 2010 and 2020, making it the fastest growing county in New Jersey.⁷⁶ That growth was fueled by public transportation, not highways.
- Harrison’s population has grown 99% from 2010 to 2022⁷⁷, a direct result of the PATH station located there.⁷⁸
- Bayonne was one of the fastest growing municipalities in New Jersey between 2010 and 2020 as a direct result of the Hudson-Bergen Light Rail line.⁷⁹
- Hoboken’s explosive growth is due in substantial part to its “easy access to public transportation.”⁸⁰

The Inaction of NJDOT and NJTA with respect to GHGs and Environmental Justice

- Neither NJDOT nor NJTA has regulations that mentions GHGs or climate change.
- NJDOT’s web site lists 46 research projects that have been completed or in progress since 2017 and none of them involves climate change or GHGs.

TRANSITGRID

- NJT remains intent on building a methane fired gas plant in the Meadowlands, the TRANSITGRID Project, despite Governor Murphy direction to redesign the project primarily using renewable energy.
- NJT’s RFP required all bidders to submit design proposals for a centralized energy generation facility, which for all practical purposes eliminated renewable options, such as solar, that would require the use of land outside the site where the plant is located.⁸¹
- The power plant would not just come online in case of an outage, the initial reason for the project, but would run 24/7.
- The RFP will allow NJT’s methane plant to emit 600,000 tons of CO2 per year along with other toxic pollutants into the air in the Kearny/Newark area, an already overburdened community.⁸² It only calls for a “transition” to net carbon neutrality by 2050, with no intermediate milestones or plans.

Actions by Other States

- Numerous other States are taking actions consistent with the rules proposed here.
- In December 2021, Colorado’s DOT adopted climate change regulations that are aimed to redirect funding away from highway expansions and toward projects that cut vehicle pollution, such as buses and bike lanes. Under the new rules, local governments must estimate GHGs expected from future road projects, factoring in induced traffic with a long and short term VMT analysis. Those plans will have to adhere to an overall emissions budget. If localities want to expand highways, they need to offset the extra emissions with cleaner projects, such as public transit, bicycle trails, electric-vehicle chargers, car-pooling or land-use changes that help limit suburban sprawl.⁸³
- Colorado’s DOT rules should be a model for NJTA to build on.
- In March 2020, Oregon’s Governor Kate Brown issued Executive Order 20-04, which, like EO 274, calls for Oregon to reduce GHG emissions to at least 45 percent below 1990 emissions levels by 2035 and directed state agencies to take action to meet this goal.⁸⁴
- Oregon’s DOT then adopted a five-year Climate Action Plan to address the impacts of climate change and extreme weather on the transportation system in Oregon, which includes actions to reduce GHGs from transportation, improve climate justice and make the transportation system more resilient to extreme weather events.⁸⁵ Oregon considers GHGs when deciding what projects to fund at each stage of the development of a project.⁸⁶
- California prioritizes emissions reductions as part of the state’s transportation plan.⁸⁷ The state will now measure induced traffic during environmental reviews of new highways and plans to prioritize funding toward fixing existing roads rather than building new ones.
- Last year, officials halted a plan to widen the 710 freeway, which carries truck traffic from the Port of Long Beach, over concerns that it would displace residents in low-income neighborhoods and worsen air pollution.⁸⁸
- Washington’s DOT regulations require an EIS to be completed prior to the approval of the location or design of a project.⁸⁹ Those regulations also require all environmental, social, and economic effects be considered in all its actions.⁹⁰
- In Virginia, transportation planners were considering whether to alleviate traffic jams on I-95 between Fredericksburg and Washington by adding two extra lanes at a cost of \$12.5 billion. Ultimately, understanding the first law of traffic congestion, that adding lane capacity results in induced demand and does little if anything to solve congestion, Virginia decided to instead spend \$3.7 billion to expand commuter rail service.⁹¹
- Oregon, Massachusetts and Washington all have policies to create walkable, bikeable neighborhoods, well connected by affordable, frequent transit.⁹²

Summary of the Required Actions

- NJDOT and NJTA must develop a state-wide carbon reduction plan to comply with EO 274 and federal policy and to make New Jersey eligible for federal funding.
- Before commencing any Highway Expansion Project, NJTA and NJDOT must show that the Project does not conflict with the 50 x 30 Goal and prepare a cost-benefit analysis, which includes a traffic study, health and social costs, and alternatives to highway expansions.
- The \$4.7 billion Turnpike expansion from Exits 14 through 14C should be halted until a climate action plan and a cost-benefit analysis are prepared for public review and comment.
- NJDOT should prepare a State-wide transportation plan for funding all transportation projects – new highways, road repair, public transportation, safe streets, bikeways, greenways, and walkways –that prioritizes reducing GHG and fix-it-first projects over highway expansions, consistent with federal policy.
- The annual raids from New Jersey Transit’s capital budget should end.
- NJDOT and NJTA must consider and prioritize environmental justice in all transportation planning decisions as required by Executive Order 23 and reject any projects that disproportionately harm Overburdened Communities.
- The NJTA Board should be reconstituted with representation from Overburdened Communities and with members having expertise and a background in climate or environmental justice issues. Senior staff should be similarly reconfigured.
- NJT should be barred from building a 24/7 gas fired, methane producing power plant in the Meadowlands.
- NJDOT and NJTA should provide for robust public input and review of its major projects, most importantly at the outset of the project and before millions of dollars are spent.

EmpowerNJ by its Steering Committee members John Reichman, BlueWaveNJ; Doug O’Malley, Environment New Jersey; David Pringle and Eric Benson, Clean Water Action; Matt Smith, Food & Water Watch; Tracy Carluccio, Delaware Riverkeeper Network; and Ken Dolsky, Don’t Gas the Meadowlands Coalition.

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SOURCES AND ENDNOTES

¹ <https://nj.gov/infobank/eo/056murphy/pdf/EO-274.pdf>

² https://www.fhwa.dot.gov/environment/sustainability/energy/policy/crp_guidance.pdf

³ https://www.njta.com/media/5832/2020_njtalongrangecapitalplan_v1-as-approved-may-2020.pdf

⁴ <https://nj.gov/infobank/eo/056murphy/pdf/EO-23.pdf>

⁵ <https://www.njta.com/about/board-of-commissioners>

⁶ “Intergovernmental Panel on Climate Change Special Report on Global Warming of 1.5C” (October 2018). <https://www.ipcc.ch/sr15/>

⁷ Sixth Assessment Report of the Intergovernmental Panel on Climate Change, Climate Change 2022 Impacts, Adaptation and Vulnerability, https://report.ipcc.ch/ar6wg2/pdf/IPCC_AR6_WGII_FinalDraft_FullReport.pdf

⁸ Energy Master Plan (“EMP”) at 12, 40; https://nj.gov/emp/docs/pdf/2020_NJBPU_EMP.pdf

⁹ In 1989, VMT was roughly 52.2 billion. In 2017, it was 77.5 billion. Miles of roads increased from 33,879 miles in 1984 to 38,896 miles in 2017 (EMP at 78). Only 12% of the State’s commuters use mass transit. (*Id.*) EMP at 78

¹⁰ <https://www.georgetownclimate.org/articles/federal-infrastructure-investment-analysis.html>

¹¹ New Jersey’s Global Warming Response 80 X 50 Report, October 15, 2020; “Transit’s Role in Environmental Stability.” Federal Transit Administration.” (December 2015) www.transit.dot.gov

¹² <https://graphics.reuters.com/AUTOS-ELECTRIC/USA/mopanyqxwva/>

¹³ <https://www.epa.gov/system/files/documents/2022-04/us-ghg-inventory-2022-main-text.pdf>

¹⁴ <https://www.energy.gov/articles/doe-projects-zero-emissions-medium-and-heavy-duty-electric-trucks-will-be-cheaper-diesel>

¹⁵ <https://www.epa.gov/pm-pollution/particulate-matter-pm-basics>

¹⁶ <https://www.nrdc.org/stories/air-pollution-everything-you-need-know>

¹⁷ EMP at 59

¹⁸ <https://www.epa.gov/pm-pollution/particulate-matter-pm-basics>; <https://www.nrdc.org/stories/fossil-fuel-air-pollution-kills-one-five-people>; Vohra, K., Vodonos, A., Schwartz, J., Marais, E.A., Sulprizio, M.P., Mickley, L.J., *Global mortality from outdoor fine particle pollution generated by fossil fuel combustion: Results from GEOS- Chem, Environmental Research*, <https://doi.org/10.1016/j.envres.2021.110754>

¹⁹ See New Jersey Department of Health, “Asthma in New Jersey,” at <https://www.nj.gov/health/fhs/chronic/asthma/in-nj/>

²⁰ <https://www.lung.org/research/sota/city-rankings/states/new-jersey>

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- ²¹ <https://www.hsph.harvard.edu/c-change/news/fossil-fuel-air-pollution-responsible-for-1-in-5-deaths-worldwide/>
- ²² <https://www.nrdc.org/stories/fossil-fuel-air-pollution-kills-one-five-people>; Vohra, K., Vodonos, A., Schwartz, J., Marais, E.A., Sulprizio, M.P., Mickley, L.J., *Global mortality from outdoor fine particle pollution generated by fossil fuel combustion: Results from GEOS-Chem*, *Environmental Research*, <https://doi.org/10.1016/j.envres.2021.110754>
- ²³ <https://www.epa.gov/mobile-source-pollution/how-mobile-source-pollution-affects-your-health>
- ²⁴ <https://www.lung.org/clean-air/outdoors/who-is-at-risk/highways>
- ²⁵ Id.
- ²⁶ EMP at 59; U.S. EPA, Green Book, Current Nonattainment counties for All Criteria Pollutants (NJ), at <https://www3.epa.gov/airquality/greenbook/ancl.html#NJ>; U.S. EPA New Jersey 8-hour Ozone Nonattainment Areas (2008 Standard), at https://www3.epa.gov/airquality/greenbook/map/nj8_2008.pdf; U.S. EPA New Jersey 8-hour Ozone Nonattainment Areas (2015 Standard), at https://www3.epa.gov/airquality/greenbook/map/nj8_2015.pdf
- ²⁷ <https://www.lung.org/research/sota/city-rankings>
- ²⁸ Harvard T.L. Chu School of Public Health hsph.harvard.edu/news/hsph-in-the-news/air-pollution-linked-with-higher-COVID-19-death-rates/. See also “New Research Links Air Pollution to Higher Coronavirus Death Rates,” *New York Times* (4/7/2020)
- ²⁹ Asthma Facts.” Asthma and Allergy Foundation (May 2016). www.aafa.org/asthma-facts/
- ³⁰ Climate Change Tied to Pregnancy Risks, Affecting Black Lives Most,” *New York Times* (6/18/2020) www.nytimes.com
- ³¹ Christopher W. Tessum, Joshua S. Apte, Andrew L. Goodkind, Nicholas Z. Muller, Kimberley A. Mullins, David A. Paoella, Stephen Polasky, Nathaniel P. Springer, Sumil K. Thakrar, Julian D. Marshall, and Jason D. Hill. *Inequity in consumption of goods and services adds to racial-ethnic disparities in air pollution exposure*. *Proceedings of the National Academy of Sciences*, March 11, 2019; DOI: [10.1073/pnas.1818859116](https://doi.org/10.1073/pnas.1818859116)
- ³² <https://www.fastcompany.com/90665038/the-senate-infrastructure-bill-includes-1-billion-to-address-devastation-caused-by-freeways-experts-say-its-not-enough>
- ³³ <https://www.politico.com/news/2021/04/01/dot-texas-highway-equity-478864>
- ³⁴ <https://nj.gov/infobank/eo/056murphy/pdf/EO-23.pdf>
- ³⁵ [https://en.wikipedia.org/wiki/Induced_demand_\(collecting_studies\)](https://en.wikipedia.org/wiki/Induced_demand_(collecting_studies)); Adam Mann, *What’s Up With That Building Bigger Roads Actually Makes Traffic Worse*, *WIRED*, June 17, 2014, <https://www.wired.com/2014/06/wuwt-traffic-induced-demand/>;
Lewis M. Fulton et al., *A Statistical Analysis of Induced Travel Effects in the U.S. Mid-Atlantic Region*, *J. TRANSP. & STAT.* 2 (2000).
- ³⁶ “Traffic Data Computation Method Pocket Guide, “USDOT.” (August 2018). https://www.fhwa.dot.gov/policyinformation/pubs/pl18027_traffic_data_pocket_guide.pdf

-
- ³⁷ Duranton, Gilles, and Matthew A. Turner. 2011. "The Fundamental Law of Road Congestion: Evidence from US Cities." *American Economic Review*, 101 (6): 2616-52.
<https://www.aeaweb.org/articles?id=10.1257/aer.101.6.2616>
- ³⁸ <https://www.vox.com/2014/10/23/6994159/traffic-roads-induced-demand>
- ³⁹ <https://cityobservatory.org/reducing-congestion-katy-didnt/>
- ⁴⁰ <https://nepis.epa.gov/Exe/ZyNET.exe/94004L98.txt?ZyActionD=ZyDocument&Client=EPA&Index=2016%20Thru%202020%7C2011%20Thru%202015%7C2000%20Thru%202005%7C2006%20Thru%202010%7CPrior%20to%201976%7C1976%20Thru%201980%7C1981%20Thru%201985%7C1986%20Thru%201990%7C1991%20Thru%201994%7C1995%20Thru%201999%7>
- ⁴¹ The Congestion Con, <http://t4america.org/maps-tools/congestion-con/>
- ⁴² <https://rmi.org/if-you-build-it-the-cars-and-the-pollution-will-come/>
- ⁴³ https://www.njta.com/media/5832/2020_njtalongrangecapitalplan_v1-as-approved-may-2020.pdf
- ⁴⁴ https://en.wikipedia.org/wiki/Big_Dig
- ⁴⁵ <https://www.wbur.org/news/2012/07/12/7-things-that-cost-less-than-the-big-dig>
- ⁴⁶ <https://www.nj.com/news/2022/01/opposition-mounts-to-47b-plan-to-widen-the-highway-to-the-holland-tunnel.html>
- ⁴⁷ <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-protecting-public-health-and-environment-and-restoring-science-to-tackle-climate-crisis/>;
https://www.whitehouse.gov/wpcontent/uploads/2021/02/TechnicalSupportDocument_SocialCostofCarbonMethaneNitrousOxide.pdf
- ⁴⁸ <https://www.njta.com/about/board-of-commissioners>
- ⁴⁹ <https://www.georgetownclimate.org/articles/federal-infrastructure-investment-analysis.html>
- ⁵⁰ https://www.njta.com/media/5124/njta-stratplan_public-v29.pdf
- ⁵¹ <https://www.nj.com/news/2022/01/opposition-mounts-to-47b-plan-to-widen-the-highway-to-the-holland-tunnel.html>
- ⁵² https://www.njta.com/media/5124/njta-stratplan_public-v29.pdf
- ⁵³ https://www.fhwa.dot.gov/environment/sustainability/energy/policy/crp_guidance.pdf
- ⁵⁴ https://www.fhwa.dot.gov/environment/sustainability/energy/policy/crp_guidance.pdf
- ⁵⁵ https://www.fhwa.dot.gov/bipartisan-infrastructure-law/building_a_better_america-policy_framework.cfm;
<https://www.investing.com/news/economy/usdot-recognizes-states-role-in-highway-spending-decisions-buttigieg-2775383>
- ⁵⁶ <https://tstc.org/wp-content/uploads/2020/04/Rail-and-Road-To-Recovery-Final.pdf>
- ⁵⁷ <https://www.nj.gov/njsp/info/fatalacc/2020-stats.shtml>

⁵⁸ EMP at 14; https://nj.gov/emp/docs/pdf/2020_NJBPU_EMP.pdf

⁵⁹ <https://njtplans.com/downloads/capital-plan/NJ%20TRANSIT%202021%20Capital%20Plan%20Update%20Appendix%20A%20Final.pdf>

⁶⁰ <https://www.bloomberg.com/news/articles/2022-03-30/murphy-s-flat-nj-transit-fares-leave-major-projects-short-funds>

⁶¹ State Public Transportation Projects Funding Agreement for New Jersey Between the New Jersey Turnpike Authority and the Treasurer of the State of New Jersey

⁶² <https://www.bloomberg.com/news/articles/2022-03-30/murphy-s-flat-nj-transit-fares-leave-major-projects-short-funds>

⁶³ <https://www.njtransit.com/press-releases/nj-transit-approves-purchase-eight-new-electric-buses>

⁶⁴ <https://www.njtransit.com/press-releases/nj-transit-unveils-new-electric-bus-charging-infrastructure-camden>

⁶⁵ <https://www.masstransitmag.com/bus/vehicles/hybrid-hydrogen-electric-vehicles/article/21126694/los-angeles-will-see-delivery-of-155-electric-buses-in-the-next-two-years>.

⁶⁶ <https://www.metro.net/about/l-a-metro-now-running-all-zero-emission-electric-buses-on-the-g-orange-line-in-the-san-fernando-valley/>

⁶⁷ <https://www.smartcitiesdive.com/news/more-electric-buses-arriving-in-city-transit-fleets/617072/>

⁶⁸ <https://kingcounty.gov/depts/transportation/metro/programs-projects/innovation-technology/zero-emission-fleet.aspx>

⁶⁹ <https://www.capmetro.org/news/details/2021/09/27/capital-metro-board-approves-nation-s-largest-electric-vehicle-procurement>

⁷⁰ <https://www.rtd-denver.com/projects/battery-electric-bus-fleet>

⁷¹ <https://www.nj.com/opinion/2022/03/murphy-still-playing-shell-games-with-nj-transit-editorial.html>

⁷² “Economic Impact of NJ Transit’s Five year Capital Plan.” Rutgers Center for Advanced Information and Transportation (June 5, 2020) www.njtplans.com

⁷³ <https://www.apta.com/wp-content/uploads/APTA-Economic-Impact-Public-Transit-2020.pdf>

⁷⁴ “Recent Lessons from the Stimulus: Transportation Funding and Job Creation.” *Smart Growth America*, February 2011, <https://smartgrowthamerica.org/app/legacy/documents/lessons-from-the-stimulus.pdf>

⁷⁵ “The Economic Impacts of a \$1.65 Billion Increase in Capital Investments” by the New Jersey Turnpike Authority, New Jersey Transit and the South Jersey Transportation Authority, May 2020, prepared by American Road to Transportation Builders Assn. Households

⁷⁶ https://en.wikipedia.org/wiki/Hudson_County,_New_Jersey

⁷⁷ <https://worldpopulationreview.com/us-cities/harrison-nj-population>

⁷⁸ <https://www.nytimes.com/2019/10/23/realestate/harrison-nj-the-next-hoboken.html>

⁷⁹<https://www.tapinto.net/towns/bayonne/sections/economic-development/articles/population-growth-shows-bayonne-s-success-points-to-better-things-to-come-davis-says>

⁸⁰ <https://www.nj.com/hudson/2016/06/census-figures-show-secaucus-population-boom.html>

⁸¹ <https://www.njtransit.com/procurement/calendar>; <https://www.nj.com/news/2022/02/environmentalists-slam-nj-transits-plan-for-power-plant.html>

⁸² <https://njtransitresilienceprogram.com/wp-content/uploads/2019/05/07-Chapter-7-Greenhouse-Gas-Emissions.pdf>

⁸³ 2 CCR 601-22

⁸⁴ https://www.oregon.gov/odot/Programs/Documents/Climate_Action_Plan_2021-2026.pdf

⁸⁵ Id.

⁸⁶ https://www.oregon.gov/odot/Programs/Documents/Appendix_A_Climate_Action_Plan_2021-2026.pdf

⁸⁷ AB285

⁸⁸ <https://www.latimes.com/california/story/2021-05-22/710-freeway-expansion-stalls>

⁸⁹ WAC 468-12-055.

⁹⁰ WAC 468-12-660

⁹¹ <https://www.washingtonpost.com/transportation/2021/06/15/virginia-amtrak-passenger-rail/>

⁹² USCA 2021 Annual Report FurtherFasterTogether;
https://static1.squarespace.com/static/5a4cfbfe18b27d4da21c9361/t/61ba44e0a217c56296a76953/1639597299217/USCA_2021+Annual+Report_FurtherFasterTogether.pdf