

**Attachment A-2:**  
**Web and Email Comments Attachments**

**Nathan Kerr | 5/24/16 | 12:31 PM**

"I am writing with regards to the third track proposal for the LIRR. I currently am a resident of Greenlawn and have commuted from various stations (Wantagh, Merillon Ave, Huntington, Greenlawn) for more than 20 years into Manhattan. Long Island has been for many years a NIMBY community. I understand this mentality as more large scale housing projects are being jammed into areas such as Huntington, Greenlawn, Northport as well as many other communities as a way to keep the young from leaving Long Island and providing thriving "downtown" communities. I personally am against many of these planned housing projects because it fundamentally changes these communities with not much thought of downside ramifications such as schools, traffic, removal of open space etc. However I also realize that when you do not improve the communities people will leave. I was extremely disappointed to see the constant refusal to renovate the Nassau Hub and Coliseum which would have spurred development in an area that is mainly a huge wasteland. The Islanders left for Brooklyn taking a part of the Island culture away. Relatively few people had a major say and blocked a project that wouldn't just help Nassau but Long Island. Investing in the infrastructure is extremely important. I will be the first to say that when I get to retirement age I long to leave the overcrowded and over expensive Long Island. Time will tell if that occurs. Until that day comes I wish that the LIRR could make my daily commute easier. My wife (who works in Melville) and I have made the conscious choice to live on the Island in a nice house as opposed to Queens or Manhattan making my commute shorter. However due to poor infrastructure not many major companies have opened shop on the Island forcing me and hundreds of thousands to commute to Manhattan to make a living. It makes absolutely no sense that there are only 2 tracks on the main line where 2 of the largest branches connect in and then meet up with 2 more along the way. As soon as there are signal problems, equipment problems, a broken rail, a truck that hits an overpass, a car that is caught on the tracks (all have happened to me) massive delays occur. When I tell people outside of this region that I live approximately 40 miles from my job and on a good day it takes 90 minutes to get to work, they look at me like I am crazy. And if I decide to go out at night and take an off-peak train back that ride easily can last 1hr 15min with a transfer and then a drive.

I realize it is easy for me to say build the 3rd track because I will benefit while some may suffer in Nassau. I get that. But if what I have read is true, there will be very little displacement of businesses/residents. Grade level crossings will be eliminated which improves traffic in those communities. More express service can be offered for passengers coming from Western Suffolk where many of these Avalon Bay type developments are going up. And the easier it is to get to and from Long Island, the more competitive a region it becomes to attract companies to set up shop and allow residents to work closer to home and draw top talent from NYC to "reverse commute." It also allows for residents to commute intra-island which many do not do. Like it or not, Long Island will continue to expand eastward with these large scale residential projects because the housing is more affordable. The LIRR needs to keep up with rising demand. Adding a 3rd track allows for expansion of capacity in the system to accommodate these passengers as well as handle the flow of a 2nd track on the Ronkonkoma Branch and hopeful addition of a 2nd track/electrification of the Port Jefferson branch. "

**Patrick Maloney | 5/27/16 | 10:56 AM**

1. With your next publication, please provide residents with proposed timetables showing improved service to the following stations resulting from the proposed Third Track: Floral Park, New Hyde Park, Merillon Avenue, Mineola, Carle Place, Westbury, and Hicksville.
2. How can the same Third Track serve the opposing purposes of a. facilitating reverse commuting and b. providing the ability to bypass disabled trains going in the opposite direction?
3. The scoping document on page 2 refers to frequent delays on the main Line, however the latest edition of the LIRR Train Talk shows that on average 95% of peak times are on-time. How do you justify a \$1,000,000,000 project for at most a 5% increase in on-time performance?
4. The Scoping document does not address the impact of the Third Track on Hempstead Line service. Since there is no increase in track space between Floral Park and Jamaica, will not the Third Track cause reduced rail capacity for the Hempstead Line?
5. What is the extent of the current LIRR right of way, and how wide will the new roadbeds be in total?
6. If traffic safety is important, and the elimination of at grade crossings is the carrot accompanying stick of track expansion, why is there no project to eliminate grade crossings at other locations? Research has not uncovered any fatal accidents at crossings between Floral Park and Hicksville since 1982, but several much more recent accidents in Suffolk County.
7. The Scoping Document refers to there being no eastbound service for 90 minutes during the morning peak period. However, the LIRR peak period is longer (and higher fares are charged) for more than 90 minutes. There are 11 trains between Jamaica and Mineola during the AM Rush, fully 50% of the number of westbound trains. How much more service is needed? Also, will the LIRR charge peak fares for reverse commuting, as Metro-North does on trains from GCT to White Plains in the morning rush?
8. If the 12th Street crossing is eliminated, what will be the impact on traffic on New Hyde Park Rd.?
7. If the third track is such an important project, why is it not included in the MTA Capital Budget for 2015-2019?
8. Where is the existing transportation infrastructure to get reverse commuters from LIRR stations to their work locations? Who will pay for it and what will be the environmental impact of increased bus traffic or Uber/cabs from stations to remote work locations?
9. A review of the New York & Atlantic Railway website shows 9 Long Island freight facilities either under construction or available. What does the NY&AR carry?  
Lumber, Paper, Building materials, Plastic, Aggregates Food products, Recyclables (garbage).  
Annual volume: 28,000 carloads (76 freight cars every day of the year)  
On March 9, 2016 NY&AR received the award from CSX for highest carload growth in the Northeast. How do these facts comport with the scoping document's statement that the Third Track will not increase freight operations?
10. Another MTA/LIRR project, East Side Access, is a currently projected to be completed 10 years late and more than 100% over budget. How will the Third Track Project be better run? What is the realistic construction time frame?
11. How will the MTA will assess the compatibility of the Proposed Project community character within the Study Area as claimed in the Scoping Document?
12. What will be the impact on the Garden City Bird Sanctuary and Nassau Haven Park in Garden City which abut the Main Line and Tullamore Park in Garden City which sits across Main Ave. from the Main Line?
13. Why is traffic being monitored in New Hyde Park as an impacted area, when several of the streets being changed lie in Garden City?

14. What mitigation systems exist to reduce noise pollution and vibration from the increased traffic? Will installation of mitigation systems require yet more construction and delay completion?
15. It should be stipulated that there is contaminated soil, etc. along the Main Line. What will the protections be for homes and recreation areas in the path of construction, and how will this increase the project in scope, cost and duration?
16. The Scoping Document refers to consideration of new sections of elevated track. Where are these contemplated?
17. The Scoping Document does not speak to how the project will be financed, since the money for the project is not in the MTA's capital budget that runs through 2019, where is the money coming from? Will it result in a billion dollar fare increase, or a new MTA payroll tax or a State Income Tax surcharge on Long Island residents?

#### Haroon Chohan | 5/30/16 | 11:02 AM

I live on Greenridge Ave and along with my neighbors, we will be directly impacted by the project not just one time but twice. Once with the addition of the third rail and twice because of the proposed Kiss and Ride options for Greenridge Avenue. We will be impacted by the increased train traffic in the back of our homes and the increased vehicle traffic in front of our homes. The scoping document states that this project will relieve congestion. What congestion is this project expected to relieve? From my perspective, with the frequency and the speed in which the trains race past our homes, there is no congestion. I think the only congestion this project is looking to alleviate involves freight trains. These freight trains idle and move along on the tracks in the middle of the night generating unbelievably loud bangs and shrieks. In the mornings, they rumble past at high speeds with their exposed cargo. I have hours and hours of recordings capturing the frequency of the passenger trains and freight trains with their blaring horns. I understand that the proposed elimination of the grade crossings will eliminate the train horns and I am 100% in support of that but what is being done to reduce or eliminate the vibrations and noise caused by the trains rumbling past as frequently as they do? I really need to understand this and project officials need to clearly state and describe this in any further documentation. 1. The tracks right behind all the backyards of the homes along Greenridge Avenue are already very close to the properties. I can walk to the back of my yard, look over the fence and see the track. If I stand there, I can waive to the passengers as they go by and clearly see their facial expressions. I can't imagine how much closer the trains will be with the third rail. Where exactly is the third rail going to go? I, WE, need to better understand exactly where the proposed third rail will be and the scoping document needs to better define and outline the rail road right way. 2. If and when the third rail is completed, the increased train traffic will mean there will be more noise. What is being done to address this issue? Every new highway construction project has sound barriers to minimize highway noise. Highway traffic is nowhere near or close to the sound these trains and their horns generate. I invite anyone on the scoping committee to stand in my yard for 15 minutes. Trains are so frequent and the horns are so loud, it is impossible to have any quality time in the yard. I work from home and so many times I have had to mute or pause my conference calls because of the noise. WILL sound barriers of sufficient height be erected along the line to eliminate or greatly reduce the noise from increased train traffic? 3. Both options for the New Hyde Park Road grade crossing create a Kiss and Ride area which calls to dead end Greenridge Avenue. Greenridge Avenue is already a very narrow road. If there are two cars parked on opposite sides of the street, there is barely enough room for another car to get through. Both proposed Kiss and Ride options will create more traffic because of cars dropping people off and then returning down Greenridge Avenue. Congestion will be worse if people park their cars on Greenridge Avenue to catch the train. Most of Greenridge Avenue does not have sidewalks and what that means is anyone walking up and down Greenridge Avenue has to walk in the street. I can only imagine the negative impact any increased traffic will have for residents of Greenridge Avenue. No one will be able to safely walk up and down our street with the proposed Kiss and Ride area. What is being done to address this issue? If the Kiss and Ride options are exercised, only residents of Greenridge Avenue should be allowed to park or travel on the street but alternative options should be explored such as making the drop off zone on the opposite side of Greenridge Avenue. I'll now summarize. Quality of life for residents of Greenridge Avenue as well as neighboring communities along this line and proposed project is already diminished due to current train and vehicle traffic and the noise they generate. I'm paying unbelievably high taxes for a yard and property I can't fully enjoy because of the noise and traffic. I did not sign a disclaimer absolving the MTA/LIRR of the noise when I bought the house. I knew what I was getting into but I am not willing to compromise on any additional discomfort. I am all for eliminating grade crossing for safety concerns and the elimination of train horns but we do not need a third rail to eliminate grade crossings or erect sound barriers. If the goal is to provide additional trains for more capacity, why not add additional cars to existing trains? I am a little perplexed when I hear supporters of this project say that 9.8 miles of additional track is going to make Long Island and its surrounding communities great again. REALLY??? Many companies offer a telecommuting option. I live and work on LI. You want to prevent an exodus from LI, instead of spending billions of dollars on a worthless project, invest that money in local communities that would encourage local business support, growth and development and reduce property taxes! Eliminating grade crossings and erecting sound barriers would be an investment in our communities. My home and my neighbor's homes are supposed to be an investment. This project does nothing to increase property values but does everything to diminish them. Lastly, I WILL file a class action lawsuit against the MTA/LIRR to ensure residents and business that are opposed to this project and directly impacted by it are compensated for and/or efforts are made to reduce any discomfort and disruption to everyday quality of life as well as any decline in property values.

#### Mary Lane | 5/31/16 | 11:33 AM

I am writing to you today to express my concerns about the addition of a 3rd Track for the LIRR. I live 1½ blocks from the railroad and currently feel the vibrations from express trains as they pass. Adding a 3rd track would increase the number of express trains going through New Hyde Park as well as the vibrations. Like most homes in New Hyde Park, my house is close to 100 years old and was not built to withstand constant vibrations. A benefit that was mentioned was that service disruptions would be reduced if a 3rd track was added. I disagree. Service disruptions are caused mostly caused by signal problems and broken rails. If Governor Cuomo is so concerned about service disruptions, then he should be putting the money for the 3rd track to upgrading the current equipment because both will continue to cause disruptions. Without fixing the cause, he is only adding to the problems. People from Suffolk County may benefit to the 3rd track so that they can by-pass the problem. But trains running on the 3rd track won't be stopping in New Hyde Park. Our trains are the ones most often cancelled and rarely do we have other trains stopping to pick us up. So there is no benefit to us. After the snow storm we had last January, I was one of the lucky ones that got in to work which I was grateful for. Going home, however, was another story. There was no service from Atlantic Terminal and the LIRR cancelled 3

trains in a row from Penn Station that stopped in New Hyde Park. The first stop on all the trains on the main line was Hicksville. Had it been Mineola, I could've gotten home. I understand that the weather is beyond anyone's control. But once again the Suffolk County people got the benefit (they got home) while the Nassau County people did not (we were stuck in Penn Station). I am also concerned that all I hear about is the crossings. There is no information about the 3rd track itself. Where will it go? When will the work be done (day or evening hours)? How will they add it without disrupting current service? Once again, Suffolk County's service won't get disrupted - ours will. The following are some examples of how residents of New Hyde Park will be negatively affected without reaping any benefits. 1. I am concerned that our property values will go down. This not only affects me and other homeowners when we try to sell our homes but it also negatively affects New Hyde Park itself since their revenue from property taxes is based on our property value. 2. Even though I am a lucky enough to be able to walk to the station, there are times when I need to drive. All parking along the south side of the tracks will be eliminated. The parking lot is already filled to capacity by the 7:09am train into the city. Where are the others that take a later train supposed to park? Reduced parking will also result in reduced revenue as well. 3. This brings me to another issue - the elimination of the South 12th Street crossing. My morning walk will remain the same since I live on the north side of the tracks. But coming home, instead of being able to cross at South 12th Street, I will have to go 1 block south to 4th Avenue walk 5 blocks west to Covert Avenue then walk back to the LIRR, cross under the tracks continue walking north to 1st Avenue then make a right to back to South 9th Street make a left to my house just to get home!!! It will also create a nightmare since people currently being picked up on the north side of the tracks will now add to the already congested south side of the tracks. This not only becomes a safety issue for cars but a nightmare trying to cross streets for those who walk home. I know there was a possibility of going under the tracks at South 12th Street as well but they said it would be only 1 car and nothing was said about pedestrians. This is just as bad. 4. There are a lot of commercial properties on 2nd and 3rd Avenues. Due to the proposed changes to the Covert and New Hyde Park crossings where the cars will go under the tracks, the access to both Covert Avenue and New Hyde Park Road from these avenues will be eliminated. This means that the commercial vehicles will be forced to travel through residential streets to get to either Covert Avenue or New Hyde Park. I know that I am not the only one that feels this is unacceptable. 5. No one seemed to know when the construction would take place. Due to rush hours, we are assuming that most of the work would take place at night and on weekends. From past experience (work done on Jericho Turnpike), work done at night was noisy while we and our children tried to sleep. It also disrupted the environment and we often had a problem with mice etc. in our homes afterwards. 6. Even though I live on the north side of the tracks, I have family and friends that live on the south side. Currently, New Hyde Park has no Fire House on the south of the tracks. By proposing to close the South 12th Street crossing, both Covert Avenue and New Hyde Park will have increased traffic slowing down the response time for both the fire and EMT vehicles. I know that I am not the only one that feels this is unacceptable. 7. One of the reasons I heard the 3rd track was proposed was to decrease the number of cars on the LIE. That will never happen. People drive because they want to. They will never give up the convenience and comfort of driving in their own cars for public transportation that is expensive and often unreliable. Unfortunately, I only see a benefit to Suffolk County residents but the Nassau County residents are the ones that will be negatively affected.

Judith M. Maloney | 6/7/16 | 1:25 PM

It is disingenuous to believe that what the LIRR/MTA sources publish is not subjective and self-serving. The public needs objective facts in order to make reasoned decisions.

1. What are the most frequently reported delays on the Main Line Corridor?
  - a. Are the delays due to congestion or broken down trains?
  - b. What is the reporting period for the recorded delays?
  - c. Are the delays weather related, i.e. snow?
  - d. Where does the issue that causes the delay arise, i.e. between Floral Park and Westbury, or elsewhere?
  - e. Where is that information published in a user friendly format for commuters?
  - f. How would a third track ease the below issue:

The LIRR is experiencing delays into and out of Penn Station averaging 10 minutes. Earlier, some trains were canceled at Jamaica, or diverted to Atlantic Terminal, due to a track condition in one of the East River tunnels?

2. LIRR president Patrick Nowakowski has been quoted as stating:

"A third track will enable us to provide a better experience for our customers with better on-time performance and fewer hassles from delayed trains. And it will attract new customers to our environmentally friendly mode of transportation."•

- a. How is "better experience" defined?
- b. How is on-time performance being measured?
- c. How will fewer hassle from delayed trains be measured?

According to Merriam Webster, fewer simply means "a smaller number of persons or things". Therefore, if there are, hypothetically 100 delays, Nowakowski's statement would be true if the number was reduced by one to 99.

- d. What statistical data supports the assertion that the third track will attract new customers to our environmentally friendly mode of transportation? If the LIRR is stating facts, the public should be able to view the study results.

3. Does the LIRR have the staff to service the extra trains that will be run for reverse commuters?

- a. Will the increase in service cause an increase in ticket prices?
- b. Has a cost study been conducted to see if the revenue derived from the increased reverse commuters will balance the costs of running the train and the cost of staff salaries?

4. What businesses beyond the third track have committed to expanding or establishing, and thus would require an increased workforce and require or benefit the commuter service of an extra track?

5. What environmentally friendly, sustainable, aesthetic permanent noise reduction measures does the LIRR have planned to prevent the third track from affecting the quiet enjoyment of those along the Main Line?

6. If the LIRR needs land beyond its right of way, how much will the track encroach on private property?

- a. In prior reports, it was estimated that the LIRR might require five feet of private properties beyond the right of way. How much further into the



private property will the noise barriers encroach?

7. How does the LIRR plan to contain the overall project so as to keep it to budget and on time? As a point in fact, the Nassau Boulevard improvement project took six months instead of the weeks promised and was disruptive for the entire period.

8. If removal of the grade crossings is material in its own right, why can't that improvement be severed and addressed separately?

9. Discussion about increased freight capacity and delivery needs to be transparent. The New York & Atlantic Railway Co. (NY&A) which took over freight transport on LIRR tracks stated as its goal to reverse what has been a 25-year decline in Long Island rail freight traffic. •

(<http://www.thefreelibrary.com/New+York+%26+Atlantic+Railway+Begins+Long+Island+Rail+Freight+Service-a019395897>)

The New York State Department of Transportation states that after decades of decline and losing business to other forms of transport (trucking, shipping, pipelines) freight rail is undergoing a nationwide renaissance. According to data from the Association of American Railroads (AAR), the International Union of Railways (IUR), and other railroad trade associations, business is booming.

<https://www.dot.ny.gov/divisions/operating/opdm/passenger-rail/freight-rail-service-in-new-york-state>

a. In 2009, in a Presentation to the Transportation Research Forum NY&A noted that in an effort to expand Long Island freight rail service, they invested in clearance improvements on the LIRR Main Track

([http://www.trforum.org/chapters/newyork/downloads/2009\\_09NewYorkAtlanticRailway.pdf](http://www.trforum.org/chapters/newyork/downloads/2009_09NewYorkAtlanticRailway.pdf))

b. Following in 2014, the LIRR received \$2.3 million to rehabilitate the Cypress Avenue Railroad Bridge used for freight.

(<https://www.governor.ny.gov/news/governor-cuomo-announces-26-million-aviation-and-rail-safety-security-and-economic-development>)

c. Also in 2014, NY&A and LIRR agreed to permit NY&A to raise the maximum rail car weight from 263,000 lbs. to 286,000 lbs., and increasing rail capacity by 10-to-12 tons per shipment. <http://www.anacostia.com/sites/www.anacostia.com/files/assets/Apex-Spr2014.pdf>

d. According to Rail New York (RNY), which group advocates increased freight rail transportation,

At the behest of the LIRR, the NYA operates primarily late at night or in the early morning hours (we're talking 1am, 2am, etc.), when the LIRR passenger schedule is light and few LIRR trains are racing to Penn Station. . . . This timing strategy has been somewhat successful, and has allowed the shared LIRR tracks to accommodate freight trains during the "off-peak" hours of the LIRR passenger operations.

However, there are only so many freight trains that can run during these hours, and this drastically reduces the potential for freight rail delivery on LIRR tracks. (<http://www.railnewyork.com/issues.html>)

e. American Association of Railroads (AAR) reported policy is: Railroads support shortening the time it takes for the review of rail expansion projects while protecting the quality of those reviews. • and further support the streamlining of environmental permitting.

(<https://www.aar.org/policy/highway-reauthorization?environmentalpermitting>)

f. According AAR, the transport of waste and scrap, and chemicals account for the largest percentages of freight which begins its passage in NY.

(Source: <https://www.aar.org/data-center/railroads-states#state/NY>)

g. New freight receiving facilities are being developed in Suffolk County to accommodate increased freight traffic on the Main Line. Freight traffic increases could be handled with use of a third track.

h. Based on the above facts, it appears that the LIRR, partner railroads, and railway associations are invested in increasing freight transport on the Main Line Corridor. Will there be an increase in freight transport on the LIRR Main Line tracks?

10. Since the third track is touted as providing more service to commuters, it would be enlightening to see both peak and off peak train schedules as envisioned with the existence of the third track.

a. Will the stops that to which the third track is added have increased service, or will they be bypassed?

I would appreciate all of my points and questions to be answered timely. Since the entire Long Island community was allowed approximately five weeks to comment, I would expect a response within the same time.

Drew Bogner | 6/8/16 | 7:21 PM

As president of Molloy College, I write to strongly express my support for the railroad expansion involving the construction of the 3rd track on an approximately 10-mile track of the LIRR main line. Long Island has enormous potential for job growth if we rethink how the Island relates to the talent employers require. Some of those talented people are already here, as my fellow area college presidents and I well know. Others will inevitably have to be attracted here, and the convenience of public transportation is key -- especially links between Long Island and New York City. Traditionally, those links went primarily one way, as Long Islanders commuted to the city to make their money and brought it back home. The employers were typically there, not here. That trend has changed. Long Island has developed and expanded its own centers of innovation, to the point where we now have an extraordinary array of research laboratories, institutions of higher education, health care systems and technology companies that attract commuters from New York City and beyond. We are no longer a bedroom community; we are a vital component of a metropolitan area. So we must ensure that people can, whatever time of day, travel from New York City to Long Island just as easily as they can go from Long Island to New York City -- and that they can travel easily across the Island as well.

Reverse commuting is crucial to Long Island's economic growth. It gives our employers access to the employees they need in order to thrive and grow. It's what's driving job growth in White Plains and Stamford, Connecticut through reverse commuting on Metro-North Railroad and making those communities more attractive to employers than communities on Long Island. It also gives employees the flexibility they require. Many of Molloy College's faculty members, for instance, want the convenience of public transit. While some want to live on Long Island, others are attracted to the city and want to commute. Some have spouses with careers in the city. They want the choices and flexibility that public transit provides.

Recent college graduates embarking on their careers also want the convenience and access of reverse commuting. Our recent graduates are looking for walkable environments with restaurants, shops and entertainment to live in, and they want easy access to public transportation between their jobs and homes. They want to be on their computers and iPhones when they're commuting, not stuck behind a wheel. Long Island's future depends on more efficiently linking our extraordinary institutions and the talent needed for these resources to expand and create jobs. A critical key to achieving these linkages is to eliminate the 10-mile bottleneck in the LIRR mainline as was demonstrated in the reports of the Long Island Index project and is now being advanced by Governor Cuomo.

The 3rd track for the LIRR between Mineola and Hicksville, which would improve service and better provide for reverse commuting, is also key to Long Islanders taking advantage of the two other major infrastructure improvements currently underway, the East Side Access to Grand Central Terminal, which is scheduled for completion in 2019; and the "second track" from Farmingdale to Ronkonkoma, which could be completed by 2018. The importance of the 3rd track to these other infrastructure investments must not be overlooked. Long Island is impressively positioned for future growth. We have world-class institutions, a lifestyle that's widely admired, and proximity to the greatest city in the world. But we need to take full advantage of that proximity by maximizing the potential of public transit to generate job growth on Long Island and better connect Long Island to our thriving metropolitan region. Enhancing the Long Island Rail Road is a crucial element in achieving what is a very bright future for Long Island indeed.

#### Timothy Fehmel | 6/8/16 | 3:30 PM

First, I live at the corner of Wellington Rd. and Main Ave. (2 blocks west of Nassau Blvd.) directly across the street from the Merillon Ave. station. I'm not an advocate of the third track project. I believe that most of the problems experienced on the Main Line in recent years can be solved by upgrading and modernizing the railroad infrastructure (switches, signals, etc). I think capacity can also be increased by upgrading and changing the style of the railcars that are used in the system (ie: more of the double decker cars with greater passenger capacity). I would recommend these improvements and upgrades before venturing down the path of a third track. The notion of increased demand for a "reverse commute" to bring people to high paying jobs on LI is all nonsense. My brother commutes to NYC on the LIRR from Shoreham because there are no high paying jobs on LI. That's just my opinion but now to my bigger point: As I mentioned to John last night, and as you are well aware, residents in Garden City are terrified of this project. They fear the upheaval of a long term construction project. They fear the prospect of increased noise in their neighborhoods. Most of all, the people in the direct vicinity of the projects (like me) fear that the value of their homes will decrease as a result of this project. They also feel that despite the scoping and EIS processes this project is a done deal and that makes them feel powerless. I think the state, the MTA and the LIRR have a unique opportunity here. I think that the way you are approaching the project in these initial stages is correct, but it's all about the follow through. If I were the railroad and I wanted to gain the support of the community I would follow through on the concerns and requests of the villages and residents along the Main Line corridor. The project should be approached with the idea that 10 years from now people will look back and hold this project up as a shining example of how a large public works projects should be done. Transparency, input from the community, creativity of design, attention to detail and most of all, a keen understanding of the issues and concerns of the residents that are affected by the project.

This project is going to be over a billion dollars when all is said and done. It will cost pennies on the dollar to provide the residents the things that will mitigate their fears and gain their support so why not commit to doing those small things that will make the most difference in the end. Where there are noise issues, provide sound barriers. As you know, I live across from the Merillon Ave. station on the corner of Wellington Rd. and I can tell you that no matter what your statistics say, when a train comes through that station without stopping the noise level is significant. Just accept this as fact. Don't talk about noise studies and decibel readings. In a meeting with village residents that stuff just sounds like the railroad is going to use statistics as a way to say that the residents' concerns are not borne out by statistical data and as a way to avoid doing the small things that will make the project acceptable to residents. If you want to gain community support, simply commit to providing sound barriers where there should be sound barriers. Don't tap dance around the issue. Residents are also concerned about how all of this will look in the end. Put a plan in place for landscaping and beautification of the areas where the third track moves closer to residential properties. A creative landscape design that incorporates sound barriers, evergreens, shrubs, etc. that can provide both a sound and visual barrier is the proper way to finish the job. The LIRR's goal should be to have the residents say, even though it was tough to live through the construction the LIRR did a really nice job designing and finishing this project. This is how the third track project should be approached. Unfortunately, we have all seen projects like this run over budget and the things that get cut out of the project to save money are typically the things like this that are planned for the end stages of a project. The LIRR needs to show residents what they will be doing to preserve their quality of life by producing beautiful architectural renderings like you showed of the grade crossings. The LIRR also needs to commit, in writing, to incorporating these quality of life measures into the discussion, the design and the final project.

#### Ann Corbett | 6/9/16 | 1:05 PM

The LIRR's proposed third track expansion project from Floral Park to Hicksville will necessitate intensive amounts of construction work along a 9.8 mile stretch. The plan, if it materializes, will likely mean that the natural habitats of various animal species will be impacted or disturbed. I realize the LIRR has, over the years, placed poisoned bait along the right-of-way in order to control vermin. Will poisons used in the past and future pose a threat to household pets such as dogs and cats?

That aside, there are other animals, such as turtles, that are living in water basins and areas in proximity to the LIRR Main Line. This came to my attention when a Garden City residential had a picture of a turtle that was seen along the tracks in a residential area near the Garden City High School. The school directly abuts a sump/ recharge basin next to the tracks and Herricks Road in which the turtle and others wildlife inhabit. Upon some investigation I have learned there are a variety of animals and also birds at a nearby sanctuary off of Denton Avenue that have adopted the trackside environment to be their natural habitat. Will the LIRR investigate how the proposed construction of a third track would impact this particular environmental concern? How proactively will this be addressed?

Stray Electric Current

The MTA LIRR, despite its use of new technologies over the years, continues to be faced with stray electric current leakage related to its existing

electrified rail system. In view of the proposed third track, have you determined that new and more comprehensive corrosion monitoring and mitigation techniques will need to be explored and utilized? Will there be a long term monitoring program implemented? How do you measure stray-current now? Do you have reports? There are improved materials for electrically insulating rails and fastening the running rails, for the reverse current pathway, and this includes the use of stray current switching mechanisms. I bring this up because of the concern about neighboring infrastructures plumbing, sewage and electrical systems and appliances. In NYC stray electrical current has killed people and pets. How often do maintenance walkers inspect the rails? How safe are they? What will be the inspection program in the future? Corrosion and stray electric current when construction in the right-of way takes place is a huge concern. I would like to know if the MTA LIRR plans to take a proactive approach in dealing with this safety matter before a third track is installed next to the existing tracks which may already have corrosion problems of this nature. Also, what is the cost involved in corrosion repair, labor and materials and more? Does the cost of work of this type on the existing tracks get added to the cost of the third track project? Will the additional track require more traction power substations? Property will be needed along the Main Line? How will you acquire property to install these substations? How many and where will they be located? Many of these large boxes along the track loom over backyards and roadways. They are an eyesore and would the public have to live with them? Will the substations be subject to local zoning requirements if the land is acquired through eminent domain or purchased to be part of the LIRR right of way? Will substations create noise/maintenance? What has been your experience with leakage? Have there been law suits against the LIRR? If a substation is located near a home or business, how will you manage stray electric current leakage that I understand results from the resistance between the rail-to-earth return path (easier path) and the running-rail return path? To avoid disastrous situations, what control measures will be put in place? Lightning strikes are another concern. The LIRR has a history of train delays, cancellations and damages related to lightning. How will you ensure that this nature happening not be an issue for the third track and the Main Line operations?

#### Communication

The LIRR has a poor record of communication with the public and commuters. Often they are not told about delays, cancellations and other conditions. This is particularly important now that the public is highly concerned about terrorist attacks and, of course, always concerned about health, safety and security issues. Will management continue the way it has communicated in the past? How and who will deliver information? Who will take responsibility for misleading or wrong information? Will you create a community advisory board?

#### Billy Lucano | 6/11/16 | 9:11 AM

My main concern is that LIRR trains will travel through Garden City at high rates of speed, shaking homes along the corridor. They will make more noise, albeit not with horn blasts but with metal wheels clanking down the track with regularity. I used to live at 90 Atlantic Ave. In Garden City Park, my back yard abutted the tracks just west of the Merillon Ave. train station, and the contents of my china cabinet visibly and audibly shook whenever a train was NEARING. When the train was passing right by, my entire home shook. My fear is that it will only worsen once trains travel at a higher rate of speed. I now live about 1/2 block from the Merillon Ave. train station, and was told by my plumber that electrolysis from the nearby train station has caused my water piping to spring leaks - which happen with clockwork regularity. The scoping document doesn't go into ANY details whether or not the third track will exacerbate these occurrences.

My family and I choose to live in Nassau County because I work in NYC, and one of the reasons that I chose to live in Garden City is because 1 of its 5 train stations happens to have the quickest travel time to and from NYC - and that's Merillon Ave. RR station. This is why I also purchased my home so close by the Merillon Ave station - so I could walk there and get to my job quicker. I don't own a large home, it's less than 1700 sq. ft., my property measures only 60'x100' - a very modest sized lot. I don't have the larger sized homes and properties that many people in Suffolk County enjoy, but I have a much better commute. It's a choice I made, sometimes you can't have it both ways. Now, complaints from Suffolk County commuters have risen to decibels previously unheard of. They want a quicker commute, and damn the residents of Nassau County because we, the residents of Suffolk County, deserve it! What hubris! You can't have it both ways. They knew that buying a home in Suffolk County would mean a longer commute. In many cases, it also meant a larger home and property. It's called "give and take" ... it's a typical decision we all make in life, we weigh out benefits and drawbacks and make an educated, balanced, decision based on the factor before us. What we have here is that Suffolk County commuters want their cake and they want us to watch them eat it right in front of us! It's obnoxious and it's blatantly unfair. Politicians are ramming this down our throats. There is absolutely NO benefit to residents along the corridor or to the affected towns of Nassau County. Would NY State or Nassau County lower our taxes because we'd affected by this third track project? The answer is NO! Is Nassau County or the surrounding towns benefitting from the "reverse commuters" who would supposedly be main reason for the 3rd track project? Another blatant lie. Everyone knows that the main beneficiaries would be the commuters traveling from Suffolk County. Period. Concerns that I've heard range from not having enough "porting" along Hicksville and other stations along the Ronkonkoma line, to electrolysis problems, to noise, to safety, and environmental issues. Not 1 single resident or commuter that I've personally spoken with thinks that this 3rd track is a good idea. Ineptitude lurks at every corner, and I don't see it ever changing because the culture of ineptitude in local, county, and state government is pervasive. For example, it took over 6 months to install new sidewalks and handrails underneath the Merillon Ave overpass on Nassau Blvd (Nov. 2015 - May 2015). I called several municipalities and police departments just to try and speed up the construction process. I'm officially listed on police reports as well as in emails to county and local government officials trying to get explanations as to why everything is taking so long? The job was supposed to be completed in June 2016, and I'm sure without my input that it surely wouldn't have been finished a full month (May 2016) before the job's original (June 2016) deadline. In closing, commuting on the Long Island RR is hard enough as it is. Disrupting our commutes while these projects are underway will reach such nightmarish proportions, that there is no way the LIRR will be able to deal with so many complaints. It's not only going to be a major undertaking, it's going to be a total and complete disaster.

**Robert Jagde | 6/12/16 | 9:45 PM**

Here are my general comments regarding this project and several specific comments on the designs presented in the scoping document.

General:

The project web site touts "Unprecedented Community Outreach". I do not agree with this statement. The project scoping document was released on May 5, 2016. There were three meetings held on short notice, the one closest to me during working hours. Final public comment can be submitted until June 13, 2016 mere 39 days for an immense project. The project office in Mineola is closed on Mondays including Monday June 13th, the last day for comments to be submitted. Lastly, the contact / comment form on the web site does not allow attachments to be submitted.

I do not see the need for this expansion. Many of the benefits listed: commuting, getting cars off the road, stronger economy, intra-island travel could be achieved with the infrastructure in place. For example, the New Hyde Park Station - one of the closest stations to Long Island's largest employer (Northwell Health) largest campus's. It is directly north of the station, accessible by Lakeville Road and New Hyde Park Road. Absolutely no effort is made to provide convenient bus service with well-timed connections. Further, on any given day less than 40% of the trains on the Port Jefferson Branch that pass through New Hyde Park actually stop there. If you cannot service one of the largest concentrated centers of employment in this part of Nassau County, with trains that already pass through the station, the notion that this expansion will somehow reduce commuting traffic within Long Island is not valid

Regarding this specific plan:

1. On Page 4 - one justification for replacing the existing grade crossings is increasing safety of pedestrian, bicycle and automobile. In reviewing the proposed designs for the Covert Avenue, 12th Ave Crossing and New Hyde Park Crossing's I notice that there is absolutely no accommodation for bicycle lanes. I personally ride a bicycle across those crossings to shop, run errands, visit doctors or travel about the village. The new designs without bicycle lanes will be more dangerous than the current crossings and make it more difficult for me to get anywhere north of the railroad tracks safely. This expansion should not be detrimental to folks already doing their part to get cars off the road, it should encourage more bicycle and pedestrian traffic for very local shopping and travel.

From the Department of Transportation Web Site:

The Complete Streets Act (Chapter 398, Laws of New York) was passed on August 15, 2011, requiring state, county and local agencies to consider the convenience and mobility of all users when developing transportation projects. A Complete Street is a roadway planned and designed to consider the safe, convenient access and mobility of all roadway users of all ages and abilities. This includes pedestrians, bicyclists, public transportation riders, and motorists; it includes children, the elderly, and persons with disabilities. Complete Street roadway design features include sidewalks, lane striping, bicycle lanes, paved shoulders suitable for use by bicyclists, signage, crosswalks, pedestrian control signals, bus pull-outs, curb cuts, raised crosswalks, ramps and traffic calming measures.

The underpass designs presented for these three crossings do not have any shoulder or bicycle lanes and they should.

2. The 12 Street crossing should be maintained (and include bicycle and pedestrian access). If it is not maintained, the pedestrian access should be bicycle / pedestrian access.

3. The New Hyde Park design option 1 is too large scale of a design for the location. Option 2, with addition of bicycle lanes, is preferable.

**Jack Martins | 6/13/16 | 10:13 AM**

The Third Track Proposal, in all its different forms, has been an issue for decades. When it was last proposed, the communities of New Hyde Park, Garden City Park, Mineola, Floral Park, Carle Place, Westbury, and Hicksville united in opposing this project because of the harmful impact it would have on their quality of life. As Mayor of Mineola at that time, I was staunchly opposed to it for that reason. Ultimately, the proposal was defeated.

Earlier this year, Governor Cuomo revived the third track project, and while the Governor's proposal is different in some ways from the one ten years ago, it will nevertheless still be nearly ten miles long, run through the center of Nassau County along the LIRR Main Line, take many years to construct and have a significant impact on these communities.

To Governor Cuomo's credit, he and his staff have been meeting with local officials to discuss the project since he first proposed it five months ago. I and the other officials representing the mainline communities very much appreciate those proactive efforts. Having said that, there are many important details which have yet to be provided, such as:

The length and timeline of construction, as well as staging and sequencing of the project;

The impact that the prolonged construction schedule will have on the Main Line communities individually and severally including the resulting noise, vibrations, dust, impacts to traffic, impacts to schools and student commutes, impacts to downtown businesses, and access to hospitals;

How and where will traffic be re-routed during construction and the impact those traffic patterns are expected to have on the affected communities;

Whether new freight rail traffic will be coming through the communities following the project completion, and if so, how often and what types of materials;

The impact to LIRR service during construction and the duration of those impacts;

• The positioning of the third track itself and whether existing train stations along the mainline will have to be completely rebuilt to accommodate a third track;

• The impact to the thousands of commuters who use the mainline branch every day during the construction period; and

• How the tracks will be realigned within the right of way such that LIRR Main Line service is not compromised for periods during construction.

Neither the MTA nor the Governor's office has provided any concrete plans that address these issues. Without them, it's impossible for residents to provide a meaningful evaluation of this project.

Additionally, there has been no specific justification as to why this particular mega project is necessary. The argument made by some interest groups that it will foster reverse commuting like that which has resulted on Metro North to White Plains is simply unfounded. None of the communities in the area are currently configured for a White Plains like business hub with the multi-story commercial buildings in their downtowns that are necessary to foster and sustain a reverse commute. There is no such reverse commute destination identified or contemplated. Demand for reverse commuting is predicated on there being a viable destination to which to commute. There simply is none.

While the Governor has pointed to the important goal of enhancing safety by eliminating grade crossings, no one has explained why that cannot be achieved independently of this project on its own merits. Neither has anyone explained why some grade crossings will be eliminated but others will not.

There is a cost here that goes beyond dollars and cents; there is a cost to the communities that will bear the brunt of years of construction and disruption, be reshaped once the project is completed and have to live with the impacts for generations to come. They rightfully have concerns and want to make sure those concerns are heard and addressed before any decision is made.

There are those who support this project and believe it should move forward. Of course, they are entitled to their opinion. But it should not, and must not, come at the expense of selling out these communities. Residents should not be dictated to by outsiders about what is best for them; their decision and voice must play a significant role in the process. They must be given all the information so they can evaluate it, ask questions, and raise concerns. Only then can they decide whether this is in their best interests.

My position on this project is simple - I will continue to oppose it until it can be demonstrated that it will not adversely impact the corridor communities in the short term (construction) and long term. There are some who support this project pointing to imagined benefits once the construction is complete as if it will come into being all at once. We know better. The burden is on those who would advance this project to meet my challenge. Absent that, the project should not move forward.

**Adrienne Esposito | 6/13/16 | 11:44 AM**

June 13, 2016

Edward M. Dumas  
Vice President "Market Development & Public Affairs  
Long Island Rail Road Expansion Project  
MTA Long Island Rail Road, MC 1131  
Jamaica Station Building  
Jamaica, NY 11435

Re: CCE Comments on the Long Island Railroad Expansion Project

Dear Mr. Dumas,

Citizens Campaign for the Environment (CCE) is an 80,000 member, non-profit, non-partisan organization that empowers communities and advocates solutions to protect public health and the natural environment in New York State and Connecticut. CCE appreciates the opportunity to provide comments to the MTA and NYS DOT in regards to the scoping of the Long Island Rail Road Expansion Project proposal.

CCE supports expansion of public transportation on Long Island as a means to fight climate change, reduce harmful emissions, reduce traffic congestion, and make Long Island more sustainable.

Long Island is at the front lines of climate change. The devastating effects of climate change are all too real for many residents across Long Island in the aftermath of Superstorm Sandy. Rising seas, increasing water temperatures, and increased storms are clearly documented. Reducing emissions must be part of the equation to mitigate these harmful effects. A new report details the New York Metropolitan area as the second most at-risk area in the country to be impacted by storm surges, heavily weighted with residences on the South Shore of Long Island, and only second to the Miami area in potential devastation in terms of the number of residences which could be impacted.(1) Should we continue our course into unmitigated climate change, rising sea levels and massive storm surges will only become a larger and more imminent threat to Long Island's residents.

The Long Island Rail Road Expansion Project will add 9.8 miles of new track to the main line between Floral Park and Hicksville, reducing a bottle neck and providing better reverse commuter trips. By investing and expanding our public transportation network we can ease traffic congestion, reduce noise pollution, and decrease harmful vehicular emissions. The American Lung Association's 2016 report showed ozone levels on Long Island being among the worst in the entire nation – receiving a grade of F.(2) Reducing traffic congestion and noise pollution benefits the public's quality of life and also reduces harmful polluting idling emissions, such as NOx and SOx. In addition, reduced noise pollution benefits local wildlife populations.

New York should lead in promoting convenient, sustainable transportation, and using any and all options that would lead towards reduced emissions, relief of vehicular congestion, and reducing the number of automobiles on the road.

Sincerely,

Adrienne Esposito  
Executive Director  
Citizens Campaign for the Environment  
225A Main Street  
Farmingdale, NY 11735  
(516)390-7150  
aesposito@citizenscampaign.org

Footnotes:

1. Botts, H., Du, W., Jeffery, T., & Lindfors, Z. (2016). Core Logic | Storm Surge Report. Retrieved from [http://www.corelogic.com/about-us/researchtrends/storm-surge-report.aspx?WT.mc\\_id=crlg\\_160601\\_tvITE#](http://www.corelogic.com/about-us/researchtrends/storm-surge-report.aspx?WT.mc_id=crlg_160601_tvITE#)

2. American Lung Association. (2016). State of the Air 2016. Retrieved from <http://www.lung.org/assets/documents/healthy-air/state-of-the-air/sota-2016-full.pdf>

**John Hayes | 6/13/16 | 12:01 PM**

As a Floral Park resident, I am writing to let you know that I oppose the LIRR plans to add a third track on the Main Line between Floral Park and Hicksville. I have multiple reasons but also offer an alternate solution that would solve the congestion problem suffered due to the lack of a third track. This Alternative has not been included in the scoping document and should be considered. Without considering the alternate stated below, I would consider the SEQR incomplete. In addition, the scoping document focuses heavily on eliminating grade crossings. These are not the main issue. Grade crossing modifications should be considered regardless of a third track and considered a separate project(s).

I oppose the additional third track for the following reason. There is no true reverse commute as previous studies have confirmed dating back to 2009. The idea and intent of the project is deceptive. It has been known that there is a plan to build an intermodal freight yard in Hicksville with the intent on running freight trains on the main line. This is in line with and has been established as the prime reason for the third track, with the well-intended desire to remove trucks from the regional highways. Why is this project not called out in Regional Plan 2040, which is a major mover in regional transport planning? This would impact the towns along the main line disproportionately.

It would forever change the character of the towns along the route by adding larger volume of trains with no direct benefit or compensation to local communities, not to mention the condemned and confiscated properties lost.

Additional capacity could equally be added for less cost with a modern signal system coupled with high speed cross-overs (switches that allow normal operating speeds). This is not emphasized in the scoping document.

An alternative exists that has not been explored, if the intent is to add passenger service, not freight.

An alternative to adding a third track exists, with the intent to add passenger service, along with providing redundant track availability to the main line. An unused right of way exists and has been preserved but not fully researched. I do agree that a track redundancy would be desirable for moving trains from out east to the city.

An existing right of way exists and has been preserved for a double track between Garden City and Bethpage Junction. This route was discontinued after WWII.

This would provide the exact functionality that a third main line track would provide, if the intent is to add passenger service and add redundancy to the main line.

This alternative would be less expensive and fewer properties would be effected.

This alternative would be less expensive as construction would be significantly simplified. This alternative would be expandable as a single track could be added and expanded to a second track in the future.

This alternative would benefit communities with new stations and commuter parking alleviating current parking issues. New stations in Levitt Town and Eisenhower Park would bring great benefits.

Full Utilization of the Hempstead Branch line would add capacity and service.

Please register my opposition to the existing plan to add third track to the main line and I encourage you to pursue improving LIRR service to Long Island by exploring the ideas presented above.

Thank you for your consideration on this matter,

Regards,

J Hayes

### Joseph James | 6/13/16 | 1:30 PM

The New York law governing an agency's obligation to perform an environmental evaluation is the State Environmental Quality Review Act ("SEQRA"), Article 8 of the Environmental Conservation Law. The LIRR Expansion Project is exempt from SEQRA on the basis of a statutory exemption from SEQRA granted to MTA under Public Authorities Law § 1266(11). In pertinent part, that section exempts from SEQRA any MTA project which will not materially change the general character of the existing transportation use and involves an insubstantial contiguous addition to existing MTA transportation property.

The existing Main Line is used to provide public commuter rail transportation services oriented primarily to the needs of Nassau and Suffolk County residents who work within New York City. This use will remain unchanged as a result of the LIRR Expansion Project. The LIRR Expansion Project accordingly will not result in any change in its existing use as a commuter railroad. Furthermore, the Main Line currently consists of thousands of acres of real property. The addition of 9 or less commercial parcels to the Main Line is clearly an insubstantial contiguous addition. Even if all other parcels to be acquired for the LIRR Expansion Project were added together for purposes of § 1266(11), the total would be several acres, at most, clearly an insubstantial addition. Accordingly, the LIRR Expansion Project satisfies the exemption from SEQRA set forth in Public Authorities Law § 1266(11).

Public Authorities Law § 1266(11), removes this project from all necessity to comply with SEQRA. Specifically, that law provides as follows:

"No project to be constructed upon real property theretofore used for a transportation purpose, or on an insubstantial addition to such property contiguous thereto, which will not change in a material respect the general character of such prior transportation use, nor any acts or activities in connection with such project shall be subject to the provisions of Article eight, nineteen, twenty four, or twenty five of the Environmental Conservation Law, or to any local law or ordinance adopted pursuant to any such article. Nor shall any acts or activities taken or proposed to be taken by the authority or by any other person or entity public or private, in connection with planning, design, acquisition, improvement, construction, reconstruction, or rehabilitation of a transportation facility.... be subject to . . . [SEQRA].... if such acts or activities require the preparation of a statement pursuant to any federal law or regulation as to the environmental impact thereof."

If there were ever any doubt as to the intended purpose of this law, such doubts would be totally removed upon reading the Governor's message in approving the legislation. In pertinent part, the Governor's Message dated, June 29, 1981, states:

"As I explained in my State of the State Message this year, 'most important to the State's economic future, we must maintain and expand our commitment to our public transportation.'

"This bill constitutes a significant expansion of our State's commitment to public transportation and lays the foundation for a revitalization of the State's transportation system.

"The bill provides for the financing of an emergency capital program for the Metropolitan Transportation Authority (MTA) and the expeditious implementation of the MTA Capital Program . . .

"The bill responds to the present transportation emergency, and recognizes the critical importance of permitting the MTA and its affiliates to implement and advance their capital programs expeditiously." The bill also modifies and reduces certain time consuming environmental quality . . . Procedures..."

The statute appears carefully designed to balance the goal of preserving environmental quality with the economic imperative of maintaining, upgrading, and expanding a viable transportation system. The statute appears to set up the following dichotomy: Projects which upgrade existing real property used for transportation purposes (i.e., roads, bridges, rails, canals) are absolutely immune from any environmental review, (the clear inference here being any environment impact that might occur has probably already taken place) and should not therefore impede the expeditious flow of commerce. In contrast, the construction or reconstruction of facilities, (i.e., terminals, depots, etc.) must comply with SEQRA, except where compliance with federal law or regulations requiring environmental statements have already been had, (the obvious purpose is to reduce duplication and delay).

Moreover, an examination of the statute and its legislative history shows no intent to restrict its operation solely to the MTA or its subsidiaries, notwithstanding the fact that said statute is found in the Public Authorities Law in the Article generally dealing solely with the MTA. Statutes such as Public Authorities Law § 1266(11), which deal with expediting improvements which inure to the public benefit must be liberally construed as duly created Public Authorities of the State of New York, they are exempt from all municipal ordinances and regulations, and that by virtue of Public Authorities Law § 1266(11) defendants have been exempted from complying with SEQRA insofar, as this type of project is

concerned.

NY State Courts have concluded that the meaning and intent of the statute is clear beyond peradventure and is in accord with the legislative intent, to wit, to reduce "time consuming environmental quality and land transfer procedures." See Governor's memorandum McKinney 1981 Sessions Laws, Vol 2, p. 2583. The project in question meets all the statutory criteria of the exemption. The work in question is not a change in character or use, for immediately adjacent to the proposed work acts (which is, or can be virtually wholly contained in the LIRR's right of way) are similar electric tracks. The remaining work is work which is merely incidental to the additional electric track project, a project, which upon completion will greatly enhance commuter train service between Long Island and New York City.

The drainage, grading, retaining wall construction and related work are all done in furtherance of the purposes of the Environmental Conservation Law, to wit, to insure that the project does not cause any further harm (environmental or otherwise) to adjacent properties and to protect the improvements now being constructed by the LIRR.

To interpret the statute in the manner suggested by the Main Line Towns would negate its very purpose.

Similarly, any jurisdiction the Main Line Towns endeavor to entertain over any aspect of this project has been preempted by the Legislature. Public Authorities Law § 1266(8) states in pertinent part:

"...no municipality or political subdivision, including but not limited to a county, city, village, town or school or other district shall have jurisdiction over any facilities of the authority ... or any of their activities or operations. The local laws, resolutions, ordinances, rules and regulations of a municipality or political subdivision ... conflicting with the title or any rule or regulation of the authority... shall not be applicable to the activities . . . of the authority . . ."

This explicit exemption or preemption from local laws has been consistently upheld by our courts and has been broadly applied. L. I.R.R. v. Public Service Commission, 30 A.D.2d 409, 292 N.Y.S.2d 167; People V. L.I.R.R., 90 Misc.2d 269, 397 N.Y.S.2d 846, affd. 41 N.Y.2d 1039; MTA v. Village of Tuckahoe, 67s Misc.2d 895, 325 N.Y.S.2d 718, affd. 38 A.D.2d 570, 328 N.Y.S.2d 615. Thus the two major basis for the cause of action contained in subsequent future complaint shall be rendered without legal basis.

The preliminary evaluation of potential environmental impacts, (based on scoping consultations and research), indicates that several aspects of the LIRR Expansion Project may be significant. A large impact, however, may not be adverse and may, in fact, be positive in terms of overall quality of the environment - such as increased ridership. A large impact may not be significant since it may not be important and it can be properly mitigated - such as the provision of additional parking.

While Type I actions generally require the filing of an environmental impact statement, even Type I actions can be exempted from such requirement where it can be shown that the action will not have a significant effect on the environment.

Therefore, pursuant to the terms of these aforementioned laws, the LIRR Expansion Project does not require the filing of an Environmental Impact Statement, nor should have received a Positive Declaration as noted in Environmental Notice Bulletin May 11, 2016 - Region 1 Notices of the New York State Department of Environmental Conservation, published as required by the Environmental Conservation Law § 3-0306(4).

### Joseph James | 6/13/16 | 1:31 PM

The brief below is submitted for inclusion in the public comments on the Long Island Rail Road Expansion Project Draft Scoping Document. If inclusion of this brief will preclude the progression of this vital project, please do exercise better judgment and refrain from including it therein. As required, First Name: Joseph, Last Name: James, Zip Code: 11801

The New York law governing an agency's obligation to perform an environmental evaluation is the State Environmental Quality Review Act ("SEQRA"), Article 8 of the Environmental Conservation Law. The LIRR Expansion Project is exempt from SEQRA on the basis of a statutory exemption from SEQRA granted to MTA under Public Authorities Law § 1266(11). In pertinent part, that section exempts from SEQRA any MTA project which will not materially change the general character of the existing transportation use and involves an insubstantial contiguous addition to existing MTA transportation property.

The existing Main Line is used to provide public commuter rail transportation services oriented primarily to the needs of Nassau and Suffolk County residents who work within New York City. This use will remain unchanged as a result of the LIRR Expansion Project. The LIRR Expansion Project accordingly will not result in any change in its existing use as a commuter railroad. Furthermore, the Main Line currently consists of thousands of acres of real property. The addition of 9 or less commercial parcels to the Main Line is clearly an insubstantial contiguous addition. Even if all other parcels to be acquired for the LIRR Expansion Project were added together for purposes of § 1266(11), the total would be several acres, at most, clearly an insubstantial addition. Accordingly, the LIRR Expansion Project satisfies the exemption from SEQRA set forth in Public Authorities Law § 1266(11). Public Authorities Law § 1266(11), removes this project from all necessity to comply with SEQRA. Specifically, that law provides as follows: "No project to be constructed upon real property theretofore used for a transportation purpose, or on an insubstantial addition to such property contiguous thereto, which will not change in a material respect the general character of such prior transportation use, nor any acts or activities in connection with such project shall be subject to the provisions of Article eight, nineteen, twenty four, or twenty five of the Environmental Conservation Law, or to any local law or ordinance adopted pursuant to any such article. Nor shall any acts or activities taken or proposed to be taken by the authority or by any other person or entity public or private, in connection with planning, design, acquisition, improvement, construction, reconstruction, or rehabilitation of a transportation facility.... be subject to . . . [SEQRA].... if such acts or activities require the preparation of a statement pursuant to any federal law or regulation as to the environmental impact thereof." If there were ever any



doubt as to the intended purpose of this law, such doubts would be totally removed upon reading the Governor's message in approving the legislation. In pertinent part, the Governor's Message dated, June 29, 1981, states: "As I explained in my State of the State Message this year, 'most important to the State's economic future, we must maintain and expand our commitment to our public transportation.' "This bill constitutes a significant expansion of our State's commitment to public transportation and lays the foundation for a revitalization of the State's transportation system. "The bill provides for the financing of an emergency capital program for the Metropolitan Transportation Authority (MTA) and the expeditious implementation of the MTA Capital Program . . . "The bill responds to the present transportation emergency, and recognizes the critical importance of permitting the MTA and its affiliates to implement and advance their capital programs expeditiously." The bill also modifies and reduces certain time consuming environmental quality . . . Procedures..."The statute appears carefully designed to balance the goal of preserving environmental quality with the economic imperative of maintaining, upgrading, and expanding a viable transportation system. The statute appears to set up the following dichotomy: Projects which upgrade existing real property used for transportation purposes (i.e., roads, bridges, rails, canals) are absolutely immune from any environmental review, (the clear inference here being any environment impact that might occur has probably already taken place) and should not therefore impede the expeditious flow of commerce. In contrast, the construction or reconstruction of facilities, (i.e., terminals, depots, etc.) must comply with SEQRA, except where compliance with federal law or regulations requiring environmental statements have already been had, (the obvious purpose is to reduce duplication and delay). Moreover, an examination of the statute and its legislative history shows no intent to restrict its operation solely to the MTA or its subsidiaries, notwithstanding the fact that said statute is found in the Public Authorities Law in the Article generally dealing solely with the MTA. Statutes such as Public Authorities Law § 1266(11), which deal with expediting improvements which inure to the public benefit must be liberally construed as duly created Public Authorities of the State of New York, they are exempt from all municipal ordinances and regulations, and that by virtue of Public Authorities Law § 1266(11) defendants have been exempted from complying with SEQRA insofar, as this type of project is concerned. NY State Courts have concluded that the meaning and intent of the statute is clear beyond peradventure and is in accord with the legislative intent, to wit, to reduce "time consuming environmental quality and land transfer procedures." See Governor's memorandum McKinney 1981 Sessions Laws, Vol 2, p. 2583. The project in question meets all the statutory criteria of the exemption. The work in question is not a change in character or use, for immediately adjacent to the proposed work acts (which is, or can be virtually wholly contained in the LIRR's right of way) are similar electric tracks. The remaining work is work which is merely incidental to the additional electric track project, a project, which upon completion will greatly enhance commuter train service between Long Island and New York City. The drainage, grading, retaining wall construction and related work are all done in furtherance of the purposes of the Environmental Conservation Law, to wit, to insure that the project does not cause any further harm (environmental or otherwise) to adjacent properties and to protect the improvements now being constructed by the LIRR. To interpret the statute in the manner suggested by the Main Line Towns would negate its very purpose. Similarly, any jurisdiction the Main Line Towns endeavor to entertain over any aspect of this project has been preempted by the Legislature. Public Authorities Law § 1266(8) states in pertinent part: "...no municipality or political subdivision, including but not limited to a county, city, village, town or school or other district shall have jurisdiction over any facilities of the authority ... or any of their activities or operations. The local laws, resolutions, ordinances, rules and regulations of a municipality or political subdivision ... conflicting with the title or any rule or regulation of the authority... shall not be applicable to the activities . . . of the authority . . ." This explicit exemption or preemption from local laws has been consistently upheld by our courts and has been broadly applied. L. I.R.R. v. Public Service Commission, 30 A.D.2d 409, 292 N.Y.S.2d 167; People V. L.I.R.R., 90 Misc.2d 269, 397 N.Y.S.2d 846, affd. 41 N.Y.2d 1039; MTA v. Village of Tuckahoe, 67s Misc.2d 895, 325 N.Y.S.2d 718, affd. 38 A.D.2d 570, 328 N.Y.S.2d 615. Thus the two major basis for the cause of action contained in subsequent future complaint shall be rendered without legal basis. The preliminary evaluation of potential environmental impacts, (based on scoping consultations and research), indicates that several aspects of the LIRR Expansion Project may be significant. A large impact, however, may not be adverse and may, in fact, be positive in terms of overall quality of the environment - such as increased ridership. A large impact may not be significant since it may not be important and it can be properly mitigated - such as the provision of additional parking. While Type I actions generally require the filing of an environmental impact statement, even Type I actions can be exempted from such requirement where it can be shown that the action will not have a significant effect on the environment. Therefore, pursuant to the terms of these aforementioned laws, the LIRR Expansion Project does not require the filing of an Environmental Impact Statement, nor should have received a Positive Declaration as noted in Environmental Notice Bulletin May 11, 2016 - Region 1 Notices of the New York State Department of Environmental Conservation, published as required by the Environmental Conservation Law § 3-0306(4). Thank you so much for your time and consideration, Joseph James

**Manny Velez | 6/13/16 | 2:21 PM**

My comments and questions reflect serious concern for the impact before, during and after the LIRR Expansion Project (addition of a Third Track to the Main Line Corridor). They also call into question the real need for the third track addition as well as the ROI. By submission of these comments/questions, I expect each to be addressed with detailed answers as well as reply comments which should address each comment.

The project description lacks detail and estimated results, and is without data regarding before and after supporting documentation for affective results.

How many passengers ride the LIRR currently from each of the stations within the 9.8 miles?

How many passengers ride the LIRR westbound currently from each of the stations east of the 9.8 miles?

How many passengers ride the LIRR eastbound currently from each of the stations west of the 9.8 miles?

What is each ridership group's final destination?

What is each ridership group's choice of terminal in the city of NY (Penn Station, Atlantic Terminal, and Grand Central Station)?

What is the MTA/LIRR estimated increase of ridership for each of the aforementioned stations (by group) and what is the statistical, factual data used for the basis of the increase (please include scenarios and mathematical formulas)?

Why doesn't the MTA/LIRR make use of less expensive, easily accessible solutions to address what it describes as overcrowded trains and congestion?

These solutions would include adding train cars to make trains longer thus accommodating more passengers, reviewing the schedules and travel patterns of passengers to best address timetable changes rather than merely repeating many of the same existing schedules.

Making certain that train cars are properly maintained (not just repaired when broken) and repaired more quickly and efficiently so that repeat problems do not recur.

Make better use of the double decker trains and add more train cars to them to best accommodate more passengers.

Better negotiation with all LIRR/MTA unions is required so that maintenance, repair, customer service, new train car purchases (and their vendor warranty contracts) are efficient and effective, and are best used.

Make the proposed changes to Jamaica tracks, switches and station including (Harold Tower and similar) so that they are updated and best designed to accommodate dynamic utilization including solutions to disabled trains.

Make use of existing bypass track which has been recently cleared and added along the main line

how many "tow/tug" trains are in the current LIRR fleet of trains?

Add "tow/tug" engines along the line at bypass points so that they are positioned to clear disabled trains.

Add switches to the existing line so that trains can be re-routed within shorter distances and with more solutions than currently exist.

Please provide specific data and statistics for delays and congestion throughout the railroad (all lines), and then provide comparisons to the Main Line (specific to each line affected within the corridor). This data must include type of delay, its cause and the length of the delay.

Has this project been financially vetted with the state comptroller's office, as well as other state and federal agencies with regard to financial impact "Return on Investment" (ROI) and has it been compared to other scenarios and solutions.

What are the current contracts that MTA has with Freight Carriers (including NY Atlantic)?

How will these contracts be renegotiated during and after the third track addition?

The timeline for review and the amount of information and detail made available has not been sufficient to properly make comments and ask specific questions in order to get specific answers. It is completely unreasonable and unacceptable to present a project of this magnitude and with such significant impact directly and ancillary to ridership, communities and residents who live nearby and along the mainline corridor

Explain how adding East Side access to the LIRR will increase ridership along the main corridor. Residents who work in NYC near GCS currently take the LIRR to Jamaica or to Penn and continue their commute on subway to Uptown areas in NYC. While the existing commute may or may not become more convenience and or comfortable, there is no significant addition to ridership.

Freight currently uses the Main Line during off peak hours (early morning, midday and late at night. It is much more significant than in the past twelve years. What is the estimated increase to such freight use?

How much freight currently uses the mainline and its contributories and branch destinations. Include number of freight runs, the number of cars (not average but specifics) the weight of each freight car and total weight of each run. How many companies (and which ones by name) currently utilize the line for freight, and how frequently are they included in the aforementioned data.

With the addition of a new track along the line (a third track), it increases the current available freight use time by 50%. Existing mandatory requirements provide track for access use by carriers (including freight) to available track. Potentially, freight could use the track 50% more than they are currently using. The documentation provided at the scoping sessions include a FAQ about potential increased freight purports to answer the question by saying "No" there will be no increase to freight. It goes on to say "freight is currently underutilized on the main line", and then makes the statement that "freight will continue to be restricted to off peak hours". Provide the documentation and statistical data to support this estimated "no increase" and address the comment that begs an answer. If you build it freight will come.

There is a lack of consumable goods companies with access to the track and any respective transfer stations. What are the economics of companies currently using trucks (some their own fleet) to switch to a third party vendor to transfer freight from trucks to freight cars. Also comment on whether the MTA/LIRR scenario includes an assumption that those companies will buy and build their own facilities along the track.

Current freight-runs are limited to a certain number of freight cars, along with speed and weight restrictions due to the existence of grade crossings. While eliminating the grade crossings may be a valid solution to safety concerns, when coupled with the third track addition, it is a significant invitation to freight carriers to add freight runs (more frequently, longer number of freight cars, heavier and at faster speeds). The resulting impact on more than just track neighbors, will be significant.

Provide vibrations currently measured from commuter trains (empty and full).

Provide vibrations currently measured from Freight trains (empty and full).

Include in the freight data, the specifics per ton, per mile per hour.

How far from the track are vibrations felt and how do they dissipate as they extend past each measurable area?

What freight is being carried along the line currently?

Describe in detail the cost of the third track addition separate from the cost of the grade crossing eliminations. Describe in detail how the grade crossing can be done with a future potential use of a third track addition.

Explain why portions of the project cannot be done in a sequence that provides for minimal disruption and minimal cost? Include discussion of why separate plan phases could not provide better insight into the next phase with respect to the solution itself and the cost and or practicality of effective results and better return on investment (dollars and performance).

What chemicals are in the track line area that will be unearthed during the construction?

What is the plan for notification and disposal of the soil removed and or disturbed?

How long will each phase of the project take? What is the contingency period (time and dollars) budgeted?  
Will all project phases start simultaneously – resulting in longer “detoured areas”?

What is the plan for the Merillon Station LIRR overpass at Nassau Blvd?

What is the impact on the property surrounding that LIRR overpass?

What is the plan for the Tannerspond Road roadway underpass which connects to Denton Ave?

What is the impact on the property surrounding that the Tannerspond Road roadway underpass?

What traffic signals will be installed and or other traffic control devices installed at all grade crossing eliminations, including the Merillon Station LIRR overpass and the Tannerpond Road underpass?

Discuss re-evaluation of the total project with the possibility of focusing on the “low hanging fruit solutions” (adding train cars, increased use of double decker, improved maintenance for train car availability, readdressing schedule base on earlier commutation use than in the past), the intellectual solutions (scheduling and better management), then improved and added switches for more effective bypass within the existing track, Jamaica Station improvement (technology and logistics), then grade crossing eliminations with the flexibility for a third track consideration only if needed afterwards. All of these phases would require a measuring period which would justify the next phase. The last consideration would be a third track that would be the most costly, the most disruptive to the service and to long island residents and create the most potential for more contaminant disturbances and removal, and finally would certainly increase the ultimate invitation to increased freight which is the most permanent side-affect without true and valid justification (unless the data provided before and after, and after each phase as suggested would support).

All of these concerns existed at each earlier presentation of this project. Whether it was for bypass, increased ridership, reverse commuting, improved service, new East Side Access, the issues remain the same. There is a severe lack of detail data to support such a significantly costly and enormously disruptive project. The scoping and DEIS and EIS periods are rushed and without proper time to discuss and analyze with valid and supportable data and statistics.

Another comment is that the pre-presentation of the plan and the public relations around it, created the misperception that there are no other solutions, that safety at the grade crossings must be attach to the third track, that there is no possible increase to freight, that it was well planned, that it must happen now or it will be detrimental to Nassau and Suffolk county, that it will reduce pollution and that LI needs this – NOW without study or detailed analysis.

Certainly no project, especially one this costly and disruptive, should be entered into without more detail and more data regarding “before and after” analysis. The return on the investment must be justifiable and supportable.

What are the short and long term ticket costs and the requirement for increased taxes, agency funding, and budget related costs as a result of the project. What would they be if done as suggested within this comment document? Discuss the possibility and economics of changing the peak period to accommodate more scheduling for riders.

Lastly, home values will be depressed permanently along the line and in the surrounding areas (nearby – which by definition will expand with increased use and increased freight, along with resulting road traffic concerns during and after). The economy on long island cannot be viewed in a vacuum. You cannot describe increases to any portion without detail review of all other aspects including home values. Shifting the economy is not the same as improving it. Union and other construction related parties will certainly gain from the long term project. However, they can still do well using the phases described within this comment notice. In fact improvements to the system recommended to be done before the construction phase will increase economy based on efficient improvement (LIRR goodwill too) and better maintenance contracts.

These are just a few of the comments that come to mind when considering this project. The MTA/LIRR along with the Governor should not entertain such an enormous project without these considerations. Other interacting agencies need to be aware of these same concerns.

**Aida Velez | 6/13/16 | 2:24 PM**

My comments and questions reflect serious concern for the impact before, during and after the LIRR Expansion Project (addition of a Third Track to the Main Line Corridor). They also call into question the real need for the third track addition as well as the ROI. By submission of these comments/questions, I expect each to be addressed with detailed answers as well as reply comments which should address each comment. The project description lacks detail and estimated results, and is without data regarding before and after supporting documentation for affective results. How many passengers ride the LIRR currently from each of the stations within the 9.8 miles? How many passengers ride the LIRR westbound currently from each of the stations east of the 9.8 miles? How many passengers ride the LIRR eastbound currently from each of the stations west of the 9.8 miles? What is each ridership group’s final destination? What is each ridership group’s choice of terminal in the city of NY (Penn Station, Atlantic Terminal, and Grand Central Station? What is the MTA/LIRR estimated increase of ridership for each of the aforementioned stations (by group) and what is the statistical, factual data used for the basis of the increase (please include scenarios and mathematical formulas)? Why doesn’t the MTA/LIRR make use of less expensive, easily accessible solutions to address what it describes as overcrowded trains and congestion? These solutions would include adding train cars to make trains longer thus accommodating more passengers, reviewing the schedules and travel patterns of passengers to best address timetable changes rather than merely repeating many of the same existing schedules. Making certain that train cars are properly maintained (not just repaired when broken) and repaired more quickly and efficiently so that repeat problems do not recur. Make better use of the double decker trains and add more train cars to them to best accommodate more passengers. Better negotiation with all LIRR/MTA unions is required so that maintenance, repair, customer service, new train

car purchases (and their vendor warranty contracts) are efficient and effective, and are best used. Make the proposed changes to Jamaica tracks, switches and station including (Harold Tower and similar) so that they are updated and best designed to accommodate dynamic utilization including solutions to disabled trains. Make use of existing bypass track which has been recently cleared and added along the main line how many "tow/tug" trains are in the current LIRR fleet of trains? Add "tow/tug" engines along the line at bypass points so that they are positioned to clear disabled trains. Add switches to the existing line so that trains can be re-routed within shorter distances and with more solutions than currently exist. Please provide specific data and statistics for delays and congestion throughout the railroad (all lines), and then provide comparisons to the Main Line (specific to each line affected within the corridor). 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**Michelle Velez | 6/13/16 | 2:37 PM**

Please justify with specific detail and supporting data (including before and after comparison) the need for the Third Track Addition before first addressing all other solutions which are less costly and significantly less disruptive. From a Budget and Tax Spending perspective, what is the return on investment of this significantly costly plan (include dollar recovery, service improvement with factual statistics). Please explain in great detail the scenarios that can provide for multiple projects with phases and analysis especially concerning the elimination of grade crossings as a separate plan from the third track addition.

Provide the names of the members of the LIRR/MTA project team. Include the financial and budget advisors. Which politicians are on the committee to review this project for approval? Besides the Governor, which politicians support the plan and which oppose the plan?

Please provide the project cost by section of the project (define the sections of the project) and include general estimated cost and time budgeted per trade involved in the project.

Which companies have currently bid on the project?

My comments and questions reflect serious concern for the impact before, during and after the LIRR Expansion Project (addition of a Third Track to the Main Line Corridor). They also call into question the real need for the third track addition as well as the ROI.

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All of these concerns existed at each earlier presentation of this project. Whether it was for bypass, increased ridership, reverse commuting, improved service, new East Side Access, the issues remain the same. There is a severe lack of detail data to support such a significantly costly and enormously disruptive project. The scoping and DEIS and EIS periods are rushed and without proper time to discuss and analyze with valid and

supportable data and statistics.

Another comment is that the pre-presentation of the plan and the public relations around it, created the misperception that there are no other solutions, that safety at the grade crossings must be attached to the third track, that there is no possible increase to freight, that it was well planned, that it must happen now or it will be detrimental to Nassau and Suffolk county, that it will reduce pollution and that LI needs this – NOW without study or detailed analysis.

Certainly no project, especially one this costly and disruptive, should be entered into without more detail and more data regarding "before and after" analysis. The return on the investment must be justifiable and supportable.

What are the short and long term ticket costs and the requirement for increased taxes, agency funding, and budget related costs as a result of the project. What would they be if done as suggested within this comment document? Discuss the possibility and economics of changing the peak period to accommodate more scheduling for riders.

Lastly, home values will be depressed permanently along the line and in the surrounding areas (nearby – which by definition will expand with increased use and increased freight, along with resulting road traffic concerns during and after). The economy on long island cannot be viewed in a vacuum. You cannot describe increases to any portion without detail review of all other aspects including home values. Shifting the economy is not the same as improving it. Union and other construction related parties will certainly gain from the long term project. However, they can still do well using the phases described within this comment notice. In fact improvements to the system recommended to be done before the construction phase will increase economy based on efficient improvement (LIRR goodwill too) and better maintenance contracts.

These are just a few of the comments that come to mind when considering this project. The MTA/LIRR along with the Governor should not entertain such an enormous project without these considerations. Other interacting agencies need to be aware of these same concerns.

**Benjamin Truncale | 6/13/16 | 2:39 PM**

SPELLMAN RICE GIBBONS POLIZZI & TRUNCALÉ, LLP  
229 Seventh Street, Suite 100  
Garden City, New York 11530  
(516) 592-6800

June 13, 2016

VIA ELECTRONIC SUBMISSION

Edward M. Dumas, Vice President-Market  
Development & Public Affairs  
Long Island Rail Road Expansion Project  
MTA Long Island Rail Road, MC 1131  
Jamaica Station Building  
Jamaica, New York 11435

The Long Island Rail Road Expansion Project  
(Floral Park to Hicksville)

Dear Mr. Dumas:

I am the Village Attorney for the Village of Stewart Manor ("Village"). These comments are being submitted on behalf of the Village in response to the MTA/Long Island Rail Road's ("MTA") Expansion Project Draft SEQRA Scoping Document. These comments are intended to assist the MTA in considering the project and in preparing all necessary environmental documents so that both the MTA and the public may properly evaluate any proposal to the main line corridor.

Although, the Draft Scoping Document does not identify any proposed construction within the Village, it is beyond dispute that Stewart Manor will suffer significant environmental impacts as a result of the proposed construction in neighboring villages. It is respectfully suggested that the MTA give significant weight and attention to the comments which follow.

A. SEQRA

1. The purpose of SEQRA is to assure that social, economic and environmental factors are considered before reaching a decision on proposed actions that may impact the environment. This requires agencies to assess the environmental significance of all actions they have discretion to approve, fund or directly undertake.

2. In order for the SEQRA process to function properly, full cooperation is required amongst the project sponsor, lead agency, involved agencies

and interested agencies. Crucial to this process is transparency and meaningful public participation.

3. The project is titled "Long Island Rail Road Expansion Project", focusing on the construction and installation of a third track. However, the draft scoping document is devoid of any mention, depiction and discussion of the third track location or placement. Such information is crucial in order for the public to meaningfully review and comment on the potential environmental impacts (cumulative or otherwise).

4. Meaningful public participation can only be accomplished if and when a more detailed scoping document is prepared and disseminated describing the project in its entirety. Such a document must include project specifics as it relates to the construction and installation of the third track, infrastructure and an analysis of the cumulative environmental impacts of same. Stewart Manor stands to experience significant impacts and disruptions (i.e. traffic, parking, increased ridership in neighboring LIRR Branches, business disruption and overall disruption to the residential community from thru-traffic and on-street parking) to the quality of life of its residents and businesses. These disruptions must be properly identified and mitigated.

5. An opportunity for meaningful public participation requires that the public have sufficient time to involve itself in the scoping process. Given the nature of this project, a five week period for review, analysis and comment is insufficient.

6. Full transparency and a desire on the part of the MTA to fully engage the public in the SEQRA process (as mandated by statute) is unclear when the project sponsor and lead agency are one in the same. Set forth the reason(s) that the Federal Transportation Authority does not have any oversight over the proposed project.

#### B. Project Details

1. All of the proposed project details must be identified and circulated to the public.

Specifically, the MTA needs to do the following:

- a. Identify the differences between the proposed project and that of ten (10) years ago;
- b. Identify the actual location of the proposed third track for the entire project;
- c. Identify the staging location(s) during each phase of the project;
- d. Identify the communities that will comprise the project study area for the cumulative impacts of the proposed project;
- e. Identify any temporary/permanent infrastructure (i.e. parking fields, parking garages, construction staging sites, trailers, material storage areas, relocated/reconstructed station platforms, signals and signal houses);
- f. Identify the actual boundaries of the LIRR "right of way" and explain why it was not originally included in the Draft Scoping Document;
- g. Identify the easements (permanent and/or temporary) that will be necessary during and after construction;
- h. Identify a realistic timeline for construction based upon past project experience;
- i. Identify the proposed hours for construction;
- j. Identify the sequencing of construction for the entire project;
- k. Identify how emergency services will be affected before, during and after construction;
- l. Identify the mitigation measures that will be in place to ensure that the proposed project will not result in soil or water contamination. Specifically, the MTA needs to identify the existence of any toxic or harmful materials existing or proposed;
- m. Set forth the methodologies to be employed in order to identify and mitigate the traffic impacts resulting during and after construction of the proposed project;
- n. Inasmuch as increased ridership on the Hempstead Branch will necessarily result during the construction phase of the proposed project, projected parking requirements in the Village for such increase in ridership should be identified and a plan for mitigating such increased parking should be developed;
- o. Identify the noise study that will be conducted to review the impacts during and after construction of the proposed project;
- p. Identify the vibration study that will be conducted to review the impacts during and after construction of the proposed project;
- q. Identify the economic study that will be conducted to review the impacts upon property owners and businesses during and after construction;
- r. Identify the impacts to businesses as a result of the closure of Covert Avenue. A careful analysis of projected impacts upon businesses must be



made and a plan for preserving business operations during construction and thereafter must be formulated;

s. If advancement of the proposed project will result in any loss of assessed valuation by the Village, do to takings (temporary or otherwise) and/or property devaluations, a method to compensate the Village and property owners on a permanent basis for such losses must be devised;

t. Identify the reason(s) the proposed project was not discussed in the MTA Capital Program 2015-2019;

u. Identify the funding source for the proposed project and contingency financing;

v. Identify the impacts the proposed project will have on existing LIRR Branches/Scheduling, specifically the Hempstead Branch; and

w. Identify the cumulative impacts of the project with respect to land use and the character of the community.

## 2. Freight cargo

a. There currently exists a certain level of freight traffic on the LIRR main line. Although the potential for increased freight traffic is dismissed in the Draft Scoping Document, an evident by-product of the project is the potential for increased freight travel in the future. The impacts must be identified and carefully considered.

b. Identify any agreements, contracts, regulations and restrictions regarding freight cargo on the main line; and

c. Identify the rail priority of freight on the main line, specifically in the case when tracks/signals are down.

## 3. Alternatives

a. Identify all available alternatives to achieve the intended purpose of the proposed project. Specifically, a cost benefit analysis should consider the relative impacts of other initiatives that would improve service reliability at a lower cost and impact to local communities. These initiatives include:

i. Construction of a new passenger train yard in Huntington for the westbound commute, thereby reducing the need to deadhead eastbound trains.

ii. Electrify the Port Jefferson branch;

iii. Complete the second track into Ronkonkoma;

IV. Grade crossing eliminations that do not adversely affect local communities. As previously stated, a partial elevation and partial depression would allow the roadways to remain active and would be less disruptive to traffic flow;

v. Correct the Jamaica Crawl by upgrading problematic switches;

vi. Complete East Side Access into Grand Central Terminal; and

vii. High speed signaling switches in conjunction with the LIRR system.

b. Identify if any alternatives will include elements of phasing, such as bifurcating the project;

c. Identify the general impacts of phasing; and

d. A realistic time-line for completion of each phase (including "down-time" in between any phases) must be developed so that a realistic assessment of impacts may be made.

## C. Conclusion

The residents of the Village strive to preserve and promote a quality of life which focuses upon safety, security, fine homes, manicured lawns, uncluttered roads, culture, recreation, education and a sense of community. Any proposed project that will impact the Village must also protect and promote that quality of life.

Likewise, the business owners and professionals in the Village are committed to complementing the residential community in promoting the Village as a wonderful place to visit or in which to live or work.

It is urged that the environmental review of the proposed Expansion Project take into consideration and share in, at every phase and in every category of review, the promotion of the dearly-held values of the Stewart Manor community. Any Draft Scoping Document that fails to identify the impacts (traffic, parking, increased ridership in neighboring LIRR Branches, business disruption and overall disruption to the residential community from thru-traffic and on-street parking) that will result within Stewart Manor and create adequate mitigation measures for same is

deficient.

It is suggested that the MTA rescind the current Draft Scoping Document and issue a complete and proper document which addresses all aspects of the project.

Respectfully submitted,  
Benjamin J. Truncale, Jr.  
Village Attorney

### Matthew Loesch | 6/13/16 | 3:13 PM

As a LIRR commuter, my initial questions and comments are:

- what is the best use of LIRR investment dollars?
- What is the purpose of investment spending?
- How does LIRR assess return on investment?

Regarding the 3rd track project it is unclear to me that any of these questions have been answered (unless the answer is to spend \$1B to spur construction employment in the short run). Further, we have not been given any quantitative data to support this project in absolute terms or versus alternatives.

- How does this project compare to other potential investments?
- Is this the lowest hanging fruit for improvement?

I do not buy into the idea that capacity expansion is the solution to an undefined problem.

- Are there other modernization programs that could achieve better system-wide improvements more quickly and more cheaply?

I don't believe the railroad has optimized the potential of the assets in place. Some areas that should be analyzed that could yield meaningful rider benefits:

- Vastly improve the LIRR App... allow for digital ticketing, accurate 'on time performance' updates, rider tracking, train tracking (so riders can see where trains are enroute and adjust accordingly), etc.
- LIRR schedule optimization. The railroad lacks any real sense for how many riders are on any given train at any point in time (a scary thought in the event of an emergency) and likely results in a poorly designed schedule. Taking a manual headcount once every few years on a given train does not come close to providing an understanding of ridership patterns in a dynamic network. This is 2016, not 1844, understanding, in a 'Big Data' sense, where people are and how they would react to a schedule change would allow LIRR to maximize system wide capacity and minimize delays due to broken equipment.
- Train & Track maintenance. It is self-evident that broken trains and tracks are another area that could be vastly improved to the benefit of the entire system.
- Improve OTP. I believe large gains could be had if LIRR just focused on leaving the initial departure station on time. This is something that should be totally within LIRR's control, but something in my experience that LIRR trains fail to do more often than not. This clearly has ripple effects on the system. What are the LIRR's 'on time departure' statistics?
- Better signage that links with real time information. At local stations trains often read 'on-time' even after they are minutes late, creating confusion for those waiting for trains (how do know if an 'on-time' train already pass the station?) Penn station needs signs with train and track information at every entrance from the street and subway to facilitate more efficient pedestrian traffic within Penn station, particularly for the evening commute.
- Until these and similar other low hanging fruit have been harvested I'm not sure throwing additional capacity at a "problem" seems appropriate (but is wasteful to the detriment of tax payers, riders, and local businesses and land owners).

Regarding the "problem" a third track is supposed to solve. I'd like to see more quantitative evidence that there is an issue. In an 81 page presentation titled "Long Island Rail Road Expansion Project, Floral Park to Hicksville" very little content was devoted to the track expansion (while the vast majority was directed towards grade crossings). The problem was not defined or supported.

- The reverse commute – how many people reverse commute today? Relative to the normal flow of people is that material? If two tracks dedicated in one direction during rush hour is not enough capacity today, doesn't dedicating a third track to a reverse commute in the future put the system at the same risk to disruption (i.e. in morning rush: 2 westbound today vs 2 westbound & 1 eastbound in the future). Seems like for this to work you need to solve other problems in the system (reliability, timeliness, etc.). LIRR's "desire to increase reverse peak and intra-island service opportunities" does not qualify as a problem nor solution to a problem.
- "severe congestion" - what does that mean? How about some supporting documentation.
- "emergency repair, a disabled train" – how often does it happen in this 10 mile stretch? Need more supporting documentation. Would passing lanes in some spots be sufficient?

Regarding the scope of the 3rd Track Project:

As a resident just four houses south of the Merillon Ave LIRR Station I am particularly interested in the impact of the proposed changes to my area and my family's quality of life. Given the lack of information provided by LIRR I am currently opposed to the project, but my mind is not set.

I would like to know specifically how this proposal would impact the area from Nassau Blvd to Denton Ave. Important considerations include:

- Exact maps and renderings
- Construction timelines
- Impact to green spaces, particularly if any trees would be removed
- Impact to local traffic— during and after construction
- Impact from vibration and noise after construction
- Impact of construction, vibration, noise, dust, hazardous materials in kicked into the air or used during construction (solvents, adhesives, paints, etc.), and emergency plans for accidents
- Impact to freight train frequency and volume of hazardous material movement
- Impact to Merillon Avenue train access during construction
- Impact to Merillon Avenue train schedule during and after construction
- Specifically, how long will track and station work take and what will station access look like during and after construction. What platforms will be usable or unusable during construction and for how long?

Although I wish they were true, I find the estimated construction times presented by LIRR for 10 miles of third track and multiple grade crossings to be deceitfully or carelessly underestimated. I fear construction timelines would drag on well beyond the estimated dates. It took over 6 months to replace the underpass sidewalks on Nassau Boulevard. The East Side Access project is multiple years beyond initial projections.

### Dennis McEnery | 6/13/16 | 4:17 PM

The following comments were made part of the record and submitted on his own behalf as a member of the public at the evening session at the New Hyde Park Inn on May 24, 2016, which the MTA LIRR limited commenters to 3 minutes each. It was requested that the MTA LIRR provide each public speaker at its public comment period the opportunity to review and correct the written transcript of all such comments made, and that the MTA LIRR provide the complete transcript on its web site, but the MTA LIRR failed to do so before the Public Comment period was closed at 5 PM on June 13, 2016.

As an initial matter, it was requested and consented to without objection that all the comments and submissions previously made in response to the May of 2005 Federal Register notification for the MTA LIRR Third Track Project submitted to the FTA are made part of the current record as if fully set forth herein, and are hereby incorporated by reference, with the MTA LIRR to fully respond as is needed. In particular the comments previously made by the Village of Floral Park dated August 30, 2005 are incorporated herein as if fully set forth, which are also available at the MTA LIRR's request in PDF format.

Top ten main line station mile markers for the MTA LIRR Third Track Megaproject:

I. MTA LIRR must provide hosting communities mitigation first and foremost before any destruction and construction.

It is an obligation for the MTA LIRR to fulfill rather than just a luxury. The hosting communities' mitigation needs have to be fulfilled prospectively prior to any adverse impacts taking place rather than retrospectively when the damage is already done. The Floral Park and Bellerose LIRR train stations must be updated to become state of the art, including fully ADA compliant accessibility, with no elimination of any current platforms in either size or location being permitted.

II. Grade crossing eliminations need to be done first, done right and done on time.

The MTA LIRR must prove it can actually complete a grade crossing elimination as promised. The MTA LIRR and NY DOT are challenged to do just one at first by actually demonstrating it can do so from conception to birth in 9 months as they have promised.

III. Hosting communities shouldering the burdens must obtain the greatest benefits.

The hosting communities must be better off as a result of the megaproject with no decline from their status quo. There also needs to be demonstrated and agreed that there will be a comparable increase in the amount of service to the hosting communities with the amount of train traffic they are asked to bear and certainly not a decrease, as has been suggested with respect to the Hempstead line, which is the primary source of service for Floral Park and Bellerose.

IV. MTA LIRR must be a good neighbor to its hosting communities.

The megaproject must be guided by a guiding principal to provide a helping hand to its surrounding communities and not give them a thumb down finger instead of thumbs up approach. For example, the proposed quarter mile impact zone is woefully inadequate and instead an at least one mile area radiating from the Right of Way must be established as a minimum study area.

V. MTA LIRR must provide full disclosure and transparency as a key to building trust and credibility.

The hosting communities deserve direct representation and oversight throughout the entire megaproject, including the establishment of a Technical Oversight Board with members selected by and from the hosting communities being provided meaningful input and status. The hosting communities must be provided direct access to their own independent experts and counsel, who must be reimbursed as part of the megaproject and not by the local communities themselves.

VI. Reverse commute justification has already been debunked, dead and buried.

Any further discussion of the reverse commute basis needs to be abandoned as even the Governor has acknowledged that it is not a viable basis for moving forward with this over billion dollar megaproject. Although Hofstra University continues to beat this dead horse issue, Hofstra's own self-interest in apparently being no doubt richly compensated for hosting the LIRR public comment sessions, for example, despite the fact that Hofstra is not even located in one of the hosting main line communities, alone raises serious conflict of interest and credibility issues.

VII. Freight trains increasing, however, are of legitimate and frightening concern.

It is imperative that the MTA LIRR keep the surrounding communities safe. The LIRR needs to place strict limits in perpetuity which would prohibit the use of any track expansion for freight use. There also needs to be limits placed on the type of cargo allowed, especially radioactive and hazardous waste.

VIII. Design and build means there needs to be better planning and reviewing, not less.

This megaproject as proposed requires an even greater level of specificity and planning due to the "design and build" process being proposed. If no design is agreed upon with the hosting communities, then no building is to take place until such a consensus is reached and obtained.

IX. The FTA must continue to have the final review under NEPA, not just the MTA LIRR acting as its own judge and jury under SEQRA.

This may be the most important and significant issue which the MTA LIRR must agree to before anything further takes place. The megaproject which was announced in May of 2005 Federal Register continues in full force and effect, including oversight responsibility and review of the Federal Transit Administration pursuant to NEPA. As the MTA LIRR has proclaimed, however, it may not even be held accountable under SEQRA, especially if it attempts to invoke its statutory exemption rights under SEQRA, although it is not conceded that the MTA LIRR can arbitrarily decide and without reason act as judge, jury and executioner for this megaproject. The MTA LIRR must therefore agree to fully comply with all NEPA requirements, including review and approval by the FTA and/or FRA, which already have such responsibility for the East Side Access Megaproject, which cannot be allowed to be segmented from the current proposal. The MTA LIRR already has commenced the NEPA process and it is challenged to immediately disclose and release the Draft Environmental Impact Statement which it has already submitted to the FTA office for the Second Region office located at Bowling Green in downtown Manhattan. The taxpayers have already spent over \$7 million for that information, which must be made part of the current record going forward too.

X. East to west just works best, as going west to east is just beastly.

It is obvious that should any construction begin to take place, it should be commenced in the east and be completed in the west. In reviewing the most significant megaproject recently undertaken in the region, such as the East Side Access and the Tappan Zee Bridge, for example, the work is commenced in the area with the least significant obstacles, with the area with the most difficulties being done last. The East Side Access megaproject, for example, has been built starting east going west into Grand Central Station, rather than starting west at the Grand Central Station and going east. So should this megaproject, much like the sun rising in the east on Long Island in Greenport and setting in the west in Floral Park. The MTA LIRR must commence its megaproject beginning in Hicksville, and only commencing work in Floral Park at the end of the process, rather than at the start.

In all, the current scoping document is inadequate, incomplete and not in compliance with both the letter and spirit of the law in New York's own SEQRA requirements or the federal NEPA requirements. In addition, unless and until the MTA LIRR provides a "lock box" guarantee of dedicated funding for the entire megaproject, it should not be permitted to move forward until, at the minimum, all of the grade crossing eliminations have been fully and properly completed.

Dennis J. McEnery of Floral Park is a founding member of the Floral Park Third Track Task Force, as well as the not for profit organization Citizens Against Rail Expansion [CARE]. Dennis McEnery is also a member of the Village of Floral Park Zoning Board of Appeals and the Village of Floral Park Conservation Advisory Council. Dennis McEnery is also the President of the Floral Park Conservation Society, Incorporated.

### Dennis Mcenery | 6/13/16 | 4:22 PM

Please make the record clear that the MTA LIRR Third Track was NOT part of the LIRR's 20 Year Plan MTA's 20-year to-do list replaces LIRR diesel trains, more Originally published: October 2, 2013 6:52 PM Updated: October 2, 2013 9:34 PM By ALFONSO A. CASTILLO

alfonso.castillo@newsday.com <http://www.newsday.com/long-island/mta-s-20-year-to-do-list-replaces-lirr-diesel-trains-more-1.6185656> Building a second track as far east as Yaphank, replacing all diesel trains, and rebuilding six aging bridges are all on the Long Island Rail Road's to-do list for the next two decades. The Metropolitan Transportation Authority on Wednesday released its Twenty-Year Capital Needs Assessment, which outlines \$106 billion in infrastructure projects across the MTA's agencies through 2034. MTA chairman and chief executive Thomas Prendergast said in a statement that the assessment, combined with major expansion projects like the Second Avenue Subway, "will promote economic growth in regions throughout the state. "The LIRR's listed needs mostly include long-discussed projects, such as work associated with East Side Access to Grand Central Terminal, construction of a second track between Farmingdale and Ronkonkoma, modernization and reconfiguration of tracks and switches at Jamaica, and reopening Republic Station in East Farmingdale to anchor a planned transit hub serving the Route 110 corridor. Other projects have not been discussed publicly as much, including eventually expanding the Double Track project to Yaphank, rebuilding Babylon Station, and building new train yards on the Huntington-Port Jefferson branch and on the Babylon-Montauk branch. The LIRR's projects total \$13.4 billion. The biggest portion of that, \$2.3 billion, will be spent on buying new trains. In addition to buying as many as 318 new electric cars, the LIRR will invest in a new "alternative diesel fleet" to shuttle riders between electrified stations and unelectrified stations, according to the report. "Infrastructure investment and modernization will continue to be a central focus of the LIRR, particularly as it moves towards its Bicentennial Anniversary at the end of this 20-year needs period," the report said. Mark Epstein, chairman of the LIRR Commuter's Council, said what stood out most from the report was what was left off it: any mention of a long-debated plan to build a third track between Floral Park and Hicksville. Prendergast and LIRR president Helena Williams have said they support the plan, which would increase capacity on the Main Line and allow for more reverse commuting onto Long Island. But the \$1.3-billion plan has been stalled for years

because of a lack of funding and political support. "A lot of the projects they're doing now, without a third track, will not reach their full potential," Epstein said. "This is supposed to be your wish list for the future. And I guess we'd wish for a lot more than this."

### Dennis McEnergy | 6/13/16 | 4:35 PM

Please add the resolution of the Village of Floral Park to the record:

CERTIFIED RESOLUTION NUMBER 2016-34

Adopted on March 1, 2016

FLORAL PARK VILLAGE BOARD OF TRUSTEES

WHEREAS, the Incorporated Village of Floral Park is an incorporated municipality with approximately 15,863 people located in western Nassau County; and

WHEREAS, the Village of Floral Park, which has an area of less than two square miles and is completely bisected by the nation's busiest commuter railroad right of way containing up to four major railroad tracks currently controlled by the Metropolitan Transit Authority ("MTA") and its wholly owned subsidiary, the Long Island Rail Road ("LIRR"), which is the nation's largest commuter railroad and also used by New York and Atlantic Railway for freight shipments; and

WHEREAS, the John Lewis Childs School and the Floral Park-Bellerose School, which are the only public elementary schools that provide educational services to the children of the Villages of Floral Park and Bellerose and unincorporated areas of Floral Park Centre and Bellerose Terrace, abut the LIRR right of way; and

WHEREAS, the Village of Floral Park's Pool and Recreational area, as well as the playgrounds and fields of the John Lewis Childs School and the Floral Park-Bellerose School all border the MTA LIRR right of way; and

WHEREAS, 148 residential homes and 1 apartment building with 16 units abut the railroads right of way; and

WHEREAS, the Village of Floral Park, which receives no corresponding level of service already is burdened with over 40 percent of the over 735 currently scheduled MTA LIRR commuter trains each day and ever increasing freight train traffic, some of which have carried hazardous and radioactive materials through the Village of Floral Park, as well as various work trains and empty trains being positioned due to the failure of the MTA LIRR to have needed train yards located in other areas of Long Island; and

WHEREAS, in 2008, when the MTA LIRR Third Track expansion project, which was known as its "Main Line Corridor Improvement Project", which would have involved massive construction, was withdrawn due to lack of funding and community opposition as evidenced by over 10,000 signed petitions, testimony presented at 3 scoping hearings and over 130 resolutions passed by local community organizations; and

WHEREAS, Floral Park Village Board at the time led the fight to stop that ill-conceived plan by Resolution 2008-28 adopted on February 19, 2008; and;

WHEREAS, Governor Andrew Cuomo on January 13, 2016 in his 2016 State of the State and Budget Address stated "We need to add a third track to the Long Island Railroad system so we can expedite commuters and promote intra-island transit" without providing any plans and despite the fact that the MTA LIRR in 2008 had disavowed the need for a Third Track to service "reverse commuters": and

WHEREAS, any additional track installation will have significant construction impacts on residents of the Village of Floral Park and all local riders who use the MTA LIRR station in Floral Park, including: potential loss of adjacent properties to the MTA LIRR by eminent domain thereby displacing homeowners along with reducing assessed valuation of property; significant construction noise and vibration; temporary loss of common area or private property for construction and staging areas; temporary loss of parking underneath the MTA LIRR tracks behind the largest residential complex known as Flower view Apartments Owners, Inc.; temporary loss of the roadways adjacent to the MTA LIRR Right of Way as well as the main thoroughfares into and out of the Village of Floral Park, known as Tulip, Carnation, South Tyson, Plainfield, and Covert Avenues, all two lane roads, causing tremendous inconvenience of Floral Park residents destined for business, recreation and transportation in the area and especially destined primarily to our local schools; significant delays by our Police Department, Fire Department and Ambulance company where a delay of mere seconds can be the difference between life and death; bringing noise and vibration closer to Floral Park homes, schools, recreation areas and businesses; a massive expansion of freight train service around the clock hereby substantially increasing the transportation of waste, toxic materials and chemicals creating the potential exposure to fumes and risk due to leakage or catastrophic accident; and

NOW BE IT RESOLVED, that the Floral Park Village Board of Trustees, here assembled, unanimously oppose the Third Track expansion project because it will create negative impacts on the Floral Park community as described above with no benefit to the residents or businesses of the Floral Park communities. The exorbitant expense connected with completing this project far exceeds any justification of need. In addition, there has been little consideration given to the severity of adverse impacts to be suffered by our community, economically, socially and physically during the planning phase, years of construction and thereafter as our quality of life is deteriorated with the addition of hundreds of more trains, twenty-four hours a day, seven days a week; and

WE URGE our constituents, their families, friends and neighbors to write to their elected officials asking them to publicly state their strong and

unbending opposition to the Third Track expansion project and the funds earmarked for this project instead be used to complete other innovated and less intrusive improvements proposed by LIRR President Pat Nowakowski, including eliminating grade crossings, a second track into Ronkonkoma, creating a railyard in Huntington to preset coaches for westbound rush hour operation, upgrading switches and correct the "Jamaica Crawl", and install modern switches throughout the LIRR system; and WE join in and support the position of the Floral Park-Bellerose Board of Education and will forward a copy of this resolution to elected officials, and request that they oppose any such Third Track project through public statements and through their votes to defeat any such proposal that comes before them.

The Resolution was seconded by Trustee Cheng and adopted on roll call as follows:

Trustee Fitzgerald - Aye  
Trustee Longobardi - Aye  
Trustee Pombonyo - Aye  
Trustee Cheng - Aye  
Mayor Tweedy - Aye

I, the undersigned, Village Clerk, of the Incorporated Village of Floral Park

DO HEREBY CERTIFY

That I have compared the above extract of the minutes of the regular meeting of the Board of said Village, in which this motion is contained therein, held on March 1, 2016, with the original thereof on file in my office, and the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matter therein referred to.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Village this 2nd day of March, 2016.

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Susan E. Walsh  
Village Clerk

### Matthew & Anne Marie McGeever | 6/13/16 | 4:47 PM

Greetings. Myself and my wife were fortunate to attend the Public Scoping Meeting held at the New Hyde Park Inn on May 24, 2016. After reviewing the most pertinent elements in the Scoping Document (hereinafter referred to as "the Document") we would like to add additional comments in addition to those that Anne Marie presented to the Project representatives on that date. These comments focus on what we believe will be significant impact issues that seem to have been absent from the Document or purposely excluded so as not to raise any alarming concerns of the communities affected. These comments are listed in chronological order as follows:

1. Environmental - nowhere in the Document is there a candid discussion of the environmental impact to residents living in the affected communities from noise, traffic disruptions, and, yes, potential pollution that is consistent with project undertakings of this magnitude. Our community, Floral Park, is left to wonder what, if any, contingencies the New York State Government, the MTA and Private Contractors plan to implement to overcome or mitigate these important impact issues that are certain to arise during the construction time-line.
2. Public Safety - Our community, Floral Park, is bisected by the Long Island Railroad with one-half coming under the jurisdiction of the Town of North Hempstead (just a block north of the LIRR beginning on the northside of Jericho Tnpk) and the Town of Hempstead, primarily south of the LIRR right-of-way. Approximately 80% of Emergency Response Apparatus, including Police, Fire and Rescue are located south of the right-of-way (in fact most, if not all, are adjacent to the right of way). These critical First Responders' duties are not limited to one side of the right-of-way (i.e. the Town of Hempstead), but both sides stretching into the Town of North Hempstead where only one Fire Company is located. As with comment#1, nowhere in the Document is there any indication as to how to address the need for these critical agencies to quickly respond to emergencies, taking into consideration the disruptive nature to traffic and pedestrian movement associated with a project of this magnitude.

Eminent Domain - at the May 24th hearing it was repeatedly stated that there would be no impact to private property currently existing in proximity to the proposed construction zone. I am assuming you meant the only impact would be noise or periodic inconvenience to the free flow of traffic, although the Document was silent on these issues. However any layman, not associated with the project, as well as the LIRR and its associated partners, know that this project cannot succeed without some legal confiscation of private property, be it business or residential, in proximity to the current right-of-way. A person can envision the devastation to residents and businesses along the proposed new right-of-way when you visualize how this area will look upon completion. Once again the authors of the Document either inadvertently did not consider this impact or intentionally excluded it to deceive residents, businesses and other concerned citizens into supporting the project as outlined in the Document.

Schools - another impact the Document seems to have failed to address is the effect on schools that are adjacent to the construction zone and

completed right-of-way. Students commuting to these schools will certainly be affected during the construction phase with its attendant detours impinging on safety. When completed the noise pollution from increased railroad traffic would also prove to be disruptive.

I, Matthew D. McGeever am a CPA. I have specialized in the construction industry for over 12 years. As part of being an independent auditor of both large and small construction projects one of my duties in servicing clients was to review scoping documents on proposed projects to identify areas of potential liability and ensure they were adequately addressed before they might impact the client's performance obligations under a contract and therefore significantly impact financial performance. Nowhere in the Document is there any discussion of potential disruptions to performance by the contracting parties. This important discussion point needs to be addressed and the lack of said discussion in the Document leaves one wondering whether the project is being pushed through without considering all aspects of the potential impact to the State, the MTA, its contractors and the citizens of the affected communities.

Respectfully submitted by Matthew D. and Anne Marie McGeever this 13th day of June, 2016.

**Assemblywoman Michaelle Solages | 6/13/16 | 4:56 PM**

OFFICE OF  
ASSEMBLYWOMAN  
MICHAELLE C. SOLAGES  
22ND DISTRICT

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Consumer Affairs and Protection  
Governmental Employees  
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518-455-4465  
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June, 13, 2016

Edward M. Dumas, Vice President – Market Development & Public Affairs Long Island Rail Road Expansion Project MTA Long Island Rail Road, MC 1131 Jamaica Station Building Jamaica, NY 11435 Dear Edward M. Dumas,  
As a State representative of Floral Park, I write this letter to echo the many concerns I've received regarding the Long Island Rail Road Expansion Project. I, along with many homeowners, are concerned with the environmental impact of this plan. I respectfully request greater transparency and communication with the village of Floral Park.

Floral Park is a community of families. Directly next to the Long Island Rail Road tracks are homeowners as well as Floral Park-Bellerose Elementary School. Expansion of cargo, debris or oil tankers have not only an impact on noise levels but also air quality. The main line track project has an extensive reach, which calls for a complete understanding of the communities involved.

Open communication is crucial for all parties involved to make a knowledgeable decision. Documents and studies have been released to the public, but the information included has exposed the full scope of the project. Also, there is little provided time for residents to digest and comprehend this decision.

Allowing the constituents of the Twenty-Second Assembly District to express their concerns regarding the Long Island Rail Road Expansion Project is essential. I stand in solidarity with the resident of Floral Park. We thank you for your time and consideration.

Sincerely,

Michaelle C. Solages

Tanya M. Lukasik | 6/13/16 | 4:56 PM

My name is Tanya M. Lukasik, I am a resident of Nassau County, residing in Hicksville, NY, I am also the founder of the 2,200-resident member community-based organization Open Nassau that is extremely concerned regarding the present notification process involving the third track proposal (including lack of pertinent data, limited stakeholder outreach, limited timeframe to provide a public comment, timing of informational sessions, and, lack of Q&A based informational sessions for all impacted communities), as well as a member of the Hicksville Garden Civic Association. I am writing to express and submit my concerns, items warranting review, questions, and data requests as part of the joint Long Island Rail Road, Metropolitan Transit Authority, and New York State Department of Transportation third track expansion project, commentary based upon the scoping document provided to the public on Friday, May 6, 2016 for review. Please note, all of the information contained in this public comment I am requesting be factored into, examined, reviewed thoroughly, and responded to at length, with appropriate mitigation efforts implemented, (clearly outlined to all communities of impact), considering the significant potential of this project to impact public health, public safety, quality of life, and resident well-being. In addition, as a member of a large community-based organization and civic association in the area, quite familiar with the larger regional plans for the area, I am requesting contact via e-mail, or cell phone, (as provided), to discuss these items in further detail, as well as hold an informational session for our community, as formal outreach has not been conducted to date and many residents within the hamlet (and surrounding areas) are wholly unaware of the project plans or potential impact.

SEQRA, NEPA, ENVIRONMENTAL REVIEW 1) Environmental Assessment Form: In relation to the SEQRA process for the "Project," was an Environmental Assessment Form (EAF) initially completed? If so, where is this form located, housed, and how can a copy be requested and shared with the general public? 2) Positive Declaration: In addition, in relation to the SEQRA process for the "Project," was a Positive Declaration issued? If so, where is this form located and housed, and how can a copy be requested and shared with the general public? As per DEC regulations, this Positive Declaration, if issued, must be published per NYS law. 3) Categorical Exemption: Considering the Governor amended the original plan as announced early 2016, with claims to avoid utilizing eminent domain for residential property along the main line as the MTA will be working now working within the "right of way," will the Long Island Railroad, Metropolitan Transportation Agency, and/or New York State Department of Transportation (NYSDOT) be planning to invoke PAL Section 1266(11) of the New York Public Authorities Law, (or any other relevant section, or related law), which would exempt the agency(ies) from conducting the full environmental review on the third track infrastructure, work, plans, and/or corridor (including but not limited to the NYSDOT right of way along the county, local roads at grade crossing locations). This exemption was invoked for the Suffolk Double Track project, and, this information must be documented and clearly conveyed to the public. The fact that the scoping document disproportionately focuses on the grade crossings at this time, with little illustrative information to the degree of the grade crossing content and data provided, leads one to believe that this exemption will be employed. Further, any action or planning to invoke any other related sections of Public Authorities Law or any other related environmental, conservation, historical preservation law, must be conveyed at this time. 4) NEPA versus SEQRA Review: The last review process conducted several years ago involving the third track involved a federal environmental review using NEPA. However, this iteration is going through SEQRA, the state-based environmental review law. It has been noted that this project will not involve "federal funding," however, many ongoing projects, infrastructure updates, freight transport (involving federal interstate commerce), federal funding for road upgrades aligning many train stations, all involve federal funding and agencies. Hence, further clarification on this change is warranted at this time, along with a clear, documented means of expenditure, funding mechanisms, and future projected costs per the grade crossing work and third track work. The MTA capital budget, NYSDOT transportation plans have been provided to the public in piecemeal, limited fashion. Further clarification and specific information is required at this time. RIGHT OF WAY, PUBLIC AUTHORITY LAW & EXEMPTION There is little emphasis or detail provided on the specifics of the actual third track for the "Project," absent items including but not limited to ArcGIS mapping imagery of the main line track corridor, the legal and spatial definition of the Right of Way (ROW), existing conditions of the ROW along the main line, infrastructure within the ROW, as well as build options, schematics, and alternatives for the third track from Floral Park to Hicksville. This outlined representative information and data for the third track, by itself, independent of the grade crossings must be furnished at this time; this data and content was made available via AECOM in 2007 as part of an earlier proposal for the main line. Is this information and data contained in a separate report, as it is absent from the scoping document published on this site? Additional reports or sources of pertinent data must be made public at this time, otherwise, it is virtually impossible for the public to properly and adequately comment or provide informed assessments of items to review as part of the larger environmental review. Hence, to be clear, I am requesting data and information be made public and available immediately highlighting and documenting the legal, and spatial definition of the right of way for the mainline corridor (as it relates to MTA/LIRR property). Further, considering the grade crossing involvement and engineering work of the NYSDOT, I am requesting the spatial definition, the geographical coordinates, the geographical boundaries of the right of way as it relates to the property adjacent, parallel, near the stations, property and land that would fall under the NYSDOT jurisdiction. I am assuming that for both state agencies, ArcGIS mapping, illustrative imagery, schematics, plans are available for these definitions, especially along the lines of the content provided by AECOM back in 2007 that demonstrated a legend with right of way highlights, as well as data related to every land parcel in the area. Any content, data that can be provided at this time involving the MTA, LIRR, and NYSDOT right of way must be shared to adequately and properly comment on the scoping document, draft environmental review, larger environmental review, and related processes. Lastly, due to this lack of pertinent data, I am requesting a secondary public session scheduled to be held on the scoping of the third track facet of this proposal, (independent of the grade crossing information), to be held prior to the preparation of the draft EIS for this project, as, the present scoping document substantially and almost disproportionately contains mainly grade crossing data, with little information or content on the third track itself. FREIGHT, GOODS MANAGEMENT & MOVEMENT COMMENT, DATA REQUESTS, ITEM CLARITY: The New York Metropolitan Council (NYMTC), the New York State Department of Transportation (NYSDOT), the Port Authority of New York & New Jersey, the Federal Rail Administration (FRA), and even the Metropolitan Transit Authority (MTA) and Long Island Rail Road (LIRR), working in tandem with Parsons Brinckerhoff, have compiled and published a host of in-depth reports, as well as have implemented a series of segmented activities over the past 24 months, all that highlight and



demonstrate the targeted, clear, documented objective (and at times carried out goal) to provide a dedicated platform for a continuous influx of freight rail (and truck) traffic into the Nassau County region, utilizing the Long Island Rail Road main line (and proposed third track). These projects include but are not limited to targeted station work (e.g., Hicksville siding), federally sponsored infrastructure updates (e.g., TIGER grants for bridge work), NYSDOT state-led bridge work along the LIRR corridor, land acquisition in Nassau and Suffolk, environmental assessments for changes in land use (e.g., Calverton) focusing on "distribution." Supplemental changes in the transportation arena to facilitate this freight plan include but are not limited to the April 2015 New York City DOT Register change allowing freight-based, 53' and larger tractor trailers into Nassau County via isolated interstates for the first time in NYS history (e.g., Clearview, Van Wyck, Throggs Neck), as well as the designation of "access highways" (e.g., County Road South Oyster Bay Road), to create freight-based trucking hubs and thruways on local County Roads—all with the clearly defined, targeted, specific goal of substantially increasing freight traffic into the Nassau County (and Suffolk) region—an objective that is maximized, fostered, and furthered via the installation of the third track. Not only has a significant, documented increase in freight train travel on the existing main line been reported over the past 24 months, (data confirmed by the New York & Atlantic Railway), particularly due to the opening of the Brookhaven Rail Terminal (BRT) in 2012; this travel has also led to an increase in freight train derailments, such as the recent incidents in New Cassel, Maspeth, and Wyndanch. These freight trains often carry construction debris and uncovered garbage (waste), including the East End garbage described in media reports (e.g., Newsday) as of 2014 and confirmed via a series of New York State Department of Environmental Conservation (DEC) permit applications dedicated to a focus of increasing waste transport via Long Island Railroad-based freight rail. The two track-corridor on the main line, at present, requires New York Atlantic Railroad (NYAR) to schedule freight train activity with the LIRR/MTA, outside of peak train timeframes. However, it has been documented in written reports containing qualitative and quantitative data that since the opening of the BRT, there has been a substantial increase in freight train activity, throughout the late morning, afternoon, evening, and late evening, traveling through 3:30 AM. These freight trains carrying undisclosed items haul throughout the main line corridor at high speeds in the late evening, only feet from residential homes. The addition of the third track, from Floral Park to Hicksville, provides one of the final, necessary pieces of the freight plan, the third track infrastructure to operate freight train activity in essence, 24 hours, 7 days a week, furthered by the addition of "siding" being installed at particular stations (along with existing spurs), which, provide a temporary rest location for both commuter trains, and, freight trains, to allow for a continual flow of freight traffic in east and west directions. Updated signage, signals, infrastructure for freight train activity, has been documented installed in the Garden City corridor (e.g., near the New Hyde Park train station), as of several months ago. Clearance of protective, noise-reducing trees and brush have occurred throughout the Main Line corridor and West beginning 2015. Addition of necessary electricity for a transportation project of this nature via new, unsightly PSE&G extremely large poles containing Pentachlorophenol-treated wood, with published medical literature linking this chemical exposure to an increased risk in hematopoietic cancers, Leukemia, lymphomas, nasopharyngeal and esophageal cancers (see Zheng et al., 2015, 2013; Cooper & Jones, 2008), in regions concentrated around the Main Line, to accommodate the increased need of electricity for running freight trains and additional commuter trains, has been documented as of 2015 - 2016. Importantly, Federal Interstate commerce laws prohibit a state agency, local agency, or individual from blocking or banning freight-based traffic and goods transport, particularly if a route or mode of infrastructure is available; which means, in simple terms, the MTA/LIRR cannot block interstate commerce via freight train at a particular timeframe throughout the day, once this third track along the main line were to be added. Hence, this third track becomes, whether intentional or inadvertently, the freight express line. At present, with the two track limitation, freight trains via the NYAR are scheduled in coordination with off peak commuter train times throughout the late morning, afternoon, early evening, and late evening, (through 3:30 AM), from the Queens (Fresh Pond) region, traveling through the main line corridor, branching off via the Hempstead line, Babylon line, or Ronkonkoma or Huntington lines, heading South to Bethpage by the Grumman facility, and then east via the Ronkonkoma line out to the Brookhaven Rail Terminal, as well as Calverton. These freight trains that presently travel throughout the LIRR corridor in Nassau and Suffolk carry miles long worth of filthy, defaced freight containers, travel at high speeds, introduce high level of noise and vibration into the surrounding communities, and oftentimes are carrying waste that is uncovered, a potential health hazard, as well as flammable goods (black containers marked with HazMat signage documented). In addition, the Environmental Impact Statement and related environmental assessments recently prepared for Calverton in Suffolk County (former Grumman site), highlights the planned, in motion infrastructure updates and increased demand in freight and "distribution," something that will also occur with the recently publicized expansion of the BRT by at minimum 90 acres. This freight activity that will undeniably impact the Main Line (and "market" demands and conditions) is only further compounded by the planned, phased, and in progress intermodal sites for the Suffolk County region, including but not limited to the Pilgrim State Intermodal facility, state-owned land designed to become a vast freight rail and trucking transload facility, with funding allocations clearly documented in the NYSDOT STIP (State Transportation Improvement Program) 2016 listing (with over \$40 million dollars allocated), a site that will not only introduce massive freight demand into the area, but, thousands of trucks into the Nassau and Suffolk region as well, with a substantial focus for freight distribution to the West (e.g., NYC, gentrifying boroughs), and larger tri-state region. There are a host of documents and formal reports that succinctly and clearly highlight this information, document this information and pertinent data, including ongoing (or completed) work that has been implemented to date along the Main Line (and sub-lines utilized for freight), including, but not limited to the NYMTC Regional Freight Plan, the NYSDOT Regional Freight Transportation Plan, the Port Authority Cross Harbor Freight Study, the Port Authority Goods Management Program. Hence, it would be most helpful and most productive, especially in the context of the preparation of an EIS to identify potential areas of impact to avoid or at least mitigate public safety and public health hazards, to have an honest, transparent, meaningful discussion about the freight aspect of this Project. The present few-sentence paragraph outlining freight activity in the present third track scoping document is wholly insufficient, lacking pertinent data and details reflective of reality, including the already-completed, in progress, and/or planned projects, updates, infrastructure changes outlined all designed through the freight lens. One example of the many, many, many reports highlighting this freight-based content, in a wonderful summary report that speaks to the larger Regional Freight Plan for New York State, references, "Reducing Barriers to East of Hudson Rail Service," with discussion of the LIRR main line, vertical clearance and bridge heights (e.g., Ellison Bridge), with the goal for "23-foot double-stack clearance" (meaning, double stack freight trains). Also, clear reference to the "intermodal" site at Pilgrim, and the objective to "reduce operational conflicts between passenger and freight service on region's railroads," a measure that is undeniably achieved by the addition of the third rail. All of the information contained above, as well as updates to the Fresh Pond facility, Hell Gate Bridge, items contained in the Cross Harbor Freight Study, the Brooklyn Barge activity re-introduced in 2016, the Sunset Park intermodal facility must be factored into the scoping procedures and process, as well as the environmental review for this project, examined as one, examined with cumulative impacts in mind, and with a dedicated focus to avoid the practice of segmentation, a clear violation of SEQRA. Further, as announced in 2011 between the Governor and Nassau County Executive, the ongoing (and completed) work at the Bethpage Grumman facility, to include the introduction of FedEx Freight, Amazon, and the heightened United States Postal Service distribution

services, must also be examined, reviewed, and included in this scoping activity, environmental review. The recent addition of FedEx Freight at the Bethpage Facility, a facility that runs parallel to the main-line tracks using the Ronkonkoma and Huntington lines post-Hicksville interlocking, can (and likely will) allow for freight transport, trans loading, distribution, and truck travel at this facility, connected to a recently designated without public input "access highway," South Oyster Bay Road, including the removal of over 200 healthy 60' oak trees serving as a protective air quality filter and barrier, running through four neighborhoods, including a school zone, Bethpage, Plainview, Hicksville, and Oyster Bay. This must be examined and reviewed as part of this plan. Congestion, vehicular accidents, pedestrian fatalities have all increased since this action beginning 2013. It will only be exacerbated in deadly form, creating a legitimate public health and public safety hazard, if this continues without oversight and proper mitigation. Further, the Hicksville Train Station siding project, as proposed last year in 2014, allocated approximately half of the announced multi-million dollar funding to siding, leading to a NYAR land parcel. This parcel, dating back approximately a decade ago, was designated as a NYAR zone after a land transaction between the MTA, LIRR, and NYAR—an "exchange" of land and purpose of said land between a Garden City land parcel and Hicksville parcel, abutting County Road West John Street, which was also designated as an "access highway," with no public hearing or information, including the removal of over 100 oak trees also serving as a critical air quality filter. Despite information on the MTA web site that an "environmental review" was to be conducted on the Hicksville Siding project, requests to obtain a copy of this report, (via e-mail and telephone), have not been fulfilled. There is also varying responses in terms of the existence of this review. Because this land parcel had not been utilized for transportation purposes dating back over a decade ago, a land parcel that is now accommodating a 'siding' project, with track work, a station for freight cargo, and trans loading activity, including an influx of diesel-fume, freight-based trucking into the region, this activity must also be examined, reviewed, with all relevant documentation provided to the public immediately, and, mitigation factored into means to provide substantial air quality, noise impact, traffic impact studies in the entire Hicksville station region, including West John Street, and New Bridge Road (running adjacent), 106/107, as due to these collective, cumulative changes, there has been a documented increase in traffic congestion, pedestrian fatality, vehicular crashes, property value decline, all within an area with census block designation considered an "environmental justice" region. Note, HUD Community Development Block Grant (CDBG) funding was utilized on County Road West John Street for particular infrastructure updates to the roadway when designated an "access highway," this funding indicative of an environmental justice region. The present scoping document does not include any focus on these items as part of the report—they must be included for fair, just, equitable review and action (including mitigation, public health and safety items). NYMTC Report Link (one of many available highlighting consistent data): [http://www.nymtc.org/portals/0/pdf/Fright%20Planning/Interim\\_plan\\_summary.pdf](http://www.nymtc.org/portals/0/pdf/Fright%20Planning/Interim_plan_summary.pdf) Items of Information Related and Personally Requested at LIRR, MTA, NYSDOT, No Adequate Response to Date or Records, nor files provided or submitted online for public review as it relates to the Hicksville Train Station:1) A recent traffic study conducted for the Hicksville Train Station region including County and State Roads at the perimeter of the station property (particularly in consideration of anticipated future traffic with 6 additional trains, the addition of a bus depot, and the Hicksville siding projected activity as it relates to freight transport and freight transloading.2) An environmental assessment or any files highlighting environmental impacts of the additional rail, train storage, signal activity, etc. for the Hicksville Train Station.3) A request for design plans, sketches, PowerPoint presentations, reports on items related to the Hicksville Train Station facility upgrades and Hicksville siding ongoing project and related infrastructure-based work. FREIGHT TRAIN DATA REQUESTED FOR REVIEW, COMMENT: Daily freight train data involving New York & Atlantic Railway (and the LIRR/MTA), historical in nature to present, including freight train activity pre-2012, post 2012, and 2016 separately. Any data on schedules, length of trains, (containers), type of goods transported, proportion of my goods transported that are flammable, explosive and/or toxic. Quantitative data involving number of freight train accidents and derailments for NYAR, from Fresh Pond through Calverton, including injuries, fatalities, damage to infrastructure, and time out of service during accidents of this nature, historical to present. Also a listing of active (and inactive but available) rail spurs from Queens through Suffolk, all lines, as well as siding locations (present and planned), including identification of access roads alongside these locations, traffic volume at present, and process for the unloading of freight at these locations at present, including oversight, storage, hours, permits, ownership (e.g., MTA, State DOT). If there are documents that explain the contractual agreement with NYAR and the MTA/LIRR regarding freight, as well as the relationship with the Brookhaven Rail Terminal (and the FRA), this would be helpful to review as well. It has been indicated the contract between NYAR and the MTA/LIRR is up for renewal in 2017; this information should be disclosed to the public for review and comment. SCOPING DOCUMENT FREIGHT-BASED QUESTIONS REQUIRING FURTHER DETAIL & CLARITY The small paragraph as part of the scoping document regarding freight activity is limited in nature, lacking in clarity and pertinent information and data (for present, projected in future), hence I'm looking for clarification on the following: a) The definition of "capacity-constrained," as utilized in the scoping freight-based paragraph on freight operations) The definition of "freight traffic" as utilized in the freight-based scoping document paragraph? Particularly what the entity that prepared this scoping document (it's unclear if this is LIRR, NYSDOT, or the contractor) specifically meant by the word traffic's) the definition of "significantly" as it relates to the phrase that freight demand would not increase significantly. This is a subjective assessment without any evidence or data to support. I would like to request projections as clearly outlined in a host of NYSDOT reports, data, historical trends, present scheduling, and projected growth based upon the host of activities in progress, many with funding allocated or in process of being implemented, including, but not limited to the NYMTC Regional Freight Plan, the NYSDOT Regional Freight Transportation Plan, the Port Authority Goods Management Program, the NEC Corridor, and the Cross Harbor Freight Study. The Regional Freight Plan documentation clearly speaks to the following component---the need for unimpeded access for freight transport on the main line. This paragraph included in the scoping report is not reflecting the true present and existing conditions, planned projects, (including the expansion of BRT, Pilgrim State, Ronkonkoma, Calverton), and, as a result, is not accurate nor comprehensive. This is a problem as the information that is being conveyed and carefully constructed semantically to the public in this scoping report, in meetings, in the media, is not reflective of the ongoing planning involving all of the above mentioned agencies, in tandem with the MTA, FRA, and Parsons Brinckerhoff. One example of myriad reports highlighting freight-based programming, highlights the objective of "Reducing Barriers to East of Hudson Rail Service" with discussion of the LIRR main line, vertical clearance and bridge heights (e.g., Ellison Bridge), with the goal for "23-foot double-stack clearance" (meaning, double stack freight trains). Also, clear reference to the "intermodal" site at Pilgrim, and the objective to "reduce operational conflicts between passenger and freight service on region's railroads," a measure undeniably is achieved by the addition of the third rail. This information must be included, considered, mitigated as part of the scoping and environmental review process. GRADE CROSSINGS There are a series of grade crossings east of the Hicksville Train station, and Hicksville Interlocking, particularly the New South Road and S. Oyster Bay Road grade crossings in Bethpage, which have been host to a series of deadly accidents through the years. With such an emphasis touted on grade crossing safety, it is highly disconcerting to identify that the present scoping report does not contain any information, data, projected plans for main line-connected or offshoot grade crossings that are deadly, with higher rates of fatalities and accidents than grade crossings focused upon within the present scoping report. I am interested in the MTA, LIRR, NYSDOT identifying all grade crossing locations in need of improvement

(e.g., elevation) beyond the third rail planning effort as presently illustrated (or, in tandem). Further, historical data or a report made accessible to the public on crashes, accidents, and fatalities (by type, by crossing, by year) at the series of grade crossings along the main line, including the grade crossings outlined above. GRADE CROSSING SAFETY DATA REQUEST, WARRANTING REVIEW: Quantitative data for accidents, injuries, fatalities at all LIRR grade crossings, including those targeted as part of this proposal along the main line, and also grade crossings immediately east, including New South Road, Robbins Lane, S. Oyster Bay Road, Broadway. Data ideally compiled annually. While this component can of course be more elaborately explored in an (draft) EIS, the rationale for the focus on grade crossings at present is safety hence I would anticipate this data being readily available. Note, the Broadway grade crossing location was home to a freight-based truck strike in 2015. At a recent June 2016 Garden City-based civic group informational session held by the MTA, LIRR, NYSDOT, grade crossing and roadwork information and imagery was presented, outside of the data contained in this present scoping document. I request that the presented PowerPoint presentation, design work, schematics, informational imagery be posted online, mailed to all residents, and shared with local officials and the public for review. With this, any other presentations, slides, images, sketches, schematics, plans, content that the state agencies and administration involved can compile, share, and send via e-mail at this time, related to the grade crossings and third track, would be imperative to share, disseminate, post at this time. TRUCKING, ACCESS HIGHWAY DESIGNATIONS, NYS HIGHWAYS It was noted at this Garden City meeting based upon the scoping document that data collection had been conducted for traffic counts on roadways near the stations along the main line, the grade crossings, etc.-reviewing the scoping document, this information wasn't well described in the report. If this information could be shared as well, this would be helpful to review at this time. I am also interested in confirming the timeframe this data collection occurred, (date, term, cross sectional or longitudinal analysis), if these traffic counts factored in state-road traffic that funnels into many the local main line stations, and, also, if the traffic counts included trucks, and if there is a differentiation in the data between automobiles and trucks. In addition--one image presented had contained a roadway in the Garden City / New Hyde Park area that would be widened by a grade crossing from 2 to five lanes. The scoping document does not provide a substantial review or easy to read listing of road improvements and widening in the scoping document, hence, could you also please post, and review all roads that plan to have upgrades, widening, and, the jurisdiction the road falls under at this time (e.g., village, county, state)? All access highway designations made over the past 2-3 years, particularly in the hamlet of Hicksville, S. Oyster Bay Road, W. John Street, must be reviewed and considered as a part of this larger proposal and project. This includes traffic data, road design, safety issues, pedestrian and vehicular accident and fatality data, air quality impact of diesel fumes. FREIGHT TRAIN DATA FOR REQUEST, REVIEW: Freight Train Data Warranting Review: Daily freight train data involving NYAR, historical in nature to present, including freight train activity pre-2012, post 2012, and 2016 separately. Any data on schedules, length of trains, (containers), type of goods transported, proportion of my goods transported that are flammable, explosive and/or toxic. Quantitative data involving number of freight train accidents and derailments for NYAR, from Fresh Pond through Calverton, including injuries, fatalities, damage to infrastructure, and time out of service during accidents of this nature, historical to present. Also a listing of active (and inactive but available) rail spurs from Queens through Suffolk, all lines, as well as siding locations (present and planned), including identification of access roads alongside these locations, traffic volume at present, and process for the unloading of freight at these locations at present, including oversight, storage, hours, permits, ownership (e.g., MTA, State DOT). If there are documents that explain the contractual agreement with NYAR and the MTA/LIRR regarding freight, as well as the relationship with the Brookhaven Rail Terminal (and the FRA), this would be helpful to review as well. TREE & BRUSH REMOVAL a substantial amount of brush and tree removal has occurred throughout the right of way along the main line corridor, as well as adjoining lines throughout Nassau County over the past 12 months, in advance of this scoping document. This content and action is not listed in the scoping document, however, it is important to note, document, and address particularly for noise mitigation and air filter consideration. Due to the removal of these protective trees, the noise of freight train (and commuter train) activity throughout the day and evening has been amplified and exacerbated significantly, noise traveling farther, and louder as a result. Major mitigation efforts to address this tree removal, brush removal effort must be considered as part of this scoping document and further environmental review for a distance at minimum ¼ of a mile away from the track

Kemp Hannon | 6/13/16 | 3:09 PM

To: Metropolitan Transit Authority and Long Island Railroad

From: Senator Kemp Hannon

Date: June 13, 2016

Subject: 'Scoping Document' of May 5, 2016 for the LIRR Expansion Project (Floral Park to Hicksville) (hereinafter "Project")

At the outset, I note the process of scoping is entirely premature and incomplete due to the lack of any formal legal proposal to construct, bid, finance and/or design the project.

There is no provision for the project in any MTA adopted Capital Plan nor is there any provision in an adopted State Budget.

Absent the project being contained in either, it is premature to treat the scoping sessions or the scoping document as legally sufficient to meet applicable planning and environmental laws.

The avalanche of press releases and press conferences does not constitute or substitute for the adoption of an actual project in the MTA Capital Plan or for any appropriation in the New York State Budget.

I submit this memo concerning the Draft SEQRA Scoping Document dated May 5, 2016 ("Scoping Report"), which was the subject of the scoping meetings on May 24, 2016 and May 25, 2016. Please include this letter in the official record for SEQRA purposes.

The Scoping Report addresses the MTA LIRR's proposed expansion project (the "Project") of adding a third track along the Main Line approximately 9.8 miles from Floral Park to Hicksville. In addition, the Project purposes (i) eliminating seven grade crossings along the Main

Line corridor, (ii) retaining walls along portions of the project, (iii) modifying rail stations and parking, (iv) modifying railroad infrastructure, and (v) relocating utility lines.

The Scoping Report asserts justifications for the Project. The principal purpose of the Project, stated on page 1 of the Scoping Report, is to fulfill a "key element of Governor Andrew Cuomo's transportation infrastructure initiatives and is a strategic component of a comprehensive plan to transfer and expand New York's vital regional transportation infrastructure and to enhance Long Island's economy, environment and future". The Scoping Report later details specifics, alleging that the existing two tracks on the Main Line are problematic due to: (i) congestion; (ii) frequent delays; (iii) insufficient track capacity; (iv) safety concerns related to railroad traffic; and (v) traffic delays due to grade crossings. The Report further asserts that an additional purpose of the project is to "reduce noise (sic) and improve neighborhood quality of life."

#### Congestion and Delays

Delays due to congestion are cited as a rationale for the third track. No proof whatsoever is offered to show actual delays due to this portion of the LIRR.

In fact, the most frequent source of delays are the tunnels under the East River (between Jamaica and Penn Station).

Noticeably absent from the Scoping Report is any mention of the existing limitations of Jamaica Station and signal problem issues which plague the LIRR system. Without the commitment of capital to replace existing infrastructure, which contribute to the majority of delays and congestion, it is speculation to allege that a third track will alleviate these systemic problems. A realistic and objective study is required to address these fundamental problems.

#### Insufficient Track Capacity

The Scoping Report alleges "insufficient track capacity to operate both eastbound and westbound service during peak periods." Also, the Scoping Report says it is a "goal and objective" of the Report to "add operational flexibility eastbound and westbound" and "provide additional track capacity to accommodate projected system wide service growth." The Scoping Report provides no support, failing to reference any objective data demonstrating Census. The population on Long Island is not growing. Indeed, the population in Nassau County grew by only 21,000 from 2010 to 2015, and Suffolk County grew by only 7,000 during the same period. If additional freight traffic is a concern, the Scoping Report contradicts any such argument, stating that "freight demand on Long Island will not increase." In communities affected by the Project, including Garden City, it is difficult to understand how the LIRR has insufficient track capacity.

#### Safety Concerns

Adding a third track provides no safety benefits to the communities along the Main Line from New Hyde Park to Mineola. If safety is a priority, the LIRR can eliminate the existing grade crossing without the need to install a third track. The Scoping Report fails to demonstrate a logical link between greater safety and the need for a third track.

The Scoping Report identifies seven grade-crossings, considers a number of potential options for each grade crossing and provides project design diagrams for each of the seven grade-crossings. Some of the proposals include two, four and five lane underpasses along with permanent road crossing closures. The Scoping Project, however, does not provide nor consider the impact the underpasses and road crossing closures will have on traffic patterns and how these new traffic patterns will affect the communities along the Main Line. The Scoping Report indicates that installation of the third track will be constructed on the south side of the existing tracks between New Hyde Park and Mineola. However, the Report fails to provide any specifics. There is no pictorial diagram in the Report showing the newly configured third track will look from street level along Main Avenue or Merillon Avenue in Garden City.

#### Final Points

For the reasons stated above, there is neither purpose nor need for the new third track. The intended Project will adversely affect the environment, will destroy the existing character of Garden City, and the Project will provide no benefit to the communities of Floral Park, New Hyde Park, Garden City, Mineola, Carle Place and Westbury, who will be detrimentally affected during the construction of the project and later by the increased use of the LIRR by commuter rail and freight trains.

In addition to the failure to provide the foundation for the project in either the MTA Capital Plan or the State Budget, the rationale offered for the project is deficient in detail, lacking needed explanation and alternatives and omitting required statistical studies.

Contrast the project with the Tappan Zee Bridge project or the NY-NJ Hudson River Tunnel projects. Both of these latter two projects have and had self evident safety needs. They also are key transportation modalities for the New York City region.

Kevin Walsh | 6/13/16 | 3:19 PM

I am counsel to Birchwood Court Owners, Inc. I am writing on their behalf with comments to the scoping document prepared in connection with the proposed project to construct a third track running from Floral Park to Hicksville which includes the elimination of grade crossings at Main Street and Willis Avenue in Mineola. Specifically, we are focusing on the elimination of existing grade crossing at Main Street and Willis

Avenue in Mineola and the effect a third track will have on Birchwood. In addition, the manner and method used during the construction phase of the project is of critical importance to Birchwood since we are located directly adjacent to the tracks at Roslyn Road. Birchwood is one of the largest residential complexes in Nassau County. We have more than 440 families living virtually on the LIRR tracks on the east side of Roslyn Road. We border the LIRR right of way and Roslyn Road. Our owners endured many years of inconvenience during the grade elimination project at Roslyn Road. We are legitimately concerned with another LIRR construction project which will affect our residents in a disproportionate way when compared with others more removed from the construction. I have summarized our concerns below:

1. There appears to be no indication in the Scoping Document on precisely where the track will run. We know it is proposed for the existing right of way north of our property but there is no information as to whether the new track will be on the north side or the south side of the existing tracks;
2. There is no indication of how the project will be staged along our property. We have our garages for our cars located right on our property line adjacent to the LIRR right of way. We need to evaluate how our property will be affected during construction;
3. If Birchwood property is used during the construction phase, the effect of Birchwood's property needs to be studied and appropriate mitigation needs to be in place;
4. If the Birchwood garages are temporarily lost, mitigation of this loss must be discussed. This loss is the loss of us and the loss of revenue so important with our garages;
5. If the Birchwood garages are permanently affected, appropriate mitigation for this loss must be discussed;
6. Mitigation of the other negative impacts of construction adjacent to Birchwood must be discussed;
7. If either Main Street or Willis Avenue is closed to vehicular traffic, such will increase traffic on Roslyn Road. Appropriate mitigation, traffic light, etc. needs to be studied; and
7. In short, Birchwood is located directly on the LIRR right of way, a possible temporary or permanent taking must be studied and evaluated. While elimination of the grade crossings at Main Street and Willis Avenue can be beneficial as was the ultimate result with the elimination of the Roslyn Road grade crossing, such needs to be done without cutting off pedestrian and bicycle access to the downtown from those east of Willis Avenue. Any plan to depress Willis Avenue and or Main Street must be done preserving the walkability which is developing in our downtown.

While we understand the benefits of the elimination of grade crossings, however, such must be done without impairing the quality of life for our residents who reside in such close proximity to the tracks,

Timothy Dalton | 6/13/16 | 4:21 PM

My name is Timothy J. Dalton, I am a third generation resident of the Village of Floral Park, my family has been active in the community since 1920. I have an office which is located directly across from the Floral Park train station and work as a third generation funeral director. I have lived through the first project back in the 1960's and now you are asking for us to endure another project. We have a number of employees and have been part of this community for many years. We almost went out of business during the first project and certainly this second project could do the same. I have a lot of concerns and apprehension about your now misguided, understated third track expansion project.

First, from the release of the Scoping Document to now, the MTA has limited the time for the public to respond to this major project. With college graduations and vacations planned by many, the comment period should be extended.

Second, where is the plan? How can the public properly comment on a plan that has not yet been released? With all the smoke and mirrors, it appears that the MTA is trying to pull the wool over the public's eyes. As with any large project, the devil is within the details. As businesses, we have to submit plans to get approval from our local authorities, when did the MTA become exempt from this basic principal?

Third, Where is the right of way for this Third Track Expansion Project? What construction easements are allowed? While no properties are to be taken, for how many years will homeowners lose a piece of their property to those easements? Will they be compensated, are there any incentives? How will these construction easements affect our property values, which will affect our tax base, which will affect the overall health of the communities. Overall, the assessed values of our properties will most likely decrease. How does the MTA plan on addressing the value down of our communities, our individual properties for homeowners and businesses alike? This overall project, while in your words "will boost the economy" which I don't agree with, will affect all of the communities along the major corridor, from Floral Park to Hicksville. A thorough major economic study should be done for just this main corridor region alone.

Fourth, the Business Community. What effect will this project have on them? Increased traffic, construction, detour, staging areas, diverted traffic, road closures, and inability of clients to gain access to the local establishments.

What is the true economic impact zone of this construction, ¼ mile, ½ mile, ¾ miles, 1 mile range from ground zero (Third Track Construction Project)? How will businesses be compensated due to loss of business and business that will close? Will the MTA be offering incentives for businesses to stay open and deal with it? How many employees will lose their job? How will this impact the downtown areas with parking, foot traffic, which is already at a premium? Will these businesses share in this \$2 billion boondoggle or is their cost of doing business simply to close their doors. If businesses are allowed to share in incentives what cost will they incur to deal with the government business bureaucracy? Included in this is small to medium size businesses that will close or be severely hurt by this third track mega project along the main corridor.

Fifth. A big question in everyone's mind is where is the MTA staging area? What type of equipment, pile drivers, bulldozers cement mixers? What effect will this have on local businesses due to noise and vibration? What effect will this increase in construction have on pollution in the local area, air, ground, water and what long term effects will this cause to the local residents and business that have to endure this long project.

Sixth. What is the real timeline to complete this project? With the Second Ave subway well past its projected completion date of years ago. How many more years will that take? For Example, it took over 13 months to put one escalator in at the Floral Park RR station. As a business owner across the street, we had to endure loud noise, music and the total lack of respect by your employees. Another example, it took over 2 years to put new stairs in at the same station. These we consider minor construction projects, and if this is any example of how the MTA really works, how long will this mega project really take?

Seventh. How does the MTA plan on addressing a lot of the environmental concerns that face us as a community during this third track expansion project? Specifically, over the years pesticides, possibly agent orange and other chemicals have been used as defoliants to keep

weeds and other organic matter from growing along the tracks. How will the dust affect us during this project which possibly will carry many different types of contaminants? A short while back mercury was removed from a substation in Floral Park and our concerns are that this may be in other areas along the third track. How will water and run off be drained away during this process to protect our water supply in our local area? As we know in the Grumman Bethpage area they are dealing with a large plume from other manufacturing that is affecting the quality of their water. Have any long term studies of our water quality been done by the MTA. How do you plan on identifying other hot spots laden by contaminants or will this be overlooked. How will rain water run off during the construction project be handled or will we be adding additional contaminants to our bays and ocean. With the increased nitrogen levels, salts, pesticides, contaminants and other chemicals not named, will affect our wildlife now and into the future? Will the MTA be monitoring our estuaries to protect our back bays and oceans that we have been accustomed to past, present and future?

Eighth. Freight. As we all know it has not truly been addressed in this document. What increase in freight does the MTA project over the next number of years? How does the third track expansion project added freight fit in with the Ronkonkoma intermodal facility that's been built in Suffolk? We all know that this is about freight. Will you be removing garbage, ash and other contaminants through our Village? What other concerns and plans does the MTA have in case of a derailment involving heavier cars, laying with liquid petroleum, gasoline and other flammable materials? How will these materials be classified? Will they be hazardous, radioactive, toxic, flammable? All of these questions need to be answered.

Ninth. What other plans have been addressed in lieu of this third track expansion mega project? A while back the president of the MTA Patrick Nowakowski laid out a plan to fix what was broken with the MTA which would cause a lot less damage and construction displacement within our communities. Why hasn't the MTA started to truly fix what's broken before they continue to break down our communities?

Finally, the greatest injustice done to myself, the residents of Floral Park and all of the communities along the main track corridor is the timing or lack of time that we have been allowed to comment on a project that is projected to take years. With the scoping document being released on May 5, 2016 and with us only allowed to have comments by 5:00pm on June 13, 2016, to me seems abusive to the public to say the least. With the lack of information, no plan, no designated right of way given, no staging areas given, no freight plan, there is no reverse commute, no benefits given to any of the local communities, we need more time.

It is time for the MTA to release the plan, be truthful about the freight, do the necessary economic impact studies on all the communities in a thorough manner, address the pollution, air and noise pollution that the local residents will have to endure. It is time to stop and embrace the communities that have grown up around the main corridor. We already have endured one expansion project in our lifetime and we do not deserve to endure another. As the plan stands right now it should not be allowed to move forward, We the People.

Timothy J. Dalton  
58 Daisy Avenue  
Floral Park, NY 11001

Kathleen Rice | 6/13/16 | 4:48 PM

Public Comment from U.S. Representative Kathleen Rice (NY-04):

In the months since Governor Cuomo announced the third track proposal, my office has worked closely with residents and local officials in my district to keep open lines of communication and ensure that this is a truly transparent and inclusive process in which everyone has the information they need to understand the full scope of this project. To that end, I would like to thank the Governor's office for holding six public scoping meetings in our district. These meetings offered important opportunities for local leaders, residents and business owners to make their voices heard, raise concerns, ask questions, and learn about both how this project would affect their lives and how it could benefit our communities.

Over the course of the public meetings, officials addressed many of the questions and concerns that residents and community leaders have raised with my office. However, as we come to the end of the public comment period, there are still some important questions that should be answered as the process moves forward in the weeks and months ahead. I have compiled a list of those questions below:

- How will this project be financed, specifically?
- Is freight traffic expected to increase after construction is completed?
- What changes to commuter rail service are anticipated during and after construction?
- How will construction affect emergency response operations and school traffic in the nearby communities?
- What measures will be taken to monitor and protect soil, water and air quality? Will the LIRR release the names and side effects of any chemicals that are used along the main line to kill vegetation and rodents?
- How long is construction expected to take place in each community along the main line? What are the plans for staging construction vehicles in each community?
- What is the drainage plan for the proposed retaining walls and underpasses? What are the contingencies? How many contingencies will be installed?
- What private property will be affected – not just homes, but garages, lawns, fencing, landscaping, etc.?
- If houses are shown to be devalued, will a tax credit be considered to make up the difference for homes impacted by this construction?
- Will insurance be provided for homes, public structures and community activity centers along the main line to protect them from damages that could possibly be incurred during and after construction?
- How will construction affect businesses in the communities near the main line?

- What kind of reverse commute does the railroad anticipate in the 10 years following the completion of the project?
- How will the communities along the main line specifically benefit from the elimination of grade crossings? What are the safety, traffic, and environmental impacts of this undertaking?
- How does the MTA/LIRR plan to keep the project on schedule and within budget?

Thank you for your time and attention to these questions.

Sincerely,

KATHLEEN M. RICE  
Member of Congress

Sam Khoury | 6/13/16 | 11:42 PM

I am commenting about the LIRR expansion project to express my support for the project. Here are my reasons for supporting it:

- 1) As a New Hyde Park resident who lives near the station on Herkomer St I look at this project as short term pain for long term gain.
- 2) Elimination of at grade crossings will improve safety for both pedestrians and cars because nothing will be crossing the tracks anymore.
- 3) Noise reductions from no more train horns and gate bells due to elimination of at grade crossings.
- 4) Reduction in air pollution from cars that are idling at the grade crossings while they're waiting for trains to pass.
- 5) Improved traffic flow because there's no need to wait for trains to pass at the crossings. Also emergency response time should be improved because of the elimination of at grade crossings.
- 6) No increase in freight traffic as indicated in the scoping document.
- 7) No increased train speeds as indicated in the scoping document.
- 8) As a commuter to/from Manhattan who uses the LIRR, I'm hoping for more train options to/from the New Hyde Park station especially after the East Side Access project is finally completed (even though I might be at retirement age when that finally happens).

Since I'm a New Hyde Park resident on Herkomer St near the New Hyde Park LIRR station, I only have comments about the replacement of the 3 at grade crossings in New Hyde Park at Covert Ave, South 12th St and New Hyde Park Rd.

I support option 1 for Covert Ave because it provides a two-way underpass for cars and does not take any residential property.

I support option 1 for South 12th St because there's no need for a crossing at South 12th St because you have crossings at Covert Ave and New Hyde Park Rd which are not that far away. By closing South 12th St you will reduce the traffic passing through a relatively small mostly residential street. I think pedestrian bridges are preferred over a pedestrian underpass (from option 2) because you have less distance to walk to reach the platform on the other side of the tracks. Another negative of the pedestrian underpass in option 2 will leave you farther away from the platforms on both sides of the tracks. The only thing I disagree with in option 1 for South 12th St are the ramps for the pedestrian bridge on both sides of the tracks. I doubt anybody in a wheelchair on either side of South 12th St will want to travel 1.5 blocks away from South 12th St to get to the beginning of the ramp and then on the other side the other ramp will leave them 1.5 blocks away in the opposite direction. Plus the long ramp may leave wheelchair bound passengers next to an area of the platform where they don't want to be forcing them to travel back in the opposite direction on the platform where the ramp left them. Lastly the ramp will take parking spaces on both sides of the tracks. The ramps on both sides should be replaced with 2 or 3 elevators maintained by the LIRR like options 1 and 2 for the Main St grade crossing in Mineola.

For the New Hyde Park Rd at grade crossing replacement, I have mixed feelings about both options 1 and 2 because I think both options will increase traffic on Herkomer St where I live. The issue I see with option 1 is that drivers are dropping off people on 2nd Ave will continue to drop them near the part of the platform where the passenger wants to get on the train because the proposed kiss and ride area is all the way at the end of the westbound platform. In other words, people who want to be at the front or middle of the westbound train will not want to be dropped off at the kiss and ride area near the rear of the platform especially when it's really cold or hot outside. I think option 1 will increase traffic on Herkomer St because of the ramps to/from the parking lot on both 2nd Ave and Plaza Ave will cause people to take Herkomer St to get to eastbound Jericho Tpke. If they use Plaza Ave to exit the parking lot, they will have to wait for the light to make the left on New Hyde Park Rd to get to Jericho Tpke to make the right to go eastbound on Jericho Tpke. The issue I see with option 2 is that the kiss and ride area will be farther away from the westbound platform and basically almost in the village of Garden City. In the morning I think drivers of LIRR passengers who want to take the westbound trains will continue to drop people off on 2nd Ave, especially when it's really cold or hot outside. I think option 2 will increase traffic on Herkomer St because 2nd Ave will be a dead end so everybody dropping people off along 2nd ave will use Herkomer St to get to both Jericho Tpke and New Hyde Park Rd. In addition option 2 allows 2 way traffic on Plaza Ave therefore increasing traffic for people to use Herkomer St and Plaza Ave or South Park Pl to get to New Hyde Park Rd.

Here are some additional features I'd like to see included in the project at the New Hyde Park station:

- 1) Add a pedestrian bridge with 2 or 3 elevators maintained by the LIRR near the station building near Herkomer St so that people can wait inside the station building for the eastbound trains and then they can quickly use the pedestrian bridge to cross to the eastbound platform before their train arrives. Also it will make it easier for people to get from the eastbound platform to the ticket machines or ticket counter at the station building. Without a pedestrian bridge then the closest option to go to/from the eastbound platform to the station building next to the westbound track will be the proposed underpass on New Hyde Park Rd which will be a longer walk and therefore take more time go from one side of the tracks to the other. Without a pedestrian bridge it will be frustrating for passengers who see their train approaching on the opposite track and they know they don't have enough time to use the New Hyde Park Rd underpass to get to the other side. A pedestrian bridge will give

them more of a chance to catch their train.

2) Add a pedestrian bridge with 2 or 3 elevators maintained by the LIRR near Covert Ave so that people will have the option of using the bridge instead of the underpass. Again a pedestrian bridge is faster to get from one side of the tracks to other because the underpasses will leave passengers farther away from the platforms.

4) Install retaining walls all along both the eastbound and westbound platforms to reduce noise and vibration of passing trains.

4) Both platforms at the New Hyde Park station should be covered and have heat lamps for the winter time maintained by the LIRR.

I hope you take my comments into consideration.

### Archie Cheng | 6/16/16 | 9:48 AM

As a Trustee of the Village of Floral Park and the Chairperson of the Village's 3rd Track Committee, I am thankful for the opportunity to comment on the LIRR Expansion Project Draft SEQRA Scoping Document. As a former Trustee of the Floral Park-Bellerose Union Free School District and Sewanhaka Central High School District, I was certainly caught off guard when Governor Cuomo resurrected the 3rd track project. A decade ago, Floral Park was caught in the crosshairs of the installation of a 3rd track from Queens Village to Hicksville. The last time, comments were made throughout the hearing process about 100 plus property takings, length of time of construction and its impact on our Village and School Districts, substantiated environmental concerns regarding contamination in the soil in and around the Railroad Right of Way, and temporary takings by the MTA/LIRR to enable the construction to take place. The first page of the Scoping Document states The LIRR Expansion Project represents a fresh approach to bringing the third track to fruition. It also states, as did Governor Cuomo, that this project will set the standard for positive community engagement. I was thankful that I and colleagues from other Villages along the Main Line were invited to many meetings with representatives from the Governor's Office, the MTA, the LIRR and the NY State Department of Transportation. We were advised that our input was being sought so the Project Plan would address our concerns. I, for one, looked forward to advancing the concerns of the Village of Floral Park and its two School Districts. I also looked forward to seeing the Plan and how it addressed our concerns. Discussions were had on numerous issues including the need for the 3rd track, where and how it would be constructed, impacts during construction, environmental concerns, and impacts to our downtown area and Recreation Center, and safety issues. From day one I asked what I thought was the simplest of questions: Where is the LIRR's Right of Way? After all of our meetings and in reviewing the Scoping Document, that simple question has not been answered. In fact, at one of the meetings and after asking the question, I was admonished to not be so skeptical. While community engagement was sought, I do not believe at the present that it was positive. Nevertheless, I would like to limit my comments on the construction stage of the Project. WHERE? On Page 12 of the Scoping Document, it is stated that The Project Corridor comprises the railroad right-of-way, station areas, and grade crossings from Floral Park to Hicksville and an approximately ¼ mile buffer along the right-of-way and ½ mile area around the station areas and grade crossings. (emphasis added) First, and again, where is the Right of Way (ROW)? It has been stated that there will not be any residential takings and only limited commercial takings at or near the planned grade crossing elimination areas. Without knowing where the ROW is, it is impossible to comment on behalf of my constituents. Furthermore, while there may not be any permanent taking of residential property, does the Plan anticipate the need for temporary construction easements over residential property? I personally went back into the records of our Building Department to review the surveys drawn when the tracks in Floral Park were elevated. Those surveys showed the permanent ROW to be 66 feet wide. They also showed that the temporary working easements substantially widened the area in which the LIRR conducted construction. So much so that the fenced in area of the temporary ROW was within 4-5 feet of the back doors of the houses on Charles Street. Even though that encroachment of residents' property was temporary (how many years did it take to raise the tracks?), I would like to know if the homeowners impacted saw the taking as temporary. Yes, they knew when they bought their house that they would hear trains that were in close proximity to their property. But did they ever expect that the LIRR would want to widen their ROW again? Could they enjoy their backyard? Could they open their windows without dirt and who knows what else came into their house? Could they sleep or enjoy the interior of their homes? Finally, even if they had to, could they sell their home? Temporary maybe, but how long will this Project take and affect the ¼ mile area around the ROW and ½ mile area around the Floral Park Railroad Station? WHEN? Our Recreation Center and new Pool Complex, two elementary schools, and numerous businesses abut the existing ROW. What will the impact be during and after construction? As to our Pool, we are concerned that necessary construction to build a 3rd Track will affect the integrity of the pool walls and the area around the Pool. We have yet to hear when construction will take place. If construction takes place in the summer months, our resident's ability to enjoy our Pool Complex and our Villages ability to continue to pay for the new Pool will be drastically affected. If it takes place during the winter, spring and fall, our children's organized and non-organized sports programs will be affected. Truth be told, our Recreation Complex is utilized year round so any construction impact will greatly diminish our residents way of life. As to our schools, due to their close proximity to the ROW during construction, instruction of our children will no doubt be impacted. In the warm weather, will the District have to close windows to cancel out construction noise and stop dirt, dust and other potential contaminants from entering the buildings? At the present time, the School Districts bus parking lot and part of the playground at the John Lewis Childs School is owned by the MTA/LIRR. As a holdover sub-tenant of an expired lease the Village had with the MTA/LIRR, the School District occupies a portion of the old Creedmoor Spur. Prior to the announcement of the Project, the School District had plans to expand and repave the bus parking lot. Discussions regarding a long term lease were about to take place. Without the new lease, the School District would not be able to obtain State Aid for the bus parking lot project. After many discussions with the State and MTA/LIRR, we were informed that no action would take place on this issue until the MTA/LIRR decided if it needed the Creedmoor Spur for staging and/or parking for workers during construction. Our School District needs this Lease now! In the same vein, the Village needs the parking lot in the old Creedmoor Spur not only for revenue, but also parking for the numerous owners at the Flowerview Apartment complex, employees at our largest office building, and employees of the School district. If the MTA/LIRR decides to use our largest parking lot, where will all of the cars go? There is not enough room now for the cars in our Village and certainly loss of parking spaces will put a strain on the people affected if the Village loses this lot. Finally, when will the hours of construction be? If the Project will be completed as promised in an expedited manner, does that mean 24 hour, seven days a week construction? If not, how long will the Project and its construction take? HOW? I am not an engineer and will let the experts discuss how a project of this magnitude is completed. I do not understand how new retaining walls will be built without impacting our Pool and Recreation Center. I do not understand how enlargement of the track area will be done without impacting homes and businesses. I



certainly hope that the DEIS will address these issues and not merely state that this is a design and build project. We need to see the design before building commences. How else will we be able to address the issues facing our Village? I would also like to know what the plan for traffic is. Page 6 of the Scoping Document states No major modifications would be made at Floral Park or Hicksville stations as part of the Proposed Project. Yet, during our meetings, we were told that the void between the tracks above South Tyson Avenue would have to be filled with new columns and track bed. I again do not understand how the work can be done without affecting our train station. If South Tyson Avenue is closed, how do school busses drop off and pick up students at JLCS? How does our Police and Fire Department respond not only to emergencies at John Lewis Childs School but the entire north side of our Village? The only alternative is to take a detour to Tulip and Plainfield Avenues and in so doing wasting valuable seconds. I would like to understand how the NYS Department of Transportation plans to divert traffic during the elimination of grade crossings in New Hyde Park. We were informed that Covert Avenue would be first. The plan was to divert traffic north of the tracks westbound to Plainfield Avenue. As anyone in the Village knows, Plainfield Avenue is already over run with traffic and there is no chance Plainfield could accommodate additional traffic. South of the main line, traffic would have to travel to Tulip Avenue or, if more familiar with Floral Park, travel along Terrace, Stewart, Cisney, Beverly and Marshall. All side streets with only single family homes and all of them leading to access to our Recreation Center. To me, questions of safety certainly abound with the diversion of traffic during the approximately six months (as stated in the Scoping Document) it will take to eliminate the Covert Avenue grade crossings.

The above represents only a few of the numerous issues raised during the community involvement period that were not addressed in the Scoping Document. It is my hope that they will be answered in the DEIS and that we again will have sufficient time to review, engage experts, and express our comment before a final EIS is published.

## LIRR Expansion Project

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**From:** andrew sexton <nofp3rdrail@gmail.com>  
**Sent:** Friday, June 10, 2016 1:48 PM  
**To:** LIRR Expansion Project  
**Subject:** Long Island Rail Road Expansion Project Public Comments to Scoping Document in accordance with Instructions found at <http://www.mta.info/news/2016/05/23/lirr-hold-first-round-public-meetings-expansion-project>

Dear Mr. Dumas:

Please find my comments to the scoping document

A. "The addition of a third track would increase track capacity through the corridor making it easier to run trains. This would improve service reliability and make transit more attractive, with the further goal of getting travelers out of cars, reducing traffic congestion, and reducing adverse environmental impacts"

Please provide statistics for the last 5 years indicating what percent of service reliability is a result of equipment failure on the entire LIRR system and what percent is the result of equipment failure on the lines that currently operate adjacent to the 9.8 miles where the new third track would run.

Please provide statistics for the last 5 indicating what percent of service reliability is a result of weather on the entire LIRR system and what percent is the result of equipment failure on the lines that currently operate adjacent to the 9.8 miles where the new third track would run.

With respect to Nassau and Suffolk County please provide the plans in place to increase North/South mass transit so that travelers can leave their cars at home.

With respect to Nassau and Suffolk County please advise how a 9.8 mile third track will reduce traffic congestion since the infrastructure, for the most part, is not in place for residents to take mass transit to a LIRR station.

With respect to Nassau and Suffolk County please provide full details of the adverse environmental impacts that now exist and how these adverse impacts will be reduced with the addition of the 9.8 mile third track.

B. "The LIRR Expansion Project represents a fresh approach to bringing the third track to fruition. Governor Cuomo has said that this project will set the standard for positive community engagement"

Please advise what criteria the Governor used to determine that this project will set the standard for positive community engagement.

C. "This approach to the construction of the third track within the existing LIRR right-of-way completely eliminates the need for any residential takings."

Please advise to what extent there will be temporary takings of residential property during the construction phase of the project.

D. "grade crossing separation would be completed using an expedited design-build approach to shorten the construction period and avoid the need to build diversion roads, as had been contemplated in prior proposals"

Please advise how many times the expedited design-build process for grade crossings has been used by the LIRR.

Please advise the typical construction period for a grade crossing project done the traditional way and the typical construction period for the expedited design-build grade crossing.

In the event of a time overrun, please provide what penalties will be in the contract with the company selected to perform the expedited design build grade crossing and how this will be divided by the various entities including the local community impacted by the construction.

E. "the project is expected to begin construction in 2017 with the goal of completing it by approximately 2020 or earlier depending upon private construction company responses to a competitive design-build contract procurement that will consider an expedited construction schedule as one criterion"

For the last 10 years please advise how many capital projects have been carried out with a NY State Agency was the lead agency, and how many of these projects were completed on time.

F. "This busy portion of the Main Line services the Hempstead, Ronkonkoma, and Port Jefferson Branches; some Montauk Branch trains; and all Oyster Bay Branch trains"

Given the many miles of track are involved on all of the lines (660+ miles) noted above, please provide your studies or other documentation detailing how adding a third track for just 9.8 miles will alleviate severe congestion during peak periods.

G. "Frequent delays with rippling effects to other branches due to bottlenecks caused by emergency repair, a disabled train or other disruptions that would not allow trains to bypass during peak periods"

For the last 10 years, please provide a breakdown of bottlenecks caused by emergency repair, disable trains or other disruptions broken down into the entire LIRR system (660+ miles) and the segment of the LIRR that represents the 9.8 miles where the third track will be built.

H. "Insufficient track capacity to operate both eastbound and westbound service during peak periods"

Please provide studies to document the insufficient track capacity for the LIRR system wide (660+ miles) as well as the insufficient track capacity for the 9.8 miles where the third rail will be built.

I. "Safety concerns related to railroad traffic, roadway traffic, and pedestrians at grade crossings"

Please provide the studies that document the safety concerns.

J. "Traffic delays due to grade crossings"

Please provide the studies documenting the traffic delays due to grade crossings.

K. "The LIRR is projecting a substantial increase in service levels by the year 2040. This projected increase is due to a variety of factors, including: regional ridership growth; a desire to increase reverse peak and intra-island service opportunities; and planned future service growth to Manhattan terminals"

Please define substantial increase and what baseline was used

Please provide the study(ies) detailing the various factors above that will cause a substantial increase in service levels.

Please provide the expertise of the company(ies) that provided the study including the number of previous studies they have conducted regarding regional demographics and commuting patterns.

L. "The LIRR has a desire to increase reverse peak and intra-island service opportunities"

Please advise how 9.8 miles of a new third track will accomplish this.

Given the fact that there is little available mass transit service on Long Island that actually goes to where the jobs are, please detail how reverse commuters will get to work. The following is a real unedited post on Yahoo

This is a real question on Yahoo – this would be a reverse commute. I picked Hauppauge because the Hauppauge Industrial Park is one of the largest industrial parks in the US and the businesses located in the park employ tens of thousands of people. Please provide documentation supporting that this would be the type of reverse commute the respondents to your studies would make.

Question:

"I have an interview at 2pm next week in Hauppauge but my hotel is on the Upper West Side. Anybody know any schedules or websites where I can find info on the public transportation between Manhattan and Long Island?"

#### Answer 1

1.

"you didn't really give us exact addresses, so it's up to you to figure out the details.

from your hotel in the "upper west side" take the nyc 1, 2, or 3 subway train to penn station. at penn station, get off the subway, and find the long island railroad ticket window.

because Hauppauge is not near a railroad station, you must go to the nearest town, that should be "brentwood". buy a ticket to "brentwood" on the ronkonkoma branch. other nearest towns are smithtown (but trains are not as frequent).

at "brentwood" you must take a suffolk county bus to your destination. you didn't specify where, so go look at this webpage to figure out where you want to go. I say take the S27 because the S27 will take you from the brentwood station to the hauppauge industrial park."

#### Answer 2

"take the LIRR from Penn Station to the closest station to Hauppauge. get a cab directly to your location from the LIRR station.

Forget the bus. Too long, too cold, too unreliable. Plus the odds of going right to the place you want are SLIM. Pay the few bucks for a cab from the LIRR station. The [www.mta.info](http://www.mta.info) site has info for every station as far as cab service. Some stations have stands right there. Others you may have to call and request a cab. (you can't hail them on LI like NYC. Must call) Look on the LIRR map. Click the station. They list taxi numbers. MTA site also has full schedules to plan your trip back, as well."

#### Answer 3

"Yes, subway, LIRR and Suffolk County Transit options are better, however according to Straphangers Campaign, Suffolk County Transit does not operate Sundays, New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day or Christmas Day.. Hours of operation are from Monday thru Saturday from 5:00am to 8:00pm. It does not take MetroCard or Coin. "

M. "planned future service growth to Manhattan terminals"

Please provide details of this planned future service including:

Location of the Manhattan terminals

How it is funded

Time frame

Contingency related to LIRR if the Manhattan terminals do not see the growth

Study detailing this future growth at Manhattan Terminals

N. "LIRR anticipates increasing demand for intra-island travel and reverse peak travel—services that the current Main Line configuration cannot support during critical times of the day"

Please provide the study(ies) detailing the various factors resulting in increasing demand for intra-island travel and reverse peak travel—services.

Please provide the expertise of the company(ies) that provided the study including the number of previous studies they have conducted regarding the determination of the increasing demand for intra-island travel and reverse peak travel—services.

Please provide the study showing that increasing demand for intra-island travel and reverse peak travel—services is only effected by 9.8 miles of new third track and not the other 650 miles of track operated by the LIRR.

O. "With or without the Proposed Project, it is anticipated that rail freight demand on Long Island would not increase significantly, and any increase (should it occur due to a change in market conditions) in service would be during the off-peak periods similar to current operations"

Please define "would not increase significantly" and what baseline was used to make this determination.

Please provide any studies or documentation that was relied on to make this assessment.

Please advise what change in market conditions the LIRR anticipates would cause an increase in rail freight.

We live approximately 1/2 mile from the LIRR. A stated goal of the project is reduce noise and improve neighborhood quality-of-life. We can hear the trains at night. We expect that the louder, longer ones are the freight trains. In the event of an increase in rail freight activity, please explain what steps will be taken to minimize the frequency and physical length of freight trains passing through our communities.

Please provide any documentation you might have received from industries that would benefit from the capability of an increase in freight traffic.

P. "Buy America"

Should this project come to fruition, what is the intention of the MTA/LIRR to incorporate "Buy America" language into its contracts?

Q. "National Environmental Policy Act"

As the MTA/LIRR regularly receives grants from the Federal Transit Administration, please advise if there is a requirement to submit documentation to the Federal Transit Administration under the National Environmental Policy Act of 1969.



R. "Environmental Justice in Minority Populations and Low-Income Populations"

With respect to the requirement to address Environmental Justice in Minority Populations and Low-Income Populations, the USDOT/ Federal Transit Administration also includes business that serve minority/low income populations that would be effected by the proposed third track. Will the MTA/LIRR also take this into account when it conducts its study?

Please provide the qualifications of the entity that will be conducting this study on behalf of the LIRR.

I look forward to your response.

Andrew Sexton

201 Verbena Avenue

Floral Park, NY 11001



**SPELLMAN RICE GIBBONS POLIZZI & TRUNCALE, LLP**  
ATTORNEYS AT LAW

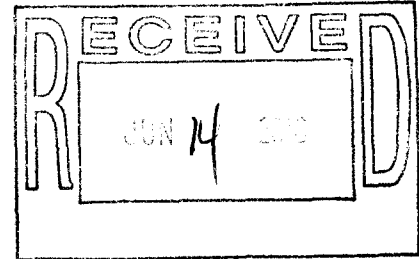
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GARDEN CITY, NEW YORK 11530 - 7775

June 10, 2016

PHONE (516) 592-6800  
FAX (516) 742-1305  
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**VIA FEDERAL EXPRESS**

Edward M. Dumas, Vice President-Market  
Development & Public Affairs  
Long Island Rail Road Expansion Project  
MTA Long Island Rail Road, MC 1131  
Jamaica Station Building  
Jamaica, New York 11435



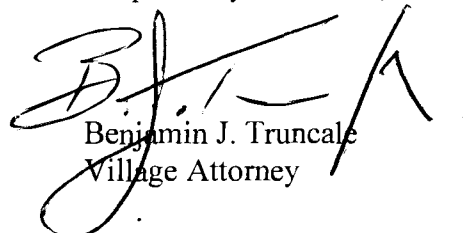
The Long Island Rail Road Expansion Project  
(Floral Park to Hicksville)

Dear Mr. Dumas:

I am the Village Attorney for the Village of New Hyde Park ("New Hyde Park"). I am submitting the enclosed comments on behalf of New Hyde Park in response to the MTA/Long Island Rail Road's Expansion Project Draft SEQRA Scoping Document. For your convenience, I have enumerated the enclosures below.

1. Comments made by Mayor Robert Lofaro at the Public Scoping Session of May 24, 2016;
2. Comments made by Deputy Mayor Lawrence Montreuil, at the Public Scoping Session of May 24, 2016;
3. Comments made by Diane Bentivegna, New Hyde Park resident and member of the Village's Task Force at the Public Scoping Session of May 24, 2016;
4. Expanded comments of Diane Bentivegna, New Hyde Park resident and member of the Village's Task Force; and
5. Comments submitted by Mayor Robert Lofaro on behalf of New Hyde Park, dated June 9, 2016.

Respectfully submitted,

  
Benjamin J. Truncale  
Village Attorney





## Village of New Hyde Park Village Hall

1420 Jericho Turnpike • New Hyde Park, NY 11040-4684  
(516) 354-0022 • Fax: (516) 354-6004  
Website: [www.vnhp.org](http://www.vnhp.org)

June 9, 2016

Robert A. Lofaro  
Mayor

*Trustees:*

Richard A. Coppola, Jr.  
Donald B. Barbieri  
Lawrence J. Montreuil  
Donna M. Squicciarino

Christopher Devane  
Village Justice

Cathryn Hillmann  
Village Clerk-Treasurer

Thomas P. Gannon  
Superintendent of  
Building Department &  
Public Works

**VIA FEDERAL EXPRESS  
& ELECTRONIC SUBMISSION**

Edward M. Dumas, Vice President-Market  
Development & Public Affairs  
Long Island Rail Road Expansion Project  
MTA Long Island Rail Road, MC 1131  
Jamaica Station Building  
Jamaica, New York 11435

The Long Island Rail Road Expansion Project  
(Floral Park to Hicksville)

Dear Mr. Dumas:

I am the Mayor of the Village of New Hyde Park ("New Hyde Park"). These comments are being submitted on behalf of New Hyde Park in response to the MTA/Long Island Rail Road's ("MTA") Expansion Project Draft SEQRA Scoping Document. These comments are intended to assist the MTA in considering the project and in preparing all necessary environmental documents so that both the MTA and the public may properly evaluate any proposal to the main line corridor.

It is respectfully suggested that the MTA give significant weight and attention to the comments which follow.

**A. SEQRA**

1. The purpose of SEQRA is to assure that social, economic and environmental factors are considered before reaching a decision on proposed actions that may impact the environment. This requires agencies to assess the environmental significance of all actions they have discretion to approve, fund or directly undertake.
2. In order for the SEQRA process to function properly, full cooperation is required amongst the project sponsor, lead agency, involved agencies and interested agencies. Crucial to this process is transparency and meaningful public participation.
3. The project is titled "Long Island Rail Road Expansion Project", focusing on the construction and installation of a third track. However, the draft scoping document is devoid of any mention, depiction and discussion of the third track location or placement.



4. Such information is crucial in order for the public to meaningfully review and comment on the potential environmental impacts (cumulative or otherwise).
5. Meaningful public participation can only be accomplished if and when a more detailed scoping document is prepared and disseminated describing the project in its entirety. Such a document must include project specifics as it relates to the construction and installation of the third track, infrastructure and an analysis of the cumulative environmental impacts of same.
6. An opportunity for meaningful public participation requires that the public have sufficient time to involve itself in the scoping process. Given the nature of this project, a five week period for review, analysis and comment is insufficient.
7. Full transparency and a desire on the part of the MTA to fully engage the public in the SEQRA process (as mandated by statute) is unclear when the project sponsor and lead agency are one in the same. Set forth the reason(s) that the Federal Transportation Authority does not have any oversight over the proposed project.
8. Finally, in order to have a meaningful discussion and full understanding of the cumulative impacts of the proposed project, the Village should have access to all of the public comments entered into the record.

**B. Project Details**

1. All of the proposed project details must be identified and circulated to the public.

Specifically, the MTA needs to do the following:

- a. Identify the differences between the proposed project and that of ten (10) years ago;
- b. Identify the actual location of the proposed third track for the entire project;
- c. Identify any and all proposed infrastructure (i.e. parking fields, parking garages, relocated/reconstructed station platforms, signals and signal houses);
- d. Identify the drainage plan during construction, especially at all proposed grade crossing eliminations;
- e. Identify the drainage plan following construction, especially at all proposed grade crossing eliminations;
- f. Identify the actual boundaries of the LIRR "right of way" and explain why it was not originally included in the Draft Scoping Document;
- g. Identify the easements (permanent and/or temporary) that will be necessary during and after construction;
- h. Identify a realistic timeline for construction based upon past project experience
- i. Identify the proposed hours for construction;
- j. Identify the sequencing of construction for the entire project;
- k. Identify the locations where construction will be staged for the entire project;
- l. Identify how emergency services will be affected before, during and after construction;
- m. Identify the mitigation measures that will be in place to ensure that the proposed project will not result in soil or water contamination. Specifically, the





MTA needs to identify the existence of any toxic or harmful materials existing or proposed;

- n. Identify the communities that will comprise the project study area for the cumulative impacts of the proposed project;
- o. Set forth the methodologies to be employed in order to identify and mitigate the traffic impacts resulting during and after construction of the proposed project. Anything exceeding “a low level of tolerance” is unacceptable;
- p. Inasmuch as increased ridership on the LIRR will result from the proposed project, projected parking requirements in New Hyde Park for such ridership should be identified and a plan for mitigating such increased parking should be developed;
- q. Identify the noise study that will be conducted to review the impacts during and after construction of the proposed project. Further, identify the natural screening to be removed on 7<sup>th</sup> Avenue, 6<sup>th</sup> Avenue and 5<sup>th</sup> Avenue and provide the proposed screening/shielding to replace same;
- r. Identify the vibration study that will be conducted to review the impacts during and after construction of the proposed project;
- s. Identify the economic study that will be conducted to review the impacts upon property owners and businesses during and after construction;
- t. Identify the impacts to businesses as a result of the closure of Covert Avenue. A careful analysis of projected impacts upon businesses must be made and a plan for preserving business operations during construction and thereafter must be formulated;
- u. If advancement of the proposed project will result in any loss of assessed valuation by the Village, do to takings and/or property devaluations, a method to compensate New Hyde Park and property owners on a permanent basis for such losses must be devised;
- v. Identify the reason(s) the proposed project was not discussed in the MTA Capital Program 2015-2019;
- w. Identify the funding source for the proposed project and contingency financing;
- x. Identify the impacts the proposed project will have on existing LIRR Branches/Scheduling (i.e., Hempstead Branch, Oyster Bay Branch and Port Jefferson Branch);
- y. Identify the data obtained or study conducted with respect to the “reverse commute”; and
- z. Identify the cumulative impacts of the project with respect to land use, the character of the community and noise.

## 2. Freight cargo

- a. There currently exists a certain level of freight traffic on the LIRR main line. A careful analysis of the current level of railroad freight traffic through the Village should be made and an evaluation of the potential for a future increase in freight traffic should be performed. Although the potential for increased freight traffic is dismissed in the Draft Scoping Document, an evident by-product of the project is the potential for increased freight travel in the future. The impacts must be identified and carefully considered.



- b. Identify any agreements, contracts, regulations and restrictions regarding freight cargo on the main line; and
- c. Identify the rail priority of freight on the main line, specifically in the case when tracks/signals are down.

### 3. Alternatives

- a. Identify all available alternatives to achieve the intended purpose of the proposed project. Specifically, a cost benefit analysis should consider the relative impacts of other initiatives that would improve service reliability at a lower cost and impact to local communities. These initiatives include:
  - i. Construction of a new passenger train yard in Huntington for the westbound commute, thereby reducing the need to deadhead eastbound trains.
  - ii. Electrify the Port Jefferson branch;
  - iii. Complete the second track into Ronkonkoma;
  - iv. Grade crossing eliminations that do not adversely affect local communities. As previously stated, a partial elevation and partial depression would allow the roadways to remain active and would be less disruptive to traffic flow;
  - v. Correct the Jamaica Crawl by upgrading problematic switches;
  - vi. Complete East Side Access into Grand Central Terminal; and
  - vii. High speed signaling switches in conjunction with the LIRR system.
- b. Identify if any alternatives will include elements of phasing, such as bifurcating the project;
- c. Identify the general impacts of phasing; and
- d. A realistic time-line for completion of each phase (including "down-time" in between any phases) must be developed so that a realistic assessment of impacts may be made.

### **C. Conclusion**

New Hyde Park is a community bisected by the main line of the Long Island Rail Road and has three (3) at-grade crossings. Traffic flow, development and the overall functionality of the community have been greatly affected by this fact, not to mention the compromise to safety that is created with all at-grade crossings. While the Village recognizes the potential benefits and significance of a project which includes the elimination of these grade crossings, it is extremely cautious about the overall cumulative impacts to our community resulting from such an undertaking and questions whether the benefits, if any, will outweigh such impacts.

New Hyde Park is a special village. The residents of the Village strive to preserve and promote a quality of life which focuses upon safety, security, fine homes, manicured lawns, uncluttered roads, culture, recreation, education and a sense of community. Any project proposed for New Hyde Park must also protect and promote that quality of life.

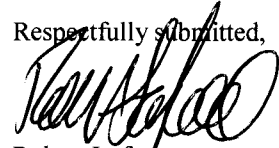
New Hyde Park is also special as a business community. The business owners and professionals in the Village are committed to complementing the residential community in promoting the Village as a wonderful place to visit or in which to live or work.

It is urged that the environmental review of the proposed Expansion Project take into consideration and share in, at every phase and in every category of review, the promotion of the ~~deeply held values of the~~ New Hyde Park community.



Commentary upon the Draft Scoping Document without a complete presentation of a potential design for the proposed project is a very difficult chore. As a result, it is suggested that the MTA rescind the current Draft Scoping Document and issue a complete and proper document which addresses all aspects of the project.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Robert Lofaro', written in a cursive style.

Robert Lofaro  
Mayor



Presentation of  
Robert Lofaro  
Mayor, Incorporated Village of New Hyde Park

May 24, 2016

I appear today on behalf of the residents, business owners and daily visitors to the Incorporated Village of New Hyde Park.

The purpose of SEQRA is to assure that social, economic and environmental factors are considered before reaching a decision on proposed actions that may impact the environment. This requires that agencies must assess the environmental significance of all actions they have discretion to approve, fund or directly undertake.

In order for the SEQRA process to function properly, full cooperation is required amongst the project sponsor, lead agency, involved agencies and interested agencies. Crucial to this process is transparency and meaningful public participation. Respectfully, in this situation, it appears to be lacking on both counts.

The project is titled “Long Island Railroad Expansion Project”, focusing on the construction and installation of a third track. However, the draft scoping document is devoid of any mention, depiction and discussion of the third track location or placement. Such information is crucial in order for the public to sufficiently review and comment on the potential environmental impacts (cumulative or otherwise). As such, the public is left guessing and speculating as to the main components and/or goals of the project.

Meaningful public participation can only be accomplished if and when a more detailed scoping document is prepared and disseminated describing the project in its entirety. Such a document must include project specifics as it relates to the construction and installation of the third track and an analysis of the cumulative environmental impacts of same.





An opportunity for meaningful public participation is further curtailed by the fact that the Draft Scoping Document establishes that the Scoping period and the public's opportunity to submit a comment will close on June 13, 2016. Given the nature of this project, a five week period for review, analysis and comment is insufficient. A project of this size and magnitude cannot be streamlined or simplified.

Full transparency and a desire on the part of the MTA LIRR to fully engage the public in the SEQRA process (as mandated by statute) is suspect when the project sponsor and lead agency are one in the same.

New Hyde Park is bisected by the main line of the Long Island Rail Road and has three (3) at-grade crossings. Traffic flow, development and the overall functionality of the community have been greatly affected by this fact, not to mention the compromise to safety that is created with all at-grade crossings. While the Village recognizes the potential benefits and significance of a project which includes the elimination of these grade crossings, it is extremely cautious about the overall cumulative impacts to our community resulting from such an undertaking and questions whether the benefits, if any, will outweigh such impacts.

New Hyde Park is a special village. The residents of the Village strive to preserve and promote a quality of life which focuses upon safety, security, fine homes, manicured lawns, uncluttered roads, culture, recreation, education and a sense of community. Any project proposed for New Hyde Park must also protect and promote that quality of life.

New Hyde Park is also special as a business community. The business owners and professionals in the Village are committed to complementing the residential community in promoting the Village as a wonderful place to visit or in which to live or work.



It is urged that the environmental review of the proposed Expansion Project take into consideration and share in, at every phase and in every category of review, the promotion of the dearly-held values of the New Hyde Park community.

The Village of New Hyde Park will submit full written comments to the MTA LIRR concerning the scoping of the proposed project. However, at this time, I offer the following for your consideration:

1. Freight cargo. There currently exists a certain level of freight traffic on the LIRR line through New Hyde Park. A careful analysis of the current level of railroad freight traffic through the Village should be made and an evaluation of the potential for a future increase in freight traffic should be performed. Although the potential for increased freight traffic is dismissed in the Draft Scoping Document, an evident by-product of the project advancement is the potential for increased freight travel in the future. The impacts must be identified and carefully considered.

2. Takings. In order for the Village to appropriately examine the potential economic impact of the project, it is imperative that the Village has the opportunity to receive and evaluate a takings or condemnation map relative to what is planned. While the Draft Scoping Document states that the project will remain within the existing LIRR right-of-way and that the number of acquisitions will be limited to commercial properties, this is questionable because the document fails to provide the particularities as to third track placement.

3. Cumulative impacts. In order for the SEQRA process to be effective and compliant with the spirit and intent of the statute, it is imperative that the project be evaluated with respect to its potential impacts upon New Hyde Park with respect to land



use, the character of the community and noise. These impacts must be evaluated at the local level, neighborhood by neighborhood, block by block. A broad-stroke analysis will not suffice.

Thank you.



Presentation of  
Lawrence Montreuil  
Deputy Mayor, Village of New Hyde Park

May 24, 2016

I appear tonight on behalf of the residents, business owners and daily visitors to the Village of New Hyde Park.

New Hyde Park is a community bisected by the main line of the Long Island Rail Road and has three (3) at-grade crossings. Traffic flow, development and the overall functionality of the community have been greatly affected by this fact, not to mention the compromise to safety that is created with all at-grade crossings. While the Village recognizes the potential benefits and significance of a project which includes the elimination of these grade crossings, it is extremely cautious about the overall cumulative impacts to our community resulting from such an undertaking and questions whether the benefits, if any, will outweigh such impacts.

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New Hyde Park is also special as a business community. The business owners and professionals in the Village are committed to complementing the residential community in promoting the Village as a wonderful place to visit or in which to live or work.

It is urged that the environmental review of the proposed Expansion Project take into consideration and share in, at every phase and in every category of review, the promotion of the dearly-held values of the New Hyde Park community.





The Village of New Hyde Park will submit full written comments to the MTA LIRR concerning the scoping of the proposed project. However, at this time, I offer the following for your consideration:

1. Why are the scoping sessions scheduled on the same date and at the same time at different locations?
2. Why is the deadline for comments June 13, 2016? Should more time be provided for a proposed project of this size and magnitude?
3. Why are the project sponsor and lead agency one and the same?
4. How is the proposed project different from that of 10 years ago?
5. Where is the third track going to be located?
6. Where are the boundaries of the LIRR “right of way”?
7. How can the MTA LIRR state with any specificity that takings will be limited without identifying the third track placement?
8. What easements will be necessary (permanent or temporary) during and after construction?
9. Where will construction be staged during the life of the project?
10. How will drainage be addressed during and after construction?  
Specifically, how will drainage be addressed at the proposed grade crossing elimination sites?
11. How long will construction last?
12. How will the closure of Covert Avenue affect businesses?
13. What type of economic study will be conducted to review the impacts upon property owners and businesses during and after the construction?



14. Currently, how much freight cargo travels on the main line?
15. How much freight cargo is anticipated?
16. What agreements/contracts are in place with freight companies to utilize the main line?
17. What are the terms, regulations and restrictions with respect to freight?
18. What are the alternatives proposed to improve service and reliability other than a third track?
19. What data and or study has the MTA LIRR obtained/reviewed with respect to the reverse commute?
20. How will emergency services be affected during construction?
21. What mitigation measures will be made to ensure that the proposed project will not result in soil or water contamination?
22. What are the cumulative impacts with respect to land use, the character of the community, noise and vibration?

Thank you.



To: LIRR  
From: Diane Bentivegna, 494 South 14 Street, New Hyde Park, NY 11040  
Date: May 24, 2016  
Re: LIRR Expansion Project, public comment

My name is Diane Bentivegna and I am a lifetime resident of the Village of New Hyde Park. I live 6 blocks from Covert Avenue, 2 blocks from South 12<sup>th</sup> Street, 2 blocks from 3<sup>rd</sup> Avenue and 1 block off New Hyde Park Road. My 87 year old mother and my entire extended family also live in New Hyde Park, as well.

Presently, I believe permanent and undesirable effects can and will be triggered by the LIRR Expansion Project proposals. According to the Scoping Documents, existing traffic routes will be modified which require the redirection of commuter and commercial traffic through our residential neighborhoods, cement retaining walls along roadways will change our suburban appearance and obstruct residents' access to roadways, mandatory speed limits will be altered, another railroad line will be constructed closer to residential properties, and daily railway traffic will dramatically increase. These changes can cause significant noise pollution, air pollution and vibration, as well.

As a result, the health and safety of those who live in our community will be seriously and permanently impacted. Considering the significant consequences this project can potentially and the fact that the Scoping Document gives no specific details about the third-track expansion itself, the public comment period must be increased to at least 90 days so that NHP residents and taxpayers can (1) receive the specific scope and plans for third-track expansion itself, (2) digest the content of the entire project, and (3) prepare comments and express them in a cogent manner to our elected representatives, the LIRR and others.

I have several concerns about the scope and severity of the construction process.

1. It is my understanding that chemicals will be used to kill vegetation and exterminate rodents, etc. along the LIRR's right-of-way. Once absorbed into the ground, have studies been conducted to test how this may affect our ground water? local wildlife? To what degree will particle pollution (a mixture of solids and liquid droplets floating in the air), whether released directly from a specific source or in the form of complicated chemical reactions in the atmosphere, affect the short and long term health and safety of NHP residents?
2. It is likely that constant and disturbing noise (of unknown decibels) and intense vibrations will result from the use of heavy construction equipment and vehicles used by workers for the construction. The LIRR is not restricted from doing construction work 24/7 as long as their equipment and workers are within their right-of way. Has the LIRR studied the effects



of such loud, sustained noise and vibration on nearby residents who live in the immediate vicinity of the construction site? How will this level of noise pollution impact the health and safety of our neighborhoods?

3. All types of buildings – residential homes and commercial properties - along the Main Line are at risk of sustaining structural damage to foundations, walls, facades, windows and frames, sidings, staircases, chimney sleeves, heating and air conditioning systems, etc. Has the LIRR estimated the cost of potential damage to area residents and business owners? Who is responsible for the repair of this damage? In the event of an accident during construction requiring the evacuation of residents in the immediate area, where do they go? Who pays for their temporary housing? Who are the responsible agents who will respond to these and other needs by those affected? Will utility delivery systems be altered in any way? How will this impact safety and security of our neighborhoods?
4. Parking in our community is presently restricted. Commuters, shoppers, apartment dwellers, merchants and their employees all must follow our village ordinances. Parking lots will be taken over for construction-related staging of equipment, supplies, trucks, etc. Where will these construction workers and the LIRR commuters park their cars so that NHP residents can maintain some semblance of safety and normalcy in the interim?
5. Construction trucks, equipment, deliveries of materials, men working and unanticipated conditions will slow and/or alter traffic and traffic patterns and pedestrian walkways to schools, public buildings, offices, restaurants, parks and shops will be disrupted. Has the LIRR studied the direct and indirect consequences of such challenges to our health, safety, businesses and property values?
6. Has the LIRR studied how the construction process will impact critical services from first responders like the NHP Fire Department, Nassau Country Police, ambulances, etc. ?

Additionally, while I favor the concept of **at-grade crossing eliminations in New Hyde Park**, I vehemently oppose the current proposals at Covert Ave., South 12th Street, and New Hyde Park Road as presented in the Scoping Document because I believe these plans jeopardize our economic stability in terms of property values, the environment, our educational system and suburban quality of life – during the construction process and after its completion. I have detailed my objections in my written statement.

Ten years ago it was the "reverse commute," and then it became "the multi- billion dollar passing lane." And, the MTA-LIRR still proclaims "the project is not about freight" despite the expressed demand for increased freight rail capacity by such business organizations as the Long Island Association, the New York Metropolitan Transportation Council, and the Long Island Mid Suffolk Business Action. I have detailed the evidence of increased rail freight service in my written statement.

Based on this evidence, increased freight rail traffic will have a direct and negative impact on the





quality of life of all residents who live along the Main Line – including my neighborhood in New Hyde Park. Increasing the capacity of freight rail traffic justifies our immediate concern about noise/vibration pollution, air pollution, and most importantly, the potential for freight derailments and other accidents. Daytime off-peak freight trains already traverse Main Line communities, many with uncovered container cars hauling debris and garbage, which is against regulations and litters the communities and potentially causes harm to health of residents living in the area. Does the LIRR, village, town and county government agencies have the necessary resources and funds to monitor these issues as well as address a catastrophic accident that may involve potentially hazardous kinds of cargo passing through our neighborhoods?

1. In 2017, when the MTA LIRR wants to start Third Track Expansion Project, the NY & Atlantic Railroad freight contract will be due for renewal. LIRR says that in the future the number of freight train runs per day during off-peak hours could change in response to “market demands.” What does that mean specifically to Main Line communities?
2. On Feb. 17, 2016, a judge ruled in favor of Brookhaven town officials who demanded the cleanup of a Long Island Rail Road yard filled with toxic chemicals, contaminated soil and hazardous materials in East Yaphank, located just 1,000 feet east of the Carmans River and near the Wertheim Wildlife Refuge. The Town literally had to sue in order to compel the Metropolitan Transportation Authority to clean up this dumpsite that was documented to contain arsenic, lead, copper, mercury, zinc, chromium and other toxins sitting in the rail yard rather than just covering it up with a cap. They say the best prediction of future behavior is the past. Is this the kind of treatment NHP residents and other Main Line communities are to expect as a result of the Third Track Expansion Project? There is growing opposition to and an overwhelming sentiment of mistrust of the LIRR/MTA, especially considering the fact that the MTA had to be brought to court to force it to fulfill an obligation from which it literally walked away.

In conclusion, as a result of the aforementioned concerns and documentation provided in my written statement, I remain vehemently opposed to the LIRR Expansion Project until the MTA / LIRR presents a cogent, complete and candid plan that meets with the approval of main line local residents, civic leaders, first responders, education leaders and our local government officials.

Respectfully submitted,

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Diane Bentivegna  
494 South 14 Street  
New Hyde Park, NY 11040  
(516) 352-0670  
Member, NHP Task Force

2

[diane.bentivegna@gmail.com](mailto:diane.bentivegna@gmail.com)



To: LIRR  
From: Diane Bentivegna, 494 South 14 Street, New Hyde Park, NY 11040  
Date: May 24, 2016  
Re: LIRR Expansion Project, public comment

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First, I have several concerns about the scope and severity of the construction process.

1. It is my understanding that chemicals will be used to kill vegetation and exterminate rodents, etc. along the LIRR's right-of-way. Once absorbed into the ground, have studies been conducted to test how this may affect our ground water? local wildlife? To what degree will particle pollution (a mixture of solids and liquid droplets floating in the air), whether released directly from a specific source or in the form of complicated chemical reactions in the atmosphere, affect the short and long term health and safety of NHP residents?
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3. All types of buildings – residential homes and commercial properties - along the Main Line are at risk of sustaining structural damage to foundations, walls, facades, windows and



frames, sidings, staircases, chimney sleeves, heating and air conditioning systems, etc. Has the LIRR estimated the cost of potential damage to area residents and business owners? Who is responsible for the repair of this damage? In the event of an accident during construction requiring the evacuation of residents in the immediate area, where do they go? Who pays for their temporary housing? Who are the responsible agents who will respond to these and other needs by those affected? Will utility delivery systems be altered in any way? How will this impact safety and security of our neighborhoods?

4. Parking in our community is presently restricted. Commuters, shoppers, apartment dwellers, merchants and their employees all must follow our village ordinances. Parking lots will be taken over for construction-related staging of equipment, supplies, trucks, etc. Where will these construction workers and the LIRR commuters park their cars so that NHP residents can maintain some semblance of safety and normalcy in the interim?
5. Construction trucks, equipment, deliveries of materials, men working and unanticipated conditions will slow and/or alter traffic and traffic patterns and pedestrian walkways to schools, public buildings, offices, restaurants, parks and shops will be disrupted. Has the LIRR studied the direct and indirect consequences of such challenges to our health, safety and property values? Has the LIRR studied how construction will impact critical services from first responders like the NHP Fire Department, Nassau Country Police, ambulances, etc.?

Additionally, while I favor the concept of **at-grade crossing eliminations in New Hyde Park**, I vehemently oppose the current proposals at Covert Ave., South 12th Street, and New Hyde Park Road as presented in the Scoping Document because I believe these plans jeopardize our economic stability, environment, and suburban quality of life – during the construction process and after its completion.

1. Regarding the proposed takings of business properties, the resulting loss of tax base will burden NHP taxpayers who reside in our community. While our school district could be compensated if it lost its own property to such projects, it cannot be compensated for the loss of tax base that result from the condemnation and elimination of businesses in the area. Thus, the remaining taxpayers, all the citizens who reside the "11040" area, will be forced to pick up the costs which result from these losses in the form of higher school taxes and higher property taxes. That is unacceptable.
2. The scope and severity of LIRR Expansion Project - in its entirety - will negatively influence the daily operation of regular school business in New Hyde Park. Thus, one can reasonably expect that the quality of our children's education will be compromised in the process. It is evident that the parents of the NHP-GCP School District value high educational standards and advocate for a myriad of educational opportunities and experiences for their children. Has the LIRR conducted studies that assess this "human cost" - namely, this anticipated negative impact to the educational process of our children?





3. The LIRR and the NY DOT have made proposals that will cause permanent changes and challenges to our neighborhood and our suburban quality of life. The potential urbanization that may result from these proposals not only can threaten our quality of life but also our economic stability in terms of property values – both during and after construction. Thus, I will settle for nothing less than the best plan for my community. The MTA-LIRR and all state level agencies and elected representatives of the mainline communities must:

- ✓ explore ALL alternatives which promote safety, reduce roadway congestion, and preserve our suburban lifestyle;
- ✓ promote the absolute best plan that inflicts the least collateral damage to homes, business properties, and most importantly the health and safety of NHP residents at large - regardless of its cost.
- ✓ negotiate respectfully with all citizens who are directly and indirectly impacted so that they do not suffer unfair economic hardship due to declining property values. Again, extending the public comment period to 90 days will be perceived as a good faith attempt at such respectful negotiation.

Furthermore, ten years ago it was the "reverse commute," and then it became "the multi- billion dollar passing lane." And, the MTA-LIRR still proclaims "the project is not about freight" despite the expressed demand for increased freight rail capacity by such business organizations as the Long Island Association, the New York Metropolitan Transportation Council, and the Long Island Mid Suffolk Business Action which resulted in the establishment of a new mega-freight yard in Suffolk County known as the Long Island Truck Rail Intermodal Project (LITRIM Project).

Based on this evidence, increased freight rail traffic will have a direct and negative impact on the quality of life of all residents who live along the Main Line – including my neighborhood in New Hyde Park. Increasing the capacity of freight rail traffic justifies our immediate concern about noise/vibration pollution, air pollution, and most importantly, the potential for freight derailments and other accidents. Daytime off-peak freight trains already traverse Main Line communities, many with uncovered container cars hauling debris and garbage, which is against regulations and litters the communities and potentially causes harm to health of residents living in the area. Do the LIRR, village, town and county government agencies have the necessary resources and funds to monitor these issues as well as address the immediate consequences of a catastrophic accident that may involve potentially hazardous kinds of cargo passing through our neighborhoods?

The evidence is clearly mounting re: the likelihood of increased rail freight service along the Main Line:

1. Plans for the LI Truck-Rail Intermodal Facility Project (LITRIM), a mega freight yard in Suffolk County, are well underway. This plan, along with the Third Track Project, is expected to increase the railroad's capacity for transporting more freight along the mainline corridor.



This belief, in fact, has been confirmed by many business organizations such as the Long Island Association, the New York Metropolitan Transportation Council and the Long Island Mid Suffolk Business Action. The LIRR asserts, however, that the goal of the Third Track Project is only to "improve service reliability for its customers." Failure to disclose this fact erodes trust and confidence in this entire process.

2. In 2017, when the MTA LIRR wants to start Third Track Expansion Project, the NY & Atlantic Railroad freight contract will be due for renewal. No doubt the MTA LIRR is looking to increase revenue from freight transport under a new contract. What are the provisions of the new contract? NY & Atlantic have a big investment in freight movement and it is a moneymaker for the LIRR. LIRR says that in the future the number of freight train runs per day during off-peak hours could change in response to "market demands." What does that mean specifically to Main Line communities?
3. On Feb. 17, 2016, a judge ruled in favor of Brookhaven town officials who demanded the cleanup of a Long Island Rail Road yard filled with toxic chemicals, contaminated soil and hazardous materials in East Yaphank, located just 1,000 feet east of the Carmans River and near the Wertheim Wildlife Refuge. The Town literally had to sue in order to compel the Metropolitan Transportation Authority to clean up this dumpsite that was documented to contain arsenic, lead, copper, mercury, zinc, chromium and other toxins sitting in the rail yard rather than just covering it up with a cap. They say the best prediction of future behavior is the past. Is this the kind of treatment NHP residents and other Main Line communities are to expect as a result of the Third Track Expansion Project? There is growing opposition to and an overwhelming sentiment of mistrust of the LIRR/MTA, especially considering the fact that the MTA had to be brought to court to force it to fulfill an obligation from which it literally walked away.
4. The NYC Economic Development Corporation confirmed that the Cross Harbor Rail Freight Tunnel Project is moving ahead. According to the Port Authority of New York and New Jersey, restarting this project is considered

*"...a commitment to promoting rail as an alternative to trucking and to change the way we move freight in the NY area. The proposed tunnel would run from Jersey City, under NY Harbor to Brooklyn. The rail line would then continue through Bay Ridge, Borough Park, parts of Flatbush, and then on to Queens, where cargo would be transferred to trucks for delivery into the city or points north and east (which is Long Island)."*

Again, the LIRR asserts that the goal of the Third Track Project is to improve service reliability to its customers. However, those pushing for this project believe *"it will be beneficial to New York as jobs are created when freight is diverted from truck to rail."*

5. The New York Metropolitan Transportation Council (NYMTC)'s most recent brochure (2014) tells the story of freight transportation in the region and highlights necessary steps to maintain the flow of goods in the future. The information includes the importance of freight transportation; pertinent characteristics of freight, including commodities, freight volume and forecasts; discusses how freight is moved; incorporates brief facts about some



of the region's freight facilities, and highlights ongoing projects, programs, and policies. On page 23 of this document it states,

*"One challenge to planners is the development of new intermodal terminals closer to the customers in the NYMTC region in a manner that reduces overall transportation costs while also mitigating impacts on communities."*

The "What is Planned for the Future" section of this brochure includes a description of one such project. It states,

*"Several freight railroads serve the NYMTC region, including CSX Transportation, Consolidated Rail Corporation (Conrail), New York and Atlantic Railway (NYA), New York New Jersey Rail (NYNJ), Providence and Worcester Railroad (PW), and **Brookhaven Rail (BHR)**."* Starting on page 35 of this document, it outlines NYMTC's regional freight planning goals which includes using the LIRR Mainline to further its objectives.

6. New York Metropolitan Transportation Council's Amended Regional Freight Plan 2014-2040 adopted on April 22, 2015 *"identifies freight volumes and trends, freight needs, and a plan for prioritizing projects and policies that benefit freight transportation in a way that is consistent with other regional goals and policies. These projects and plans have or are currently investigating opportunities to improve freight transportation system conditions and efficiency, ways to improve the core highway network on which the vast majority of freight moves in the region, and opportunities to move more goods by alternative modes such as rail and water."* It states on:

- [page 2-4] Goal 3 (Improve the reliability of overall movement of freight in the region by encouraging multimodal shipment] specifically states that the "LIRR Main Line from Fresh Pond Yard to potential intermodal rail yard sites in eastern Long Island remains a reasonably attainable goal."
- [page 2-5] Action 2. Reduce operational conflicts between passenger and freight service on region's railroads. Status: Passenger and freight conflicts remain a relevant issue in the region. Strategy B. Evaluate the further expansion of freight yards and warehouses. *"Action 5. Conduct regional feasibility study to identify additional intermodal freight sites. Status: No such study has been completed for this specific purpose. Brookhaven Rail Terminal emerged as a new key freight rail facility on Long Island when it opened in 2011, and the facility's owners have plans to expand to handle new commodities."*
- [page 5-20] *"The development of Brookhaven Rail Terminal in Suffolk County, which opened in 2011, along with planned future development and expansion of that facility, presented an opportunity to consider the possibility of a freight village development at that site. Brookhaven Rail Terminal was proposed as a candidate freight village site in an addendum to the Feasibility of Freight Villages in the NYMTC Region study (results on p. 5-25 and 5-26)*
- [page 6-7, "Opportunities"] *"Upgrading of infrastructure to handle modern equipment. For publicly owned rail infrastructure, consideration should be given to the needs of*



*modern freight equipment in capital projects. While certain types of equipment would be very difficult to accommodate due to the presence of electrified third rail, etc., there should be a general requirement to allow for 286K maximum weight railcars, and expansion of the clearance envelope to 22' for new structures, where economically feasible. Metro-North, LIRR, and Amtrak all have programs underway to increase weight limits on their routes. As weight limits are largely driven by bridge conditions, completion of these modifications is primarily being done as part of larger capital projects."*

In conclusion, as a result of the aforementioned concerns and documentation, I remain vehemently opposed to the LIRR Expansion Project until the MTA / LIRR presents a cogent, complete and candid plan that meets with the approval of main line local residents, civic leaders, first responders, education leaders and our local government officials.

Respectfully submitted,

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Diane Bentivegna  
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New Hyde Park, NY 11040  
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Member, NHP Task Force  
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**Office of the Mayor**  
VILLAGE OF WESTBURY  
235 LINCOLN PLACE, WESTBURY, NY 11590

PETER I. CAVALLARO  
MAYOR

June 10, 2016

Mr. Edward M. Dumas  
Vice President – Market Development & Public Affairs  
Long Island Railroad Expansion Project  
MTA Long Island Rail Road, MC 1131  
Jamaica Station Building  
Jamaica, New York 11435

Re: **Village of Westbury Comment Letter to the Draft SEQRA Scoping Document (the “Scoping Document”) issued by the Metropolitan Transit Authority and the Long Island Railroad (collectively “LIRR”), dated May 5, 2016 regarding LIRR Third Track Expansion Project (Floral Park to Hicksville)**

Dear Mr. Dumas:

This letter and the materials attached hereto constitute the formal response and comments by the Village of Westbury (the “Village” or “Westbury”) to the Scoping Document. The Scoping Document was reviewed by the undersigned, members of the Village Board, the Village Attorney, Village Superintendent of Buildings, Village Superintendent of Public Works, and member of the Village Planning Board, and this letter is a composite of all such reviewer comments.

This letter supplements, and is in addition to, any comments or input provided by the Village, or any of its officers, officials or residents in any other forum or meeting, including in the Scoping Sessions held by LIRR in connection with the Scoping Document and the Meetings (defined below) held between the Village and LIRR and other parties, including without limitation the comments made for the record by the undersigned at the Scoping Meeting session held by LIRR at the Yes We Can Center in New Cassel on May 25, 2016.

The project described in the Scoping Document is referred to in this letter as the “Project” or the “Third Track Project.”

**1. General Comments**

First, I want to thank Governor Cuomo, the LIRR and NYS Department of Transportation (“DOT”) for the transparent process that has been initiated as it relates to the Project. That is in

stark contrast with the process that was pursued the last time a third track project was proposed by LIRR.

I and members of the Westbury Village Board and staff have participated in a number of meetings with Governor Cuomo, representatives of the Governor's staff, staff at LIRR, DOT and other involved state agencies, in connection with the Project ("Meetings"), including without limitation those held on February 19, 2016; February 26, 2016; March 16, 2016; March 31, 2016; April 27, 2016; and May 5, 2016. These Meetings were the result of the Governor's promise to the communities along the LIRR Main Line, including Floral Park, New Hyde Park, Garden City, Mineola, and Westbury (the "Main Line Communities") that the process would be open and participatory so as to make sure that all concerns of the Main Line Communities have been heard and, to the extent possible, addressed.

We appreciate the efforts made thus far by the State to bring Governor Cuomo's promise to fruition. The Scoping process is an important aspect of the SEQRA review process, particularly in light of the magnitude of the Project and the material impacts that can be expected to occur. It is important to identify all of the material adverse impacts and changes as to each aspect of the Project, so that these may be analyzed and, to the extent possible, adequate and appropriate mitigation developed.

Therefore, in that regard, I refer you to the communications sent by several of the Main Line mayors to the effect that it is important to make sure that the process is not rushed, and that there be ample time for municipal officials, as well as residents, to digest and understand the very complex Scoping Document. Accordingly, requests were made that the Scoping period be extended, that Scoping session hours be expanded, and that additional sessions be added to make the times and dates more convenient. See attached **Exhibit 1** to this letter for copies of several of the communications from the Main Line mayors. While we appreciate the fact that LIRR added a number of Scoping sessions, we maintain that the relatively short period allowed for Scoping is inadequate to assure that all concerned parties and residents had an adequate opportunity to participate and have their concerns and issues heard. Accordingly, along with the other Main Line mayors, and others, I urge that the Scoping period for the Project be extended for an additional period of time.

Further, I, along with the other Main Line Mayors, was signatory to two letters to the Nassau Village Officials Association, of which I am immediate past president, and a member of the executive board. In those communications, the Main Line Mayors spelled out a number of requests and concerns related to the Project. I submit those letters (annexed hereto as **Exhibit 2**) to you for inclusion in the record as well, and urge that the concerns and suggestions contained in those letters be addressed in the DEIS and FEIS.

Subsequently, the NCVOA sent a letter, dated June 3, 2016, to the Governor supporting the position taken by the Main Line Mayors. I submit that letter to you for inclusion in the official record as well (annexed as **Exhibit 3** hereto).

## **2. Construction Activity and Post-Construction Considerations**

Of course, one area of great concern that the Westbury community, and all affected communities, is the potential adverse impacts and consequences of the Project to surrounding properties and the community at large during the construction phase of the Project. These would include without limitation:

- Noise
- Vibration
- Dust
- Debris
- Traffic impacts
- Parking impacts, including of construction and worker vehicles
- Site access, staging and material storage
- Site security
- Impact on train service (including the necessity of bus/shuttle service)
- Impacts on area public and school bus service, including school bus stops
- Temporary relocations
- Impacts on pedestrian access, including wheelchair and handicap accessibility, both during and post-construction
- Temporary road closures
- Impact on commercial truck routes and emergency routes

All of the foregoing anticipated effects need to be fully analyzed on a pre-, during- and post-construction basis. As the Westbury community has numerous residential homes and commercial properties adjacent to the LIRR right-of-way, these issues will be of major concern (see below). Accordingly, the environmental impact analysis (and the resultant DEIS and FEIS) must fully and adequately assess these impacts and identify the necessary mitigation.

### *Hours of Construction Activity*

One way to manage some of the construction phase issues would be for the Project parameters to establish and require definitive and strictly-adhered to hours of operation during the construction phase.

We would suggest that the contractor be restricted to working on the Project only during business days (Monday – Friday) and only during reasonable daytime hours (e.g., 7 a.m. to 6 p.m.). This will minimize the adverse impacts on the quality of life of the surrounding properties and community.

Of course, there may be periods during the Project's course that these hours may need to be varied or supplemented, such as when certain types of work needs to be done, or to avoid rush hour train

traffic on the Main Line, but these exceptions should be limited in frequency and duration, and considerable advance notice must be provided to affected properties, the Village and other government agencies and community organizations (e.g., civic associations, etc.).

While we recognize that this kind of work schedule will likely lead to a somewhat prolonged project duration, we believe that it will make the construction phase more tolerable to the affected property owners and minimize the adverse impacts on them. The DEIS and FEIS should analyze the difference in Project duration, and the attendant impacts, with several options of construction scheduling, including the one outlined above.

The Village's recent experience with the LIRR Ellison Avenue Bridge Replacement Project (the "Ellison Project") bears out the benefit of a well-defined and limited work schedule. There were very few quality-of-life (noise, vibration, lighting, etc.) complaints during the Ellison Project. We attribute that, in part, to the fixed and reasonable construction work schedule. Communications between the LIRR, its contractor and project team, and with the Village and area residents, was good, making variances to the normal schedule well known. As a result, the Village and residents knew what to expect, and the process was made more tolerable, even when the work schedule varied to include weekend or after hour work (which was minimized).

#### *Design Elements / Changes*

The DEIS and FEIS must identify specifically all design elements to the Project that will affect the residential and commercial properties adjacent to the right-of-way.

In particular, reference has been made in the Meetings to the potential need for access agreements, easements (to afford LIRR post-Project access to the tracks), retaining walls, etc. The DEIS/FEIS must identify specifically how each adjoining property will be affected by these types of changes. It will be important to identify these impacts so that the property owners, as well as municipal officials, understand these impacts and assess their suitability, and to develop potential necessary and appropriate mitigation measures.

#### *Project Duration*

A major issue that must be addressed and analyzed in the DEIS is the expected duration of the Project from start to finish. There have been various statements made publically and privately that the entire Project, once started, will take anywhere from 3 to 10 years to complete. That is a very wide range. We acknowledge that limited construction hours (as described above) will affect the duration of the Project. Yet, for however long the Project lasts, the construction phase will directly affect the level and materiality of disruption to the local communities and properties proximate to the construction activity.

The DEIS must analyze each phase of the project, and the necessary staging of the phases, to determine realistic timeframes for each portion of the construction, as well as realistically analyze

the impacts thereof. Each affected community must be provided with sufficient and accurate information to provide a realistic expectation as to Project duration so it is able to measure the impacts in that context. Frankly, the shorter timeframes referred to (such as in the Scoping Document) are unrealistic for a project with this magnitude (number of components and complexity of planning, design and implementation). Unrealistic timeframes will create unreasonable expectations in the affected communities, and will not allow for an accurate evaluation of the impacts on individual communities and properties. It is imperative that the Main Line Communities have a realistic sense of the time it will take to complete the Project so that impacts can be assessed as accurately as possible.

As a part of the Project mitigation analysis on this point, the FEIS and DEIS should include the analysis and discussion of potential contract provisions that will make sure that the Project is completed on time (or early). This might include incentives for early completion, and penalties for late completion. The contractor(s) need to be properly incentivized to complete the Project as planned.

#### *Post-Construction Considerations*

We would strongly encourage the LIRR to study the “as built” impact of this project as it relates to the residential corridor within the Village. The residential sections of the Village that will be impacted by the Project will be the areas situated along the south side of Earl Street and the north side of Broadmoor Lane. The Project will entail moving the existing tracks closer (distance currently unknown) to the residential dwellings, thus increasing noise and vibration not only during the construction period, but in perpetuity once the tracks are relocated. The increase in the number of trains moving passengers into and out of New York City and the anticipated increase in the number of freight trains along the Main Line will also increase the noise and vibration associated with such an operation. As we have stated earlier, the DEIS and FEIS should include a property-by-property analysis of these impacts (including before and after distance of tracks to dwellings, and the potential increase in volume of train noise and frequency of trains) and analyze the different mitigation possibilities for each property. In light of the recently-completed Ellison Project, the residents along this corridor may feel a sense of “project fatigue” and so it will be important to make sure that all aspects of the impacts on these residents are analyzed, understood and mitigated.

Closely related to the physical impact on residential properties along the tracks is the potential diminution in property values, which could result in an actual or constructive “taking” with some type of compensation for specific properties required. Should a loss in property value take place, there are two major considerations: first, compensation may be due to impacted property owners, and second, the Village and other taxing authorities will experience a corresponding loss in assessed value (and property tax revenue). Any loss in assessed value would either reduce the amount of revenue the Village and other taxing authorities receive from the affected properties, or more likely, the various taxing authorities would be forced to increase their tax rates to compensate for the revenue loss. In the Village, any upward change in the tax rate will negatively impact all

residents, as the Homestead tax rate applies equally to all residential properties throughout the Village. With this in mind, the DEIS and FEIS should analyze these assessment and valuation issues to determine their extent and potential mitigation. In this regard, LIRR should engage reputable professionals in the field of appraising, engineering and other related services to adequately study the potential effect on the property value of each residential property along the Main Line. Hopefully, any diminution in value would be minimized by mitigation as mentioned in the previous paragraph, but the possibility should be examined carefully in the DEIS and FEIS.

Finally, the DEIS and FEIS must identify the post-Project maintenance responsibilities of LIRR as it relates to such changes as retaining walls, side yards, buffers, etc. This burden should not be on the property owners or the Village, and with LIRR's past history of poor maintenance of these areas, it will be important that these arrangements be formalized and documented (e.g., through easements, covenants, undertakings, etc.) so that they may be enforced in the future.

### **3. Coordination with Post Avenue Project**

Of particular concern to the Westbury community, as we have discussed with LIRR and DOT staff during the Meetings, is how the Project relates to the LIRR's planned replacement of the Post Avenue LIRR trestle crossing (the "Post Avenue Project"). The Post Avenue Project is necessitated by the fact that the Post Avenue trestle is subject to frequent truck collisions each year, as well as the general need to upgrade that crossing. The Village and LIRR had begun to have dialogue prior to the announcement of the Third Track Project, and early preparations had begun, regarding the Post Avenue Project.

It is of primary importance to the Village that the Third Track Project be closely coordinated with the Post Avenue Project so as to minimize the combined effects on the Village and our residents, and, importantly, on our Post Avenue business district in particular.

Accordingly, we urge that:

- The Post Avenue Project be completed prior to the commencement of any Third Track Project work on any of the portions of the Main Line east of Mineola and west of New Cassel.
- The work on addressing the grade crossing at School Street must be staged so as not to overlap with the Post Avenue Project.
- DEIS and FEIS must fully analyze the traffic impacts of the Post Avenue Project as it relates to any other ongoing Third Track Project work being done simultaneously.
- LIRR has represented to the Village that the Post Avenue Project would require the closure of Post Avenue completely for only one weekend, and we would expect that that be an

integral part of the plan. Any variance to that representation would be a serious negative aspect to the overall combined projects.

- LIRR has represented to the Village that the Post Avenue Project would necessitate some additional road and traffic modifications (such as narrowed lanes, additional signage, flagmen and other traffic control measures, etc.), and we require that these also be limited and that Post Avenue be as unaffected as possible.
- The DEIS and FEIS for the Project must analyze the combined impacts of the Post Avenue Project and the Third Track Project, and take into account the timing of each project, staging, etc.

#### **4. Grade Crossing Elimination Considerations**

Governor Cuomo has, to his credit, made the elimination of the seven remaining at-grade LIRR crossings on the Main Line between Floral Park and Hicksville a primary goal of the Project. This, of course, is an important element to the communities along the Main Line as these crossings pose a grave and ongoing danger to motorists and pedestrians in these areas.

Unfortunately, the elimination of these crossings is probably the area of the Project where the most community disruption and adverse impacts could result to adjoining property owners, in the way of takings (condemnations) and other material impacts.

##### *School Street Grade Crossing Elimination*

The School Street grade crossing elimination is, of course, in theory, a desirable outcome for the community. The details of how that might be accomplished, however, are very difficult given the narrow constraints of that roadway and the surrounding properties and other factors.

In our prior conversations with LIRR, DOT and other officials, we have expressed a high degree of concern about the impacts of the Project on certain properties in particular, including those properties that abut the School Street grade crossing (including Jamaica Ash, DLI Construction, Arrow Produce, Core-owned office building on east side, etc.).

Among the factors that are important in the design and configuration of that proposed under-track bypass are, without limitation:

- Impact on adjoining properties
- Impact on residential properties in surrounding area
- Impact on the many pedestrians (including school children) using the roadway
- Fire vehicle access
- Ensuring that the height and width of the underpass will comfortably accommodate commercial vehicle and emergency vehicle access

- Traffic impacts on surrounding roads
- Access to Westbury Train Station
- Access to Railroad Avenue
- Sight clearance of oncoming north and south traffic in the underpass, given the sloping necessary to construct

The Scoping Document contains two possible Scenarios as to how the LIRR might address that crossing but the Meetings conversations have focused on the Village's preferred scenario, which is a combination of Scenarios 1A and 1B, as outlined below (Scoping Document Figures 33-36). The Meetings included discussion of a number of additional possible scenarios that the Village disqualified as impractical, too disruptive or inefficient.

Specifically, as the Scoping Document relates to the School Street Crossing:

- The Village strongly urges that LIRR consider a scenario which has the following attributes, and which is a combination of Scenarios 1A and 1B from the Scoping Document:
  - Two-lane underpass, with north- and south-bound lanes, and a protected pedestrian walkway (preferably a pedestrian overpass with adequate handicapped access, as opposed to an underground walkway that was discussed as a possibility at the Meetings; the overpass with glass or other transparent material would be safer and more easily maintained than an underpass, and would also allow for more room for the two vehicular traveling lanes)
  - No closure of Railroad Avenue
  - No taking of Jamaica Ash or Arrow Produce properties
  - Maintenance of the Jamaica Ash entrance on the School Street side of the property, approximately 140 feet north of existing entrance
  - Design of the underpass to allow for adequate height clearance for Westbury Fire Department vehicles and other emergency vehicles and the normal heavy commercial truck traffic in the vicinity
- LIRR must analyze all aspects of this preferred option as it relates to the impacts on the various adjacent properties, and make sure that the least intrusive and disruptive process and design occurs (both during the construction phase and operationally for the businesses).
- All traffic impacts need to be analyzed and mitigated and the DEIS and FEIS must include pre-, during- and post-construction analysis of traffic patterns and volumes.

Finally, with respect to any constructed facilities in connection with this grade crossing (tunnel, pedestrian overpass, etc.), the DEIS and FEIS should identify LIRR's post-Project maintenance responsibilities with respect thereto. Given LIRR's past history of poor maintenance of its stations



and abutting areas, it will be important that these arrangements be formalized and documented (e.g., through easements, covenants, undertakings, etc.) so that they may be enforced in the future.

A number of other scenarios were considered during the Meetings, which the Village disqualified for many reasons, including, but not limited to the following reasons:

- Alternating one-lane traffic is not feasible and would cause major delays, increasing emergency response times, and causing commercial and other traffic to spill over into other roads, including Post Avenue and residential areas.
- Removal of the crossing, or the closing of Railroad Avenue would disrupt traffic, and would force commercial traffic onto Post Avenue, which has a smaller turning radius, and would force the Village to remove certain parking for commuters and local shoppers.
- Dead-ending Railroad Avenue would make that area undesirable for future development and negatively impact property values. It would also force traffic patterns through residential areas.
- The removal of the pedestrian access at the crossing would be very disruptive, as the Village and surrounding areas have many residents without cars. This would also make the crossing less safe, as pedestrians (including many school children) would undoubtedly choose to walk in the (underground) roadway despite any stated or posted pedestrian prohibition.
- A bridge is less aesthetically pleasing and harder to maintain than an underpass. In addition, a bridge would negatively impact the intersection because of its size, and would require more taking of private properties. Entrance into Jamaica Ash would be impossible without rerouting commercial traffic into residential areas. A bridge involves the taking of residential properties, which is unacceptable. A bridge would force traffic patterns through residential areas.
- Any scenario which involves the taking of residential properties is unacceptable, as demonstrated by the previous proposal of third track, and contrary to Governor Cuomo's explicit promise to exclude such takings.

#### *Grade Crossing Elimination as a Separate Project*

One final note: given the unanimous desire of virtually all interested parties to see the grade crossings eliminated, the DEIS and FEIS should include a study of the feasibility of the State eliminating the grade crossings even if the Third Track Project does not move forward.

The ultimate benefit to increased public safety must be recognized, whether or not the Project moves forward, and the State should take this opportunity to analyze the grade crossing eliminations as a separate project. It would be an abrogation of responsibility (and render the DEIS and FEIS inadequate and defective) for the grade crossing elimination not to be analyzed in the absence of the Project moving forward. Given the consensus on this important public safety matter, neither political, nor other artificial constraints should come in the way of those needed improvements. And, the elimination of the grade crossings should not be used merely as a carrot

to achieve buy-in to the Project. Rather, the DEIS and FEIS need to consider the feasibility, efficacy and viability of the elimination crossing on its own merits.

## **5. Coordination with Related Third Track-Related Project Components**

The Village is convinced that, given the Governor's stated desire to expedite the project, and given the large scope of the Project, detailed coordination of the many phases and aspects of the Project will be crucial, so as to avoid material, simultaneous adverse impacts along the corridor.

Accordingly, the DEIS and FEIS must do a thorough analysis of the staging of the Project in such a manner as to analyze what the appropriate steps and order will be to complete the Project in the least disruptive way possible.

As an example, as previously discussed above, the Post Avenue Project must be completed prior to the Third Track Project work. Coordination and adequate scheduling must be insured, and likely delays must be taken into account.

Likewise, from our perspective, the work on the School Street grade crossing elimination should not take place simultaneously with the Urban Avenue grade crossing work, or the Post Avenue Project. These roads are too close to one another to be closed at the same time. They feed each other to some extent and the closure of more than one will affect all the surrounding roads materially. As the Village of Westbury experienced with the Ellison Avenue Bridge replacement, the closing of one road significantly impacts the traffic on all other roads in the vicinity of the closure.

The DEIS and FEIS will need to analyze the impacts of all road closures and Project work under all scenarios to make sure that the least impactful sequencing is assured.

## **6. Traffic Considerations**

The Scoping Document supports the need for a detailed traffic study, with a focus on the potential impact along Union Avenue, Railroad Avenue, Maple Avenue and School Street, where the traffic patterns will be altered. The proposed traffic control signal slated for the intersection of Railroad Avenue and School Street should enhance the flow of traffic along both streets by creating a more even flow of traffic between Old Country Road and Maple Avenue, thus reducing the current backlog seen on the impacted streets during peak hours. This is a heavy commercial route and is in need of better traffic regulation.

In particular, the Village of Westbury Planning Board would like the traffic engineer to focus on the anticipated changes in traffic patterns along Union Avenue, considering that this street will now be required to accommodate additional traffic at hours where this street is already one of the primary routes for commuters accessing Village parking lots during morning peak hours.

The DEIS and FEIS should include a preliminary maintenance and protection of traffic plan showing all potential detours, signage locations, and possible alternate route outside the affected area. All efforts must be put in place to keep commercial traffic off of residential streets. All impacts, positive and negative, during and post-construction must be clearly defined. The following roadways and intersections must be included in all studies:

- 1) School Street and Old Country Road
- 2) School Street and Railroad Avenue
- 3) School Street and Maple Avenue
- 4) School Street and Union Avenue
- 5) Maple Avenue between Ellison Avenue and Union Avenue
- 6) Post Avenue and Maple Avenue
- 7) Union Avenue between Post Avenue and Grand Avenue
- 8) Post Avenue between Old Country Road and Jericho Turnpike
- 9) Post Avenue and Railroad Avenue
- 10) Post Avenue and Union Avenue
- 11) Post Avenue and Old Country Road
- 12) Ellison Avenue between Old Country Road and Jericho Turnpike

These studies must include changes in quantity of trips and length of delays in all directions at multiple times of day, seven days per week.

Open dialogue with the local school districts and their transportation departments must be conducted to meet their needs of bussing children to and from School. Bus stop changes, route changes and typical delays must be discussed.

#### *School Street Grade Crossing Traffic Issues*

##### *School Street Grade Crossing During Construction*

*Commercial Traffic and Local Businesses-* During the construction phase of the School Street crossing elimination, we would expect a material increase in traffic along Post Avenue and impacts to property access for Jamaica Ash, DLI Construction and the properties along Railroad Avenue. The DEIS will have to provide extensive data concerning the impact on local businesses during this phase of the Project and their plans to mitigate this condition. The DEIS should include plans to provide temporary access to the affected businesses, and the relative benefits and detriments of each alternative. These businesses include, but are not limited to, Jamaica Ash, Arrow Produce and the strip of stores on the corner of Union Avenue and School Street.

Also, we anticipate that during the School Street grade crossing elimination phase, the daily heavy commercial traffic that would ordinarily be using School Street, Railroad Avenue, etc. will be forced to use the same alternate routes throughout the Village as those used by the Westbury Fire

Department for emergency purposes. The Westbury Fire Department should also be consulted and included during the future stages of the DEIS and FEIS.

*Pedestrian Access-* The closing of the School Street grade crossing during construction will have a negative impact on pedestrians who must use the crossing, including children getting to and from school. Many school children use the School Street corridor to walk to and from school (mostly the Westbury Middle School), so it is imperative that the DEIS and FEIS analyze the need for temporary transportation routes and facilities to accommodate these children safely. This could require, among other mitigation, the provision of busses for these children during the construction phase. LIRR consultation with the Westbury School District will be an important element in this regard. Temporary pedestrian crossings outside of the work area should be considered to limit the impact on pedestrians. This analysis should be included as part of the DEIS and FEIS.

*Post Avenue Trestle-* While we assume that the Post Avenue Project will be completed before the School Street crossing elimination begins, we note that, in the event that the final staging does not provide for that, every precaution must be taken to prevent the collisions that occur by commercial vehicles and the Post Avenue trestle. Collisions occur frequently, and cause major traffic issues when they do occur.

#### *School Street Grade Crossing Post-Construction*

A second issue that we believe will occur with the adoption of Scenario 1A is the potential to further negatively impact the intersection of Union Avenue and School Street by causing the commercial traffic associated with Jamaica Ash to utilize this intersection instead of its current side entry from School Street. To accommodate the turn radius for such large vehicles, it may be necessary to “take” portions of the corners to create the correct turning radius for these vehicles. This will obviously increase the cost of the project, but more importantly will add traffic and congestion to a street that is vital to commuter reliance on the LIRR parking during morning hours. It is for this reason that we strongly prefer the entrance to Jamaica Ash to be on the School Street side of the property, approximately 140 feet north of existing entrance.

### **7. Parking Considerations**

The Scoping Document mentions the potential increase in ridership that could impact the communities along the Main Line, which will be a component of the analysis as well. In our discussions during the Meetings, the Village raised the issue with LIRR that with the anticipated increase in ridership as a result of the increased capacity brought about by the third track, the Village anticipates a continuation of the capacity issues at its commuter parking lots. Over the past several years, ridership has returned to pre-recession levels, and has placed a tremendous strain on the Village’s parking around the train station. At the same time, the Village has undertaken additional downtown redevelopment activities that have also led to a more intense need for additional parking in the downtown area.

Currently, there are 453 municipal parking spaces, and 307 spaces in the LIRR parking lot. In addition, there are several long-term parking spaces on Railroad Avenue and Scally Place. This number of spaces is insufficient for current needs, as exhibited by the fact that the lots are often at capacity, with commuter parking spilling onto the streets. As ridership increases, the parking problem will get worse. These impacts need to be a part of the DEIS and FEIS analysis.

*Westbury Train Station Parking Enhancement*

The Village had engaged in preliminary discussions as far back as 2010 with LIRR about the LIRR adding parking capacity at its commuter lot on the south side of the tracks, by adding a parking deck over that LIRR-owned lot. Those discussions included Village rights to utilize the parking on off-hours for its downtown capacity.

Likewise, discussions at the Meetings included the possibility of a parking deck over the LIRR-owned lot, in addition to the possibility that LIRR would add parking capacity to the Village-owned lot on the north side of the tracks by adding a parking deck structure there as well. The Village might consider a long term lease to LIRR in order for LIRR to build and maintain that lot, with the Village increasing the capacity for Village-resident-only spots, while at the same time increasing capacity for all commuters (Village and non-Village residents). Again, this would include the ability of the Village to use those parking assets after hours for general Village parking purposes. The long term lease to LIRR would include the obligation of the LIRR to maintain the lot and structure. An inter-municipal agreement could be negotiated to have the Village provide ordinary maintenance such as litter control, etc., but the structural maintenance, repair and replacement obligations would be the responsibility of LIRR.

The Village believes that since one of the stated purposes of the Project is to accommodate projected ridership demands that enhanced parking facilities at the Westbury station are necessary to address the increased parking demands at the station. The DEIS and FEIS must analyze the current and future parking requirements of the system as a whole, and in particular the increased demands on parking at the Westbury station. Suitable mitigation and enhancements should be provided for.

In addition to monitoring parking needs at the station which may result from the changes brought about by this project, the DEIS and FEIS should also include an analysis of the impact of the pickup and drop-off needs of the users of this station. While the study speaks specifically to parking, it does not recognize that a substantial number of riders use either taxis, car service or have a family/friend bring them to the station. Drop-off service impacts the traffic patterns in the area, especially during peak hours. In our area we are specifically speaking of Union Avenue, which is a well-traveled commercial thoroughfare. It is our belief that any study should include ways of providing maximum safety measures to ensure that residents can transverse this commercial artery without incident.

## **8. Impact on Existing Stations, Platforms, etc.**

During the Meetings, LIRR and DOT officials raised the issue that the various train stations in the Main Line communities will need to be augmented and modified to accommodate the third track, and will be a part of the Project. The Scoping Document is relatively silent on this issue, but this matter is of great concern to residents in the Main Line communities.

Village residents, some of whom use the Carle Place train station, have expressed concerns to the Village about the impacts on the Carle Place train station, and how that would affect access to the station, parking at the station, alignment of the tracks at the station, impacts on the adjacent Charles J. Fuschillo Park, and similar concerns.

Likewise, similar questions have been raised about the Westbury station. How will the Westbury station need to be modified to address the third track? Will the station be closed for any period of time to make the necessary changes? How will the train schedule be affected by the modification of the Westbury Station (or other station work)? How will the construction and modifications affect the existing parking in the LIRR parking lot, which as noted above, is often at capacity? How will the station improvements improve handicap accessibility? These and other related questions need to be a part of the analysis. The Scoping Document does not provide any detail as to these issues, but they need to be fully analyzed and integrated into the overall impacts analysis and discussion.

As discussed below (See *Item 10(1), Mitigation*), enhancements to the Westbury station embankments and property in general should accompany this analysis and the included mitigation measures in the DEIS and FEIS.

The DEIS and FEIS must analyze the impacts of the Project, including the anticipated increased ridership, on all of the Main Line stations and the increased maintenance requirements resulting from the anticipated increased ridership and station usage. Needed station upgrades and modifications need to be a part of the Project and related mitigation.

## **9. Impact on Property Values**

As stated earlier, the DEIS and FEIS must include a detailed analysis of the impact of the proposed project on the property values in the affected communities, including a property-by-property analysis of the property value effects on each property adjacent to, and within at least one-quarter of a mile of, the project area (measured out from the outer edges of the as-built track right-of-way).

Affected property owners are entitled to know how the project will change their property values; for example, how increased noise and vibration, or having the tracks closer to one's home, or having a retaining wall constructed on or adjacent to one's property line will diminish one's home

or commercial property value. In addition, local officials (town, village, school, etc.) will need to know how the overall tax bases in these communities will be affected.

As noted above, if the homes along the Main Line lose value as a result of the Project, there are two major considerations. The first is that such loss may be an actual or constructive taking, and therefore compensation may be due to impacted property owners. Secondly, diminution of value will cause a loss in assessed value (and property tax revenue) to the Village and other taxing authorities. With these issues in mind, the LIRR should engage reputable professionals in the field of appraising, engineering and other related services to adequately study the potential effect on the property value of each residential property along the Main Line.

### **10. Suggested Westbury-Specific Mitigation Measures**

The Village would like LIRR to include in the scope of the Project, and the analysis reflected in the DEIS and FEIS the following Westbury-specific mitigation measures related to the Project (and the Post Avenue Project):

#### *1. Westbury Train Station*

As a part of the discussion had at the Meetings, the Village raised the issue of the Westbury Station embankments, and the need to enhance these portions of the station facilities.

As the third track is being designed to accommodate expected increases in ridership, the stations along the Main Line will need to be enhanced in a number of ways to make them more accessible, and to address ongoing maintenance. At the Scoping Hearings, many of the municipal officials have raised the concern that we have raised with LIRR at our Meetings, that the LIRR has historically done a very poor job of maintaining the station facilities, including the Westbury and Carle Place stations. The failure of LIRR to adequately address maintenance on a regular basis places the local municipalities (including the Village of Westbury) in the untenable position of having concerns (and receiving resident and commuter complaints) about the safety and appearance of the stations without any real ability to address these issues. Accordingly, it is imperative that LIRR use the Project as a manner to address these concerns. Many of the stations on the Main Line will have to be renovated and modified as a result of the Project, so LIRR should look at every way possible to reduce the ongoing maintenance required at these stations. That could include the use of maintenance-free or reduced maintenance materials, etc.

The LIRR's failure to maintain the Westbury Train Station includes the overall appearance of the property, including the embankments to the tracks, particularly the north side embankment. In order to make the station more maintenance-free, so as to reduce the ongoing requirements that will only grow as ridership grows, the Village asks that LIRR include as a part of the Project (or the Post Avenue Project), the

elimination of the north side embankment (by utilization of a retaining wall or similar structure), and the creation of a small plaza or pocket park area, that would incorporate maintenance free materials so as to make the space attractive, more useable, improve access to the station, and reduce ongoing maintenance issues there.

Attached as **Exhibit 4** to this letter are some representations of the kinds of modest improvements that could be made in this regard. These are merely samples of the kinds of simple improvements that could be made and do not represent actual concept designs or plans. But, generically, these improvements should include these features:

- elimination of embankment and utilization of a retaining wall
- use of pavers or stone as a walkway/pavement surface
- use of benches and bike racks to make the space a multi-purpose space as waiting area, bike parking area, etc.
- use of several larger trees (no small plantings) to add greenery and shading (in place of the current degraded ground covering)
- The embankment improvement should be done as part of the Post Avenue Bridge Project (as discussed at our Meetings) without regard to whether the Third Rail Project goes forward. However, if LIRR prefers, it should be included in the Project.

## *2. Parking Capacity Expansion*

As described in detail above, any increased ridership will necessitate increased parking, as the lots near the Westbury station are currently at or near capacity every day. Please see Item 7 above, Parking Considerations.

## *3. School Street Overhead Pedestrian Crossing*

The Village has significant concerns about maintaining pedestrian access over the School Street crossing. As noted, it is used frequently by pedestrians, including school children. It is imperative that the crossing be maintained, and a temporary crossing should be considered for use during construction. Please see Item 4 above, Grade Crossing Elimination Considerations, and Item 6 above, Traffic Considerations.

## *4. Lighting and Security Measures*

Additional lighting and security measures are needed at the Westbury Stations and parking lots. The DEIS should examine different lighting scenarios to improve safety and security in the Station, pedestrian underpass and LIRR parking lot. In addition, security measures, including but not limited to security cameras and ongoing patrols by MTA police should be considered and analyzed by the DEIS and FEIS.



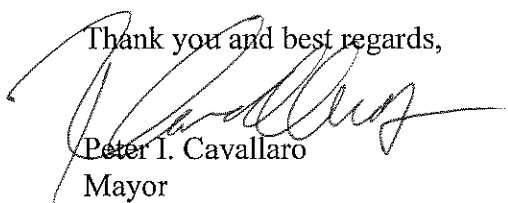
## **11. Conclusion**

On behalf of the Village, and our residents, I want to thank Governor Cuomo and his staff, the LIRR and DOT for undertaking the extensive outreach and input effort in regard to the Project. I am hopeful that the Scoping phase will help define the scope of the project and all of the issues that need to be developed, analyzed and mitigated. I am likewise hopeful that the DEIS and FEIS will adequately address all of the many issues that are likely to be raised during scoping.

It is important that all aspects of the Project, including its rationale, purpose, impacts and benefits be fully analyzed, not only in the overall regional sense, but also as these factors relate to each individual affected community. Each community has its own unique impacts and concerns that need to be addressed.

We urge the State, LIRR and all other involved parties to take all steps necessary to address each and every reasonable concern raised throughout this process.

Thank you and best regards,



Peter I. Cavallaro  
Mayor

**EXHIBIT 1**

**See attached**

## Cavallaro, Peter

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From: Cavallaro, Peter  
Sent: Friday, May 06, 2016 11:57 AM  
To: 'mayor@vnhp.org'; Black, Lisa (DHSES); Picca, Elisa C  
Cc: Thomas Tweedy; Mayor Nick Episcopia  
Subject: RE: Scoping Hearing Sessions



PETER I. CAVALLARO  
MAYOR

Office of the Mayor

VILLAGE OF WESTBURY  
235 LINCOLN PLACE, WESTBURY, NY 11590

516-334-1700  
FAX 516-334-7563

Lisa,

Of course, I concur with my fellow mayors, and others, in the feeling that the process should not be rushed and that there be more than ample time permitted for government officials and interested/concerned residents to avail themselves of the public input opportunities. There are practical and governmental, as well as perception, reasons that this is the case. As you know, when we met yesterday, I expressed similar concerns (about the compressed timeframe for public input) as those expressed by Mayors Episcopia, Tweedy and Lofaro.

So, to the extent that there is the ability to supplement what has already been announced, I urge that the state (a) add additional, conveniently timed opportunities for the public to engage, and (b) to extend the timeframe for public comment on this very technical and lengthy document.

Best regards,

Peter I. Cavallaro

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From: mayor@vnhp.org [mailto:mayor@vnhp.org]  
Sent: Friday, May 06, 2016 11:18 AM  
To: Black, Lisa (DHSES) <Lisa.Black@dhSES.ny.gov>; Picca, Elisa C <ecpicca@lirr.org>  
Cc: Thomas Tweedy <tomtweedy@gmail.com>; Mayor Nick Episcopia <npewra@yahoo.com>; Cavallaro, Peter <CavallaroP@duckpondcorp.com>  
Subject: Scoping Hearing Sessions

Lisa,

In 2005, there were six scoping sessions. (Three dates at three locations with two sessions at each location). See below. Let's not "Fast Track" the public input process. That would be a tremendous injustice and create a lack of transparency. The evening sessions should also start at 7:30pm, not 6pm and the input period should be a minimum of 60 days, or even 90 days.

DATES: The public is invited to participate in project scoping on June 14th, 16th, and 21st 2005 from 4 p.m. to 6 p.m. and from 7 p.m. to 9p.m. at the locations identified under the ADDRESSES below to ensure that all significant issues are identified and considered.

Presentation boards depicting the project concept will be available for review at the meeting locations. Formal presentations by the LIRR regarding the project will be made at 4:30 p.m. and 7:30 p.m., each followed by the opportunity for the public to make comments on the scope of the EIS.

LIRR representatives will be available for informal questions and comments throughout the duration of each scoping meeting. Those wishing to speak are requested to register at the meeting location upon arrival. However, additional speakers will be invited until there are no other speakers requesting to be heard. Subsequent opportunities for public involvement will be announced on the Internet, by mail, and through other appropriate mechanisms, and will be conducted throughout

Subsequent opportunities for public involvement will be announced on the Internet, by mail, and through other appropriate mechanisms, and will be conducted throughout the study area. Additional project information may be obtained from the MTA Web site: <http://www.mta.info> (click ``Inside the MTA'' then

``Planning Studies,'' and ``LIRR Main Line Corridor

ADDRESSES: The public scoping meetings will be held:

Tuesday, June 14, 2005, at Jericho Terrace--249 Jericho Turnpike, Mineola, NY 11501;

Thursday, June 16, 2005, at Floral Terrace--250 Jericho Turnpike, Floral Park, NY 11001; and

Tuesday, June 21, 2005, at Antuns Hicksville--244 West Old Country Road, Hicksville, NY 11801.

The scoping meeting sites are accessible to mobility-impaired people and interpreter services will be provided for hearing-impaired people upon request.

Written comments will be taken at the meeting or may be sent to Peter Palamaro thur August 31, 2005.

Sent from my Verizon Wireless 4G LTE smartphone

## Cavallaro, Peter

---

From: mayor@vnhp.org  
Sent: Friday, May 06, 2016 11:18 AM  
To: Black, Lisa (DHSES); Picca, Elisa C  
Cc: Thomas Tweedy; Mayor Nick Episcopia; Cavallaro, Peter  
Subject: Scoping Hearing Sessions

Lisa,

In 2005, there were six scoping sessions. (Three dates at three locations with two sessions at each location). See below. Let's not "Fast Track" the public input process. That would be a tremendous injustice and create a lack of transparency. The evening sessions should also start at 7:30pm, not 6pm and the input period should be a minimum of 60 days, or even 90 days.

DATES: The public is invited to participate in project scoping on June 14th, 16th, and 21st 2005 from 4 p.m. to 6 p.m. and from 7 p.m. to 9p.m. at the locations identified under the ADDRESSES below to ensure that all significant issues are identified and considered.

Presentation boards depicting the project concept will be available for review at the meeting locations. Formal presentations by the LIRR regarding the project will be made at 4:30 p.m. and 7:30 p.m., each followed by the opportunity for the public to make comments on the scope of the EIS.

LIRR representatives will be available for informal questions and comments throughout the duration of each scoping meeting. Those wishing to speak are requested to register at the meeting location upon arrival. However, additional speakers will be invited until there are no other speakers requesting to be heard. Subsequent opportunities for public involvement will be announced on the Internet, by mail, and through other appropriate mechanisms, and will be conducted throughout

Subsequent opportunities for public involvement will be announced on the Internet, by mail, and through other appropriate mechanisms, and will be conducted throughout the study area. Additional project information may be obtained from the MTA Web site: <http://www.mta.info> (click ``Inside the MTA'' then

``Planning Studies,'' and ``LIRR Main Line Corridor

ADDRESSES: The public scoping meetings will be held:

Tuesday, June 14, 2005, at Jericho Terrace--249 Jericho Turnpike, Mineola, NY 11501;

Thursday, June 16, 2005, at Floral Terrace--250 Jericho Turnpike, Floral Park, NY 11001; and

**EXHIBIT 2**

**See attached**

**MAYOR**  
THOMAS J. TWEEDY

**TRUSTEE**  
DOMINICK A. LONGOBARDI

**TRUSTEE**  
KEVIN M. FITZGERALD

**TRUSTEE**  
DR. LYNN POMBO NYO

**TRUSTEE**  
ARCHIE T. CHENG



**VILLAGE ADMINISTRATOR**  
GERARD M. BAMBRICK

**VILLAGE CLERK**  
SUSAN E. WALSH

**SUPERINTENDENT**  
**PUBLIC WORKS & BUILDINGS**  
STEPHEN L. SIWINSKI

**POLICE COMMISSIONER**  
STEPHEN G. McALLISTER

## *Incorporated Village of Floral Park*

ONE FLORAL BOULEVARD, P.O. BOX 27, FLORAL PARK, N.Y. 11002

TELEPHONE 516-326-6300

VILLAGE HALL FAX 516-326-2734

BUILDING DEPARTMENT FAX 516-326-2751 PUBLIC WORKS DEPARTMENT FAX 516-326-6435

WWW.FPVILLAGE.ORG

May 16, 2016

Hon. Barbara Donno, President  
Nassau County Village Officials Association  
P.O. Box 484  
New Hyde Park, NY 11040-5572

Dear Mayor Donno:

By letter dated February 3, 2016, the eight Mayors of the Villages along the Long Island Rail Road Mainline corridor asked the NCVOA to support them in opposing the Governor's proposed Third Track Project. Although the letter expressed our opposition to the Governor's proposal, that letter was not a blanket "no" to projects along the Mainline. Rather, that letter stated that the Mainline Mayors support LIRR President Patrick Nowakowski's previously stated seven point proposals for operational improvements along the LIRR Mainline Corridor. A copy of the February 3rd letter ("Mainline Mayors' Letter"), setting forth LIRR President Nowakowski's proposal, is attached

Subsequent to the Mainline Mayors' Letter to the NCVOA, the Governor's office reached out to several of these Mayors to discuss the Governor's proposal. As described in the March 6<sup>th</sup> *Newsday*, on February 19th Governor Cuomo himself, together with several top level staffers, met with Mayors, Trustees and appointed officials from the Villages of Floral Park, New Hyde Park, Westbury and Mineola. Following that meeting, Lisa Black from the Governor's office coordinated separate meetings with the State Department of Transportation with the same villages and Garden City. Ms. Black has also coordinated additional follow up meetings with the Villages.

Mayors and Trustees from each of these villages have subsequently spoken and compared notes from these separate meetings. Each of those separate meetings focused on mitigating, to some degree, the very obvious and significant disruptions that will inevitably result from the proposed Third Track Project. In each case, the State's proposal mainly focused on the long overdue grade crossing eliminations along the Mainline that the Villages have been advocating for the past 30 years.

Each of the Mayors has expressed their gratitude to the Governor and his staff for their time spent collectively and in the follow up meetings. We appreciate what clearly appears to be the Governor's and his staff's sincere and earnest efforts to mitigate, to the extent possible, any impacts and changes that will inevitably be caused by the proposed Third Track Project to each of the Mainline Villages and its

residents and businesses. We also appreciate the Governor's repudiation of the false concept that the proposed Third Track Project would facilitate the "reverse commute" and his assurances that the project is not meant to accommodate, nor will result in, increased freight traffic. We are heartened that Governor Cuomo is dealing with us more openly and honestly than the MTA did ten years ago, and he has put aside the MTA's false argument about the reverse commute.

Despite the positive interaction with the Governor and his staff over the past few weeks, at this juncture, the Mainline Mayors continue to have serious reservations and require additional and substantial information before any project is advanced.

Nonetheless, despite the lack of any clear articulation of a need for this mega project, it is now proceeding forward at an alarming pace. On May 5th, the LIRR released its Draft SEQRA Scoping Document and announced the public hearing dates for public comments. It is providing merely two back to back dates for public hearings, with hearing times offered only in the afternoon and starting early evening. Further, the comment period for the submission of written comments is barely more than the absolute minimum required under SEQRA. A project of this scope and scale requires more than the minimum required by SEQRA.

Normally, the lead agency is obligated to finalize a scoping document within 60 days of receipt of a proposed scope from the project sponsor; although, this timeframe is often extended by agreement for large, complicated projects. Where the lead agency and project sponsor are one in the same, no such deadline is imposed and the lead agency is free, from the outset, to allow impacted communities and the public adequate time to study, review and comment in a meaningful way on a draft scoping document. One of SEQRA's overriding mandates is to provide for **meaningful public review and assessment**. Governor Cuomo has made a commitment that "this project will set the standard for positive community engagement." SEQRA is foundational to that commitment. For a project of this magnitude and complexity, a minimum of 90 days must be provided for public review and comment on the Draft Scoping Document, and additional dates and more convenient times must be established for public hearings.

Our opposition to this project moving forward at this stage is essentially twofold.

First, there are no written plans that can be shared by the Governor's office about the Third Track Proposal. While the LIRR's Draft Scoping Document provides significant detail about the proposed grade crossing eliminations, it does not provide (nor have we been otherwise provided) any detail as to basic and vital issues, such as track alignment, from which we can engage in a meaningful study and provide meaningful comments. Consequently, we are left to guess at the scope and extent of the problems the proposed Third Track Project will cause to the residents and businesses in each of our Villages. It is difficult to meaningfully assess and comment on the Draft Scoping Document when key details of the proposed project are missing.

Second, despite the Mainline Villages' request, we have not been provided with a sufficient justification for this proposed mega project. Admittedly, the Governor has strongly argued that his rationale for this project is to create redundancy in capacity so that service disruptions and delays would be eliminated. While that certainly is a laudable and worthwhile objective, we have not received an explanation as to why that objective is not better achieved through LIRR President Nowakowski's seven point proposal



(reflected in the Mainline Mayors' February 3<sup>rd</sup> Letter). We are also not sure why the important grade crossing eliminations cannot proceed separately on their own merits.

While the LIRR's Draft Scoping Document indicates that the components of President Nowakowski's seven point plan will move forward as separate projects independent from the Third Track Project (other than perhaps the grade crossing element), that is insufficient. The Governor's proposed Third Track Project will undoubtedly cause several years of disruption to the lives of residents along the Mainline. To subject our communities to this massive upheaval while a much less onerous and less expensive alternative has been identified by those very people responsible for the day to day operations of the Long Island Railroad is unwarranted.

Why has no consideration been given to completing President Nowakowski's plan first. Then, once completed, it can be determined if President Nowakowski's plan sufficiently achieves the objectives of eliminating service disruptions and delays before the communities along the Mainline are asked to endure the several years of disruption to the lives of its residents and businesses that will necessarily ensue if the proposed Third Track Project is pursued.

Also, by now you have probably received a letter from the so called "Right Track for Long Island" group. This group appears essentially to be a combination of the LIA and the Rauch Foundation, both of which were leading advocates of the Third Track Project ten years ago. This time around, their argument in favor of the Third Track Project is based primarily on a 2014 report paid for by the Rauch Foundation. We believe there are many glaring deficiencies with this report, but will only focus on two at this time.

First, many of the supposed benefits of this project identified in the Rauch Report are based on the assertion that the Third Track Project will dramatically increase the "reverse commute". As stated above, the reverse commute argument was thoroughly discredited ten years ago and Governor Cuomo in our recent conversations has stated that his proposed Third Track Project has nothing to do with addressing any reverse commute issue along the Mainline. If such a major premise of the Rauch Report has been abandoned, it calls into question the conclusions based on that faulty premise.

The second glaring problem with the report is that all of its economic modeling is premised upon the false choice that either the Third Track Project is undertaken or no improvement projects to the Mainline are undertaken. We are not advocating against improvement projects along the Mainline. To the contrary, we support the implementation of LIRR President Nowakowski's seven point plan, which includes an aggressive plan for grade crossing eliminations. The Rauch Foundation Report fails to analyze or acknowledge the positive economic and other impacts that would result from implementation of President Nowakowski's plan. Without such an analysis of the economic benefits that could be derived from LIRR President Nowakowski's plan, any valid comparison of that plan to the proposed Third Track Project cannot be made.

Consequently, while we appreciate the sincere efforts of the Governor and his staff to address, to a certain degree, how to alleviate the inevitable problems this proposed mega project will cause, we believe there must first be a threshold determination as to whether there is justifiable reason to proceed with the proposed Third Track Project rather than the less disruptive alternatives identified by LIRR President Nowakowski. Our position is further buttressed by the fact that all of our elected state and local representatives along the Mainline have expressed their opposition to this plan precisely because they have not been provided with a sufficient justification for this mega project.

Further, despite the Governor's efforts to address mitigation over the last several weeks, all of those apparent good intentions are being obviated if the LIRR continues to "Fast Track" the SEQRA process.

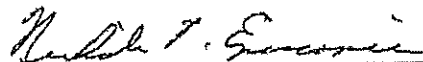
Consequently, we maintain our opposition, as set forth in the February 3, 2016 letter to the NCVOA, to the Governor's Third Track Project. Instead of the Third Track Project, we call on the State to fund LIRR President Nowakowski's seven point plan to address and improve operational and safety issues along the Mainline corridor. Further, the issue of grade crossing eliminations should be de-coupled from the proposed Third Track Project. Grade crossing eliminations have a compelling operational and safety justification separate and apart from the proposed Third Track Project.

We ask the NCVOA to support your neighboring Villages.

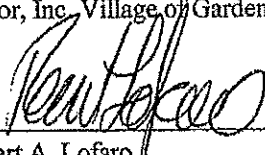
If you have any questions, please contact any of the undersigned Mayors.



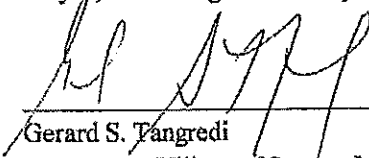
Henry J. Schreiber  
Mayor, Inc. Village of Bellerose



Nicholas P. Episcopia  
Mayor, Inc. Village of Garden City

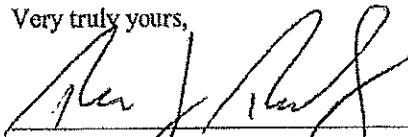


Robert A. Lofaro  
Mayor, Inc. Village of New Hyde Park



Gerard S. Tangredi  
Mayor, Inc. Village of Stewart Manor

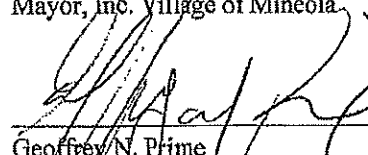
Very truly yours,



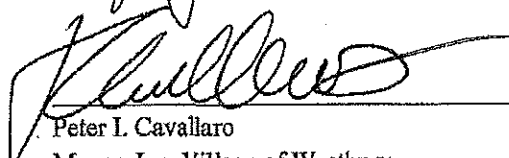
Thomas J. Tyssedy  
Mayor, Inc. Village of Floral Park



Scott P. Strauss  
Mayor, Inc. Village of Mineola



Geoffrey N. Prime  
Mayor, Inc. Village of South Floral Park



Peter I. Cavallaro  
Mayor, Inc. Village of Westbury

cc: See Attached List

Honorable Charles Schumer  
U. S. Senator  
145 Pinelawn Road, Suite 300  
Melville, NY 11747

Honorable Charles D. Lavine  
NYS Assemblyman  
One School Street, Suite 303-B  
Glen Cove, NY 11542

Honorable Kirsten Gillibrand  
U. S. Senator  
155 Pinelawn Road, Suite 250 North  
Melville, NY 11747

Honorable David G. McDonough  
NYS Assemblyman  
404 Bedford Avenue  
Bellmore, NY 11710

Honorable Kathleen Rice  
U. S. Representative  
300 Garden City Plaza, Suite 200  
Garden City, NY 11530

Honorable Michael Montesano  
NYS Assemblyman  
111 Levittown Parkway  
Hicksville, NY 11801

Honorable Jack Martins  
NYS Senator  
252 Mineola Boulevard  
Mineola, NY 11501

Honorable Michelle Schimel  
NYS Assemblywoman  
45 North Station Plaza, Suite 203  
Great Neck, NY 11021

Honorable Carl Marcellino  
NYS Senator  
250 Townsend Square  
Oyster Bay, NY 11771

Honorable Thomas McKeivitt  
NYS Assemblyman  
1975 Hempstead Turnpike, Suite 202  
East Meadow, NY 11554

Honorable Kemp Hannon  
NYS Senator  
595 Stewart Avenue, Suite 540  
Garden City, NY 11530

Honorable Earlene Hooper  
NYS Assemblywoman  
33 Front Street, Suite 104  
Hempstead, NY 11550

Honorable Todd Kaminsky  
NYS Senator  
55 Front Street  
Rockville Centre, NY 11570

Honorable Brian Curran  
NYS Assemblyman  
100 Merrick Road  
Lynbrook, NY 11563

Honorable Joseph S. Saladino  
NYS Assemblyman  
512 Park Boulevard  
Massapequa, NY 11762

Honorable Michaelle Solages  
NYS Assemblywoman  
1690 Central Court  
Valley Stream, NY 11580

Honorable Edward Ra  
NYS Assemblyman  
825 East Gate Blvd., Suite 207  
Garden City, NY 11530

Honorable Edward Mangano  
Nassau County Executive  
1550 Franklin Avenue  
Mineola, NY 11501

Honorable George Maragos  
Nassau County Comptroller  
240 Old Country Road  
Mineola, NY 11501

Honorable C. William Gaylor  
Nassau County Legislator  
1550 Franklin Avenue  
Mineola, NY 11501

Honorable Maureen O'Connell  
Nassau County Clerk  
240 Old Country Road  
Mineola, NY 11501

Honorable Howard J. Kopel  
Nassau County Legislator  
1550 Franklin Avenue  
Mineola, NY 11501

Honorable Vincent Muscarella  
Nassau County Legislator  
1550 Franklin Avenue  
Mineola, NY 11501

Honorable Ellen W. Birnbaum  
Nassau County Legislator  
1550 Franklin Avenue  
Mineola, NY 11501

Honorable Richard Nicoletto  
Nassau County Legislator  
1550 Franklin Avenue  
Mineola, NY 11501

Honorable Delia W. Deriggi-Whitton  
Nassau County Legislator  
1550 Franklin Avenue  
Mineola, NY 11501

Honorable Kevan Abrahams  
Nassau County Legislator  
1550 Franklin Avenue  
Mineola, NY 11501

Honorable James Kennedy  
Nassau County Legislator  
1550 Franklin Avenue  
Mineola, NY 11501

Honorable Siela Bynoe  
Nassau County Legislator  
1550 Franklin Avenue  
Mineola, NY 11501

Honorable Norma Gonsalves  
Nassau County Legislator  
1550 Franklin Avenue  
Mineola, NY 11501

Honorable Carrie Solages  
Nassau County Legislator  
1550 Franklin Avenue  
Mineola, NY 11501

Honorable Laura M. Schaefer  
Nassau County Legislator  
1550 Franklin Avenue  
Mineola, NY 11501

Honorable Denise Ford  
Nassau County Legislator  
1550 Franklin Avenue  
Mineola, NY 11501

Honorable Dennis Dunne, Sr.  
Nassau County Legislator  
1550 Franklin Avenue  
Mineola, NY 11501

Honorable Laura Curran  
Nassau County Legislator  
1550 Franklin Avenue  
Mineola, NY 11501

Honorable Judith A. Jacobs  
Nassau County Legislator  
1550 Franklin Avenue  
Mineola, NY 11501

Honorable Rose Marie Walker  
Nassau County Legislator  
1550 Franklin Avenue  
Mineola, NY 11501

Honorable Judi Bosworth  
Town of North Hempstead Supervisor  
200 Plandome Road  
Manhasset, NY 11030

Honorable Donald N. Mackenzie  
Nassau County Legislator  
1550 Franklin Avenue  
Mineola, NY 11501

Honorable Viviana Russell  
Town of North Hempstead Councilwoman  
200 Plandome Road  
Manhasset, NY 11030

Honorable Steven D. Rhoads  
Nassau County Legislator  
1550 Franklin Avenue  
Mineola, NY 11501

Honorable Peter Zuckerman  
Town of North Hempstead Councilman  
200 Plandome Road  
Manhasset, NY 11030

Honorable Anthony Santino  
Hempstead Town Supervisor  
Town Hall, One Washington Street  
Hempstead, NY 11550

Honorable Angelo Ferrara  
Town of North Hempstead Councilman  
200 Plandome Road  
Manhasset, NY 11030

Honorable Edward Ambrosino  
Hempstead Town Councilman  
Town Hall, One Washington Street  
Hempstead, NY 11550

Honorable Anna Kaplan  
Town of North Hempstead Councilwoman  
200 Plandome Road  
Manhasset, NY 11030

Honorable Dorothy L. Goosby  
Hempstead Town Councilwoman  
Town Hall, One Washington Street  
Hempstead, NY 11550

Honorable Lee Seeman  
Town of North Hempstead Councilwoman  
200 Plandome Road  
Manhasset, NY 11030

Honorable Bruce Blakeman  
Hempstead Town Councilman  
Town Hall, One Washington Street  
Hempstead, NY 11550

Honorable Dina DeGiorgio  
Town of North Hempstead Councilwoman  
200 Plandome Road  
Manhasset, NY 11030

Honorable Erin King Sweeney  
Hempstead Town Councilwoman  
Town Hall, One Washington Street  
Hempstead, NY 11550

Ms. Lisa Black  
NYS Department of Homeland Security  
Director of Intergovernmental Affairs  
633 Third Avenue  
New York, NY 10017

Honorable Gary Hudes  
Hempstead Town Councilman  
Town Hall, One Washington Street  
Hempstead, NY 11550

Ms. Elisa Picca  
Executive Vice President, LIRR  
Jamaica Station  
Jamaica, NY 11435

**MAYOR**  
THOMAS J. TWEEDY

**TRUSTEE**  
DOMINICK A. LONGOBARDI

**TRUSTEE**  
KEVIN M. FITZGERALD

**TRUSTEE**  
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STEPHEN L. SIMANSKI

**POLICE COMMISSIONER**  
STEPHEN G. McALLISTER

*Incorporated Village of Floral Park*

ONE FLORAL BOULEVARD, P.O. BOX 27, FLORAL PARK, N.Y. 11002

TELEPHONE 516-328-8300

VILLAGE HALL FAX 516-328-2734

BUILDING DEPARTMENT FAX 516-328-2751 PUBLIC WORKS DEPARTMENT FAX 516-328-8435

WWW.FPVILLAGE.ORG

February 3, 2016

Hon. Barbara Donno, President  
Nassau County Village Officials Association  
PO Box 484  
New Hyde Park, NY 11040-5572

Dear Mayor Donno:

We the undersigned Nassau County Mayors object to the Governor's surprise announcement and resubmittal of the Mainline Third Track Project. We ask the Nassau County Village Officials Association to join with the Villages along the Mainline in opposition to this ill-conceived plan.

The Main Line Third Track Project has previously been operationally discredited, publically debated and defeated. There is no demonstrated compelling need for such a tremendously disruptive project especially as there are several incremental and necessary proposals to address any reverse commute issue already submitted by LIRR President Pat Nowakowski and former LIRR President Helena Williams. LIRR President Pat Nowakowski's innovative and less invasive proposals will more precisely address the issue of the reverse commute while simultaneously positively impacting the westbound commuter. President Nowakowski's proposed improvements include but are not limited to:

1. Creating a New Passenger Train Yard in Huntington to preset coaches for westbound morning operations clearing the Mainline of eastbound empty "deadhead" passenger trains which will allow for an eastbound "reverse" rush hour commute.
2. Electrify the Port Jefferson Branch and complete a small passenger train yard at the Port Jefferson Branch Terminus thereby increasing reliability and efficiency for the growing LIRR commuter need there and creating a new more accessible tourist destination.
3. Complete the Second Track into Ronkonkoma and electrify its entire length.
4. Grade Crossing elimination along the entire expanse of the Mainline corridor, thereby improving safety, reliability, and speed, while addressing environmental concerns of noise and air quality at each of these locations.

5. Upgrade problematic switches and correct the Jamaica crawl by untangling the archaic 19<sup>th</sup> Century track design which create bottlenecks.
6. Complete the East Side Access into Grand Central Terminal.
7. Hi-speed signaling and high speed switches in conjunction with passing sidings throughout the LIRR system. President Nowakowski's proposal is a 21<sup>st</sup> Century solution to a 21<sup>st</sup> Century problem.


Once these decades old needs and operational deficiencies are completed, including addressing sound attenuation along the entire Third Track corridor, we agree to re-evaluate the need for a Third Track plan at that time.

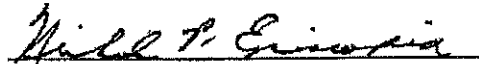
The MTA Mission Statement professes that, "the Metropolitan Transportation Authority (MTA) preserves and enhances the quality of life and economic health of the region we serve through the cost-efficient provision of safe, on-time, reliable and clean transportation services." Each of the criteria espoused by the MTA in its Mission Statement is more appropriately and effectively addressed by the incremental improvements proposed. We believe that the decades-long construction of this multi-billion dollar megaproject would forever negatively impact the foundation of our businesses, the valuation of our homes and the destruction of suburban life in our communities. We question any real operation improvements promised for western Nassau's LIRR commuter. Ultimately, our communities would bear the entire burden and derive none of the benefit. The Third Track plan is fundamentally contrary to the tenets of the MTA's Mission Statement and we strongly oppose this plan.

We ask the NCVOA to address this issue at your next meeting, adopt a resolution expressing the NCVOA's support of the Mainline Villages and convey the NCVOA's opposition to this proposal to Governor Cuomo.


Thank you for your consideration, and please feel free to reach out to any one of us to discuss further.

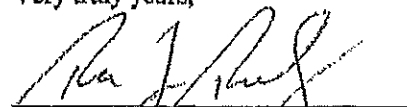
Very truly yours,

  
Henry J. Schreiber  
Mayor, Inc. Village of Bellerose

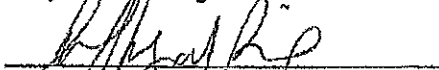
  
Nicholas P. Episcopia  
Mayor, Inc. Village of Garden City


  
Robert A. Lofaro  
Mayor, Inc. Village of New Hyde Park

  
Gerard S. Tangredi  
Mayor, Inc. Village of Stewart Manor

  
Thomas J. Tweedy  
Mayor, Inc. Village of Floral Park

  
Scott P. Strauss  
Mayor, Inc. Village of Mineola

  
Geoffrey N. Prime  
Mayor, Inc. Village of South Floral Park

  
Peter I. Cavallaro  
Mayor, Inc. Village of Westbury

**EXHIBIT 3**

**See attached**



# NASSAU COUNTY VILLAGE OFFICIALS ASSOCIATION

Post Office Box 484, New Hyde Park, NY 11040

Tele: 516-437-1455

Fax: 516-437-1456

Email: [exec@ncvoa.org](mailto:exec@ncvoa.org)

## Executive Committee Officers 2015-2016:

### President:

Hon. Barbara Donno  
Mayor, Village of Plandome Manor

### 1<sup>st</sup> Vice President:

Hon. Bernard Ryba  
Mayor, Village of Old Brookville

### 2<sup>nd</sup> Vice President

Hon. Robert Kennedy  
Mayor, Village of Freeport

### Treasurer:

Hon. Elaine Phillips  
Mayor, Village of Flower Hill

### Past Presidents:

Hon. Peter Cavallaro  
Mayor, Village of Westbury

Hon. David E. Tanner  
Mayor, Village of East Williston

Hon. Marvin Natiss  
Mayor, Village of North Hills

## Appointed Officers-Voting:

Hon. Jean Celender  
Mayor, Village of Great Neck Plaza

Hon. Jerry Tangredi  
Mayor, Village of Stewart Manor

Hon. Nicholas Episcopia  
Mayor, Village of Garden City

Hon. Ralph Ekstrand  
Mayor, Village of Farmingdale

Hon. Hillary Becker  
Trustee, Village of Lynbrook

## Non-Voting Members:

Hon. Warren Tackenberg  
Executive Director  
Former Mayor, Village of  
New Hyde Park

Hon. Roger Fay  
Director Emeritus  
Former Mayor, Village of  
Williston Park

Gary Fishberg, Esq.  
Counsel

June 3, 2016

Hon. Andrew Cuomo  
Governor, State of New York  
Executive Chamber, The State Capitol  
Albany, N.Y. 12224

Dear Governor Cuomo:

The Nassau County Village Officials Association (NCVOA) represents Nassau County's 64 incorporated villages with more than 450,000 residents.

Recently, eight mayors of villages in close proximity to the Long Island Rail Road mainline corridor expressed their concerns regarding your proposed third track project. Their initial concerns and suggestions are described in the attached letter received by NCVOA from the Mainline Mayors, dated May 16, 2016. In essence, the Mainline Mayors and communities would (i) like to have a clear understanding on the justification for the third track project, as well as complete project details prior to making a commitment on the project; (ii) urge that the seven-point service improvement plan advocated by LIRR President Nowakowski be pursued prior to the project; and (iii) want to see the vital and universally desired grade crossing elimination project pursued in lieu of the third track project.

Also, as you know, the original third track project from almost a decade ago was met with longstanding community opposition. Your version has mitigated many of the major concerns; however, an undertaking of this magnitude warrants sufficient community input. The initial 60-day scoping period falls short of providing adequate time for such vital input, and we support the Mainline Mayors' call for extending the scoping period for the third track project.

Accordingly, the NCVOA supports the mainline villages' request for complete and timely disclosure of the full third track plan, as well as their request to extend the scoping period beyond its scheduled June 13, 2016 end date. This will provide additional opportunity for residents and businesses to contribute to the process.

Thank you for your consideration.

Sincerely,

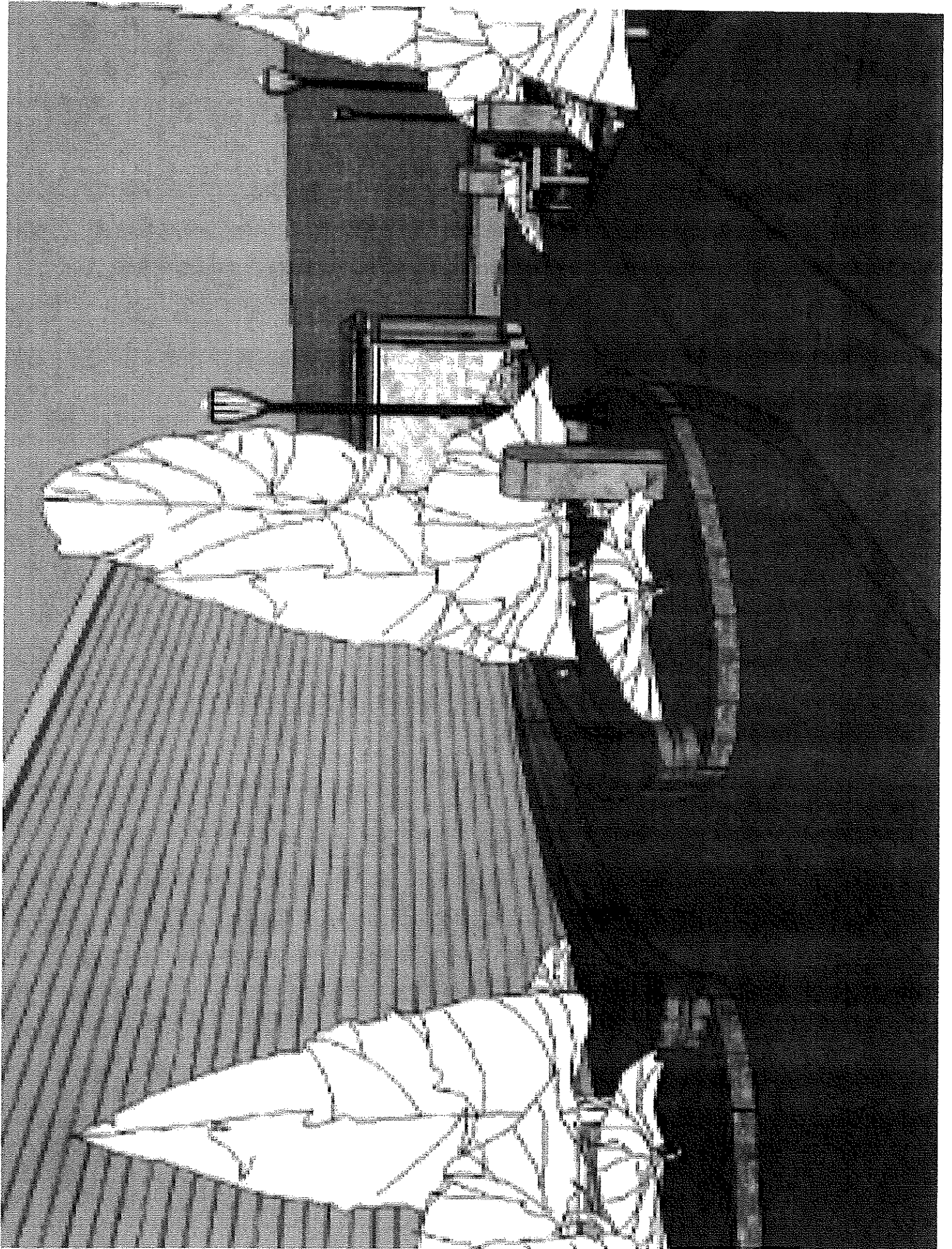
Barbara Donno, President  
Nassau County Village Officials Association

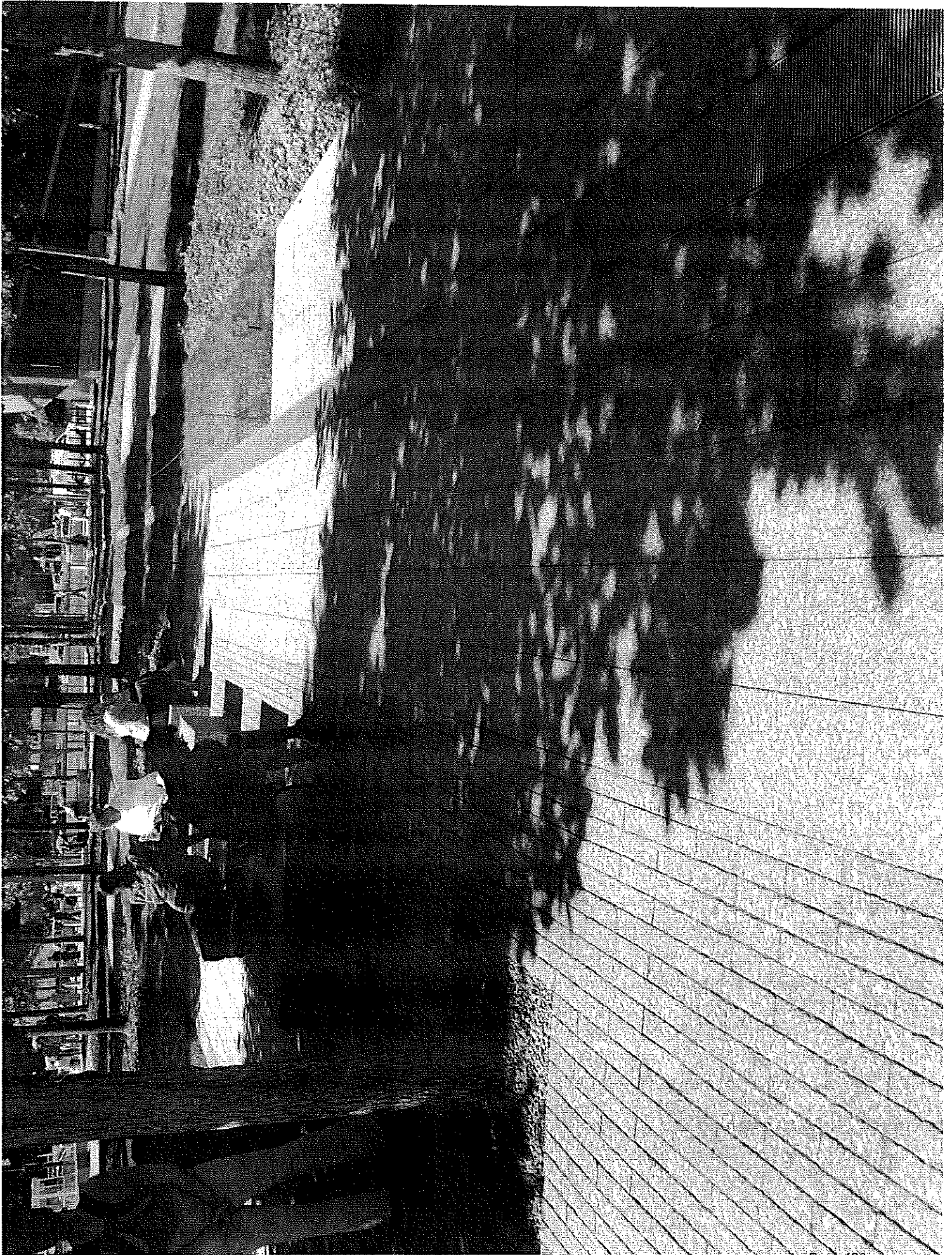
cc: Mayor Schreiber, Village Bellerose; Mayor Tweedy, Village of Floral Park;  
Mayor Episcopia, Village of Garden City; Mayor Strauss, Village of Mineola;  
Mayor Lofaro, Village of New Hyde Park; Mayor Prime, Village of South Floral Park;  
Mayor Tangredi, Village of Stewart Manor; Mayor Cavallaro, Village of Westbury

*Representing the 64 Villages of Nassau County with over 449,663 residents  
Find us at [www.ncvoa.org](http://www.ncvoa.org)*

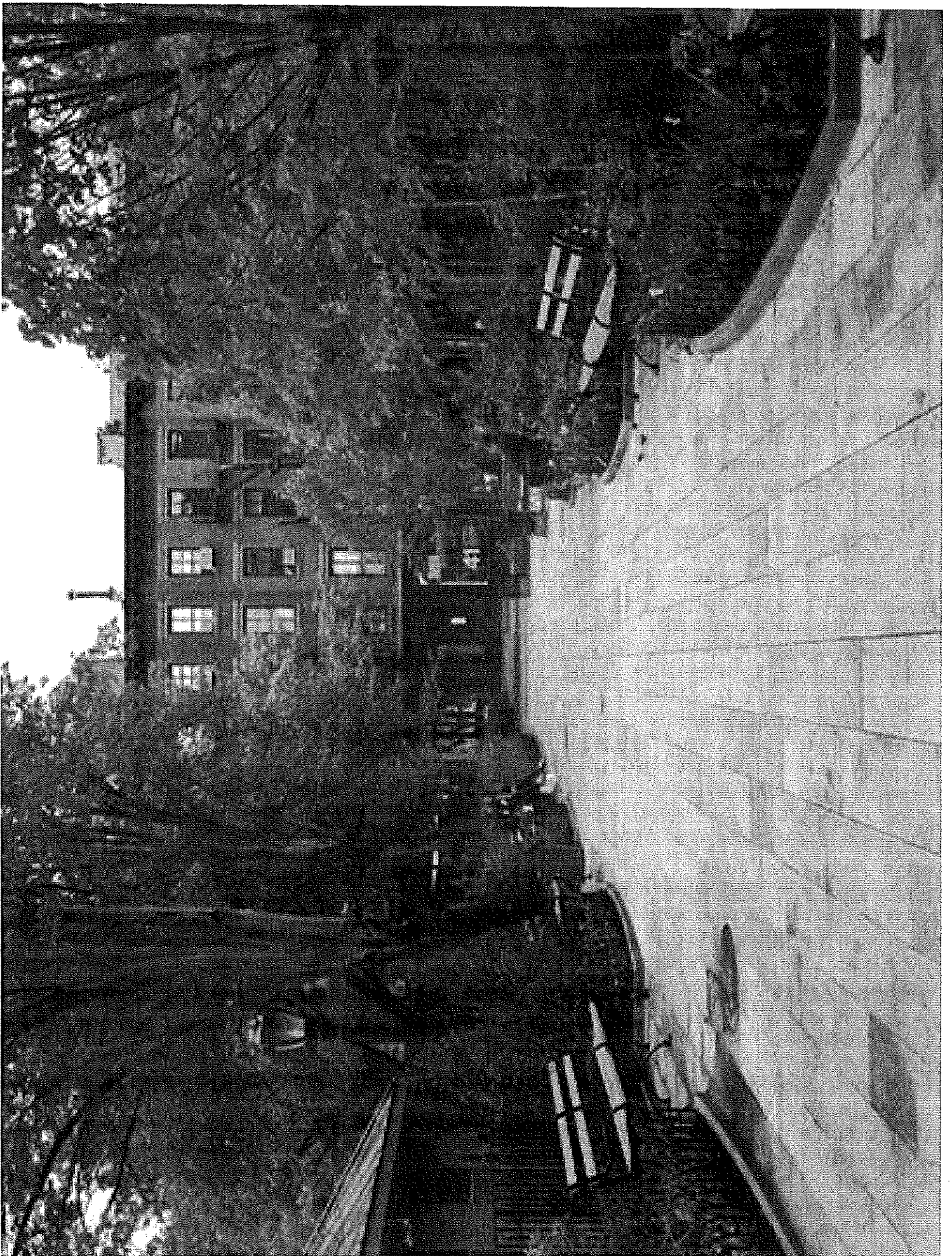
**EXHIBIT 4**

**See attached**









**CATHERINE T. & GEORGE W. LITTMAN, III**  
**628 South 8<sup>th</sup> Street**  
**New Hyde Park, NY 11040-5579**

June10, 2016

Mr. Edward M. Dumas, Vice President-Market Development & Public Affairs  
Long Island Railroad Expansion Project  
MTA Long Island Rail Road MC 1131  
Jamaica Station Building  
Jamaica, NY 11435

Dear Mr. Dumas:

Catherine and I attended the public scoping meeting held at the Inn at New Hyde Park at 11:00AM on May 24, 2016. We have been New Hyde Park residents since 1969, and we are well aware of the concerns, which we endorse, that were brought to the scoping committee's attention at the public meeting.

Village officials and the lay public agree that grade crossings are a constant danger in our heavily travelled urban community. However, residents have learned to live with this.

The project will cause major permanent disruptions to the village of New Hyde Park, including difficult handicapped access on ramps for stations on the opposite side of the tracks, narrow service roads made necessary by the close proximity of the third track to existing private property, construction equipment close to private property, noise and vibrations caused by high speed trains close to private property, third track access for freight trains and no increased passenger service for our community, depressed underpasses which will be subject to flooding, difficult snow removal at underpasses and service roads, declining property values as well as other concerns mentioned at the scoping meeting.

Construction, which is likely to take several years, will impede access to our local church on South 6<sup>th</sup> Street and businesses on Jericho Turnpike, and emergency services especially for residents on the south side of the LIRR mainline.

There is only one viable option that would provide some lasting benefit to New Hyde Park. This is a structurally elevated railroad as expressed by our Mayor Robert A. Lofaro at our village meeting which would make possible continuous travel on north-south roads that now terminate at the railroad as well as additional businesses located within the structure. We cannot afford to have a portion of our village isolated further by closing the 12<sup>th</sup> Street crossing. Additionally, north-south access to Jericho Turnpike should be improved by widening the Denton Avenue underpass in Garden City which has a two-way traffic single lane that now allows only one vehicle at a time to go through the underpass.

There is another major issue. WCBS TV New York informed us in a news program that the Federal Government proposes a high-speed rail link across Long Island to expand the Northeast Corridor rail line. This will cause further disruption to our community. No railroad construction should be done affecting the communities from Floral Park to Hicksville unless all outstanding issues are addressed and satisfactorily answered for the public. The proposed rail link would go from Floral Park in a trench parallel to Stewart Avenue through Garden City, through Eisenhower Park to Levittown. The current LIRR Hempstead line would very likely be used for the rail line from Floral Park through Garden City. The link would rejoin the LIRR at Farmingdale continuing to Ronkonkoma. There the rail line would go north to Port Jefferson where a tunnel under Long Island Sound would connect to Amtrak in Connecticut. The rail link is supposed to handle 160MPH trains.

At this point Governor Cuomo should extend the comment period for his Third Track Project. Sufficient time needs to be provided not only to raise all salient points, but to properly analyze all alternatives.

Very truly yours:

George W. Littman, III

Catherine T. Littman

Handwritten signatures of George W. Littman, III and Catherine T. Littman. The signature of George W. Littman, III is on the left, and the signature of Catherine T. Littman is on the right.

Cc. Mayor Robert A. Lofaro, Incorporated Village of New Hyde Park

Cc. Senator Jack M. Martens, 7<sup>th</sup> Senate District



# Village of Mineola

155 Washington Avenue  
Mineola, New York 11501  
Tel: (516) 746-0750 Fax: (516) 746-5602

Mayor  
**Scott P. Strauss**

June 9, 2016

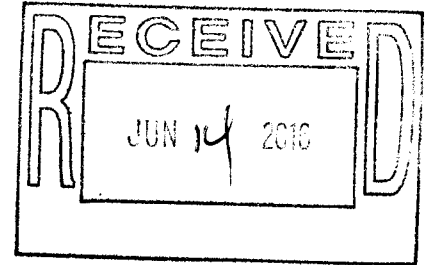
*Trustees*  
**Paul S. Cusato**  
**Paul A. Pereira**  
**George R. Durham**  
**Dennis J. Walsh**

*Village Attorney*  
**John P. Gibbons, Jr.**

*Village Clerk*  
**Joseph R. Scalero**

**VIA FEDERAL EXPRESS  
& ELECTRONIC SUBMISSION**

Edward M. Dumas, Vice President-Market  
Development & Public Affairs  
Long Island Rail Road Expansion Project  
MTA Long Island Rail Road, MC 1131  
Jamaica Station Building  
Jamaica, New York 11435



**The Long Island Rail Road Expansion Project  
(Floral Park to Hicksville)**

Dear Mr. Dumas:

I am the Village Attorney for the Incorporated Village of Mineola ("Mineola"). These comments are being submitted on behalf of Mineola in response to the MTA/Long Island Rail Road's ("MTA") Expansion Project Draft SEQRA Scoping Document. These comments are intended to assist the MTA in considering the project and in preparing all necessary environmental documents so that both the MTA and the public may properly evaluate any proposal to the main line corridor.

Mineola has been the site of numerous projects related to the main line of the LIRR over the last twenty (25) years. These projects have included the grade separation at Herricks Road, Roslyn Road, a temporary replacement bridge on Mineola Boulevard, and a permanent replacement bridge at the same crossing. Additional past projects include a station house reconstruction and rehabilitation, a signalization interconnect system at all at-grade crossings, and the construction of the Mineola Intermodal Center and bus terminal at the LIRR Mineola station. As a result, Mineola has had extensive experience in the environmental review of LIRR-connected projects within village borders.





Accordingly, it is respectfully suggested that the MTA give significant weight and attention to the comments which follow.

**A. SEQRA**

1. The purpose of SEQRA is to assure that social, economic and environmental factors are considered before reaching a decision on proposed actions that may impact the environment. This requires agencies to assess the environmental significance of all actions they have discretion to approve, fund or directly undertake.
2. In order for the SEQRA process to function properly, full cooperation is required amongst the project sponsor, lead agency, involved agencies and interested agencies. Crucial to this process is transparency and meaningful public participation.
3. The project is titled "Long Island Rail Road Expansion Project", focusing on the construction and installation of a third track. However, the draft scoping document is devoid of any mention, depiction and discussion of the third track location or placement. Such information is crucial in order for the public to meaningfully review and comment on the potential environmental impacts (cumulative or otherwise).
4. Meaningful public participation can only be accomplished if and when a more detailed scoping document is prepared and disseminated describing the project in its entirety. Such a document must include project specifics as it relates to the construction and installation of the third track, infrastructure and an analysis of the cumulative environmental impacts of same.
5. An opportunity for meaningful public participation requires that the public have sufficient time to involve itself in the scoping process. Given the nature of this project, a five week period for review, analysis and comment was insufficient.

**B. Project Details**

1. All of the proposed project details must be identified and circulated to the public.

Specifically, the MTA needs to do the following:

- a. Identify the actual location of the proposed third track for the entire project;
- b. Identify any and all proposed infrastructure (i.e. parking fields, parking garages, relocated/reconstructed station platforms, signals and signal houses);



- c. Identify the drainage plan during construction, especially at all proposed grade crossing eliminations;
- d. Identify the drainage plan following construction, especially at all proposed grade crossing eliminations;
- e. Identify the actual boundaries of the LIRR “right of way”;
- f. Identify the easements (permanent and/or temporary) that will be necessary during and after construction;
- g. Identify a realistic timeline for construction based upon past project experience;
- h. Identify the sequencing of construction for the entire project;
- i. Identify the locations where construction will be staged for the entire project;
- j. Identify how emergency services will be affected before, during and after construction;
- k. Identify the mitigation measures that will be in place to ensure that the proposed project will not result in soil or water contamination. Specifically, the MTA needs to identify the existence of any toxic or harmful materials existing or proposed;
- l. Identify the communities that will comprise the project study area for the cumulative impacts of the proposed project;
- m. Set forth the methodologies to be employed in order to identify and mitigate the traffic impacts resulting during and after construction of the proposed project;
- n. Inasmuch as increased ridership on the LIRR will result from the proposed project, projected parking requirements in Mineola for such ridership should be identified and a plan for mitigating such increased parking should be developed;
- o. Identify the noise study that will be conducted to review the impacts during and after construction of the proposed project;
- p. Identify the vibration study that will be conducted to review the impacts during and after construction of the proposed project;
- q. Identify the economic study that will be conducted to review the impacts upon property owners and businesses during and after construction;



- r. Many businesses in Mineola in proximity to the LIRR have suffered in the past due to many LIRR-related projects in the village. A careful analysis of projected impacts upon businesses must be made and a plan for preserving business operations during construction and thereafter must be formulated;
- s. Mineola has suffered a significant reduction of its assessment base as a result of takings in connection with other LIRR-related projects, especially the Grade Crossing Elimination Project and the Mineola Intermodal Center. If advancement of the proposed project will result in any further loss of assessed valuation by the village, a method to compensate Mineola on a permanent basis for such loss must be devised;
- t. Identify the reason(s) the proposed project was not discussed in the MTA Capital Program 2015-2019;
- u. Identify the funding source for the proposed project;
- v. Identify the impacts the proposed project will have on existing LIRR Branches/Scheduling (i.e., Hempstead Branch, Oyster Bay Branch and Port Jefferson Branch); and
- w. Identify the cumulative impacts of the project with respect to land use, the character of the community and noise.

## 2. Freight cargo

- a. There currently exists a certain level of freight traffic on the LIRR main line. A careful analysis of the current level of railroad freight traffic through the Village should be made and an evaluation of the potential for a future increase in freight traffic should be performed. Although the potential for increased freight traffic is dismissed in the Draft Scoping Document, an evident by-product of the project is the potential for increased freight travel in the future. The impacts must be identified and carefully considered.
- b. Identify any agreements, contracts, regulations and restrictions regarding freight cargo on the main line; and
- c. Identify the rail priority of freight on the main line, specifically in the case when tracks/signals are down.



### 3. Alternatives

- a. Identify all available alternatives to achieve the intended purpose of the proposed project. Specifically, a cost benefit analysis should consider the relative impacts of other initiatives that would improve service reliability at a lower cost and impact to local communities. These initiatives includes:
  - i. Construction of a new passenger train yard in Huntington for the westbound commute, thereby reducing the need to deadhead eastbound trains.
  - ii. Electrify the Port Jefferson branch;
  - iii. Complete the second track into Ronkonkoma;
  - iv. Grade crossing eliminations that do not adversely affect local communities;
  - v. Correct the Jamaica Crawl by upgrading problematic switches;
  - vi. Complete East Side Access into Grand Central Terminal; and
  - vii. High speed signaling switches in conjunction with the LIRR system.
- b. Identify if any alternatives will include elements of phasing, such as bifurcating the project into a Floral Park to Mineola phase and a Mineola to Hicksville phase;
- c. Identify the general impacts of phasing; and
- d. A realistic time-line for completion of each phase (including "down-time" in between any phases) must be developed so that a realistic assessment of impacts may be made.

### **C. Conclusion**

Mineola is a special village. Although it is a key transportation center, it is much more. The residents of Mineola strive to preserve and promote a quality of life which focuses upon safety, security, fine homes, manicured lawns, uncluttered roads, culture, recreation, education and a sense of community. Any project proposed for Mineola must also protect and promote that quality of life.

Mineola is also special as a business community. The business owners and professionals in the village are committed to complementing the residential community in promoting Mineola as a wonderful place to visit or in which to live or work.

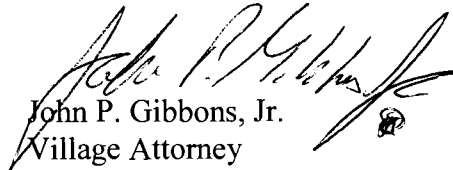




It is urged that the environmental review of the proposed Main Line Corridor Improvements Project take into consideration and share in, at every phase and in every category of review, the promotion of the dearly-held values of the Mineola community.

Commentary upon the Draft Scoping Document without a complete presentation of a potential design for the proposed project is a very difficult chore. As a result, it is suggested that the MTA rescind the current Draft Scoping Document and issue a complete and proper document which addresses all aspects of the project.

Respectfully submitted,

  
John P. Gibbons, Jr.  
Village Attorney



SYOSSET PARK DEVELOPMENT, LLC  
225 W. Washington Street  
Indianapolis, IN 46204

Thank you for the opportunity to comment on the proposed Scope of the project EIS, and Scope of the the planned Long Island Railroad Expansion Project (third track from Floral Park to Hicksville).

1. The proposed project description notes that 41% of all LIRR ridership uses the Main Line between Floral Park and Hicksville.
2. The proposed project as noted includes removal of seven (7) “street grade” crossings that contribute to both train and vehicle delays in central Nassau County. These are reportedly the last seven “street grade” crossings along the Main Line, part of an effort going back to the 1980’s to eliminate all “street grade” crossings to
  - a. improve train performance,
  - b. address congestion on local roadways for autos trying to cross the rail line, especially at rush hour, and
  - c. to deal with the multitude of safety aspects of street grade crossings

The recently released 2015 LIRR Annual Ridership Report shows a total ridership of some 87.6 Million train trips for 2015 for the entire network, noted as a modern peak. The five branches that are fed from the Main Line – Hempstead, Oyster Bay, Port Jefferson, Ronkonkoma and Montauk – collectively had 36.8 Million of those trips, which would equate to 42% of total LIRR ridership in 2015.

It is worth noting that the highest volume branch line in the entire network is the Port Jefferson Line – with some 18.7 Million riders in 2015. This total is over half of the ridership thru the Main Line, and roughly 22% of the total LIRR ridership in 2015.

A recently published set of statistics was put out by “theLIRRtoday.weebly.com” (February 2015). Within the series of data tables, they summarized the Federal Railroad Administration’s (“FRA”) characterization of all street grade crossings on Long Island (367 total), and identified in the data which street grade crossings warrant the highest level of attention to resolve.

In short, five of the seven street crossings to be addressed in the proposed Expansion Project are listed as among the top 14 crossings on Long Island warranting attention (which equate to being within the top nine within Nassau County). And all seven are listed within the Top 10 of the heaviest traffic conflict roadways on Long Island.

But what the data though also points out is that the nearby “street grade” crossing at **Robbins Lane** (within the first leg of the Port Jefferson branch, just east of Hicksville) is just as high, if not of higher importance to address, for the following reasons:

- it has the third highest level of attention warranted on Long Island per FRA evaluation standards – **ranked higher than ANY of the seven street grade crossings proposed to be eliminated with the proposed Expansion project** – and THE HIGHEST ranked street grade crossing of by the FRA in all of Nassau County; and
- After the seven Main Line crossings the proposed project is planning to address, Robbins Lane is deemed the next busiest roadway crossing throughout the entire LIRR network.

The Robbins Lane street grade crossing is just east of the Project limits of the Expansion Project. It sits halfway between Hicksville and Syosset Station, an unusually long stretch of close to 3 miles, where trains are allowed to travel at up to 80 miles per hour. It is not near a station where trains slow or stop frequently. Coupled with the Jackson Street crossing at Syosset Station, the Robbins Lane cripples traffic trying to get south to the LIE from Syosset and points north daily during rush hour. It also impacts truck traffic generated from the Business/Industrial Park lying just north of the LIRR, primarily accessed from Robbins Lane for trucks coming off of or heading onto the LIE. The Port Jefferson branch line here bisects the Jericho/Birchwood single family neighborhoods that make up the majority of surrounding land uses, with only the one street crossing at Robbins Lane to get from one side to the next.

It is suggested that with the Third Track on the Main Line supporting more capacity and ridership, that the Port Jefferson Line may grow in ridership from what is today (listed as up to 113 trains per day) by as much as 25%, to support its position as the busiest of the 12 branches in the LIRR system. This will exacerbate the current issues of the Robbins Lane crossing that today is listed as the street grade crossing ranked as the highest concern in all of Nassau County by the FRA. The State studied and had plans to eliminate this street grade crossing at Robbins Lane in the 1980's, but that never came to fruition.

**We believe that the Main Line Expansion Project should add to it's Scope addressing and resolving this street grade crossing at Robbins Lane in addition to the seven noted in the current scope, and by doing so eliminate eight of the top ten most concerning street-grade crossings on Long Island, also (with Robbins Lane) being ALL of the top eight in Nassau County where train ridership is heaviest.**

As an adjacent property owner, and prior to our moving forward with development plans, we would work in partnership with the State to identify the most cost effective solution that benefits all who would be concerned, and provide as necessary rights of way and construction easements in order to find the most cost effective, least impactful solution on existing neighboring properties.

We've been through several rounds of community feedback on our proposed project. Routinely the issues of safety, traffic and disruption on the community by this Robbins Lane street grade crossing came up in those meetings. It is a long-standing existing concern. Given the size and scope of the Expansion Project, this would be the right time to deal with it, and know it supports a more robust ridership future along the Port Jefferson Line.

Importantly, *the Draft EIS should analyze the potential impacts on the Robbins Lane crossing with the proposed Main Line expansion, which will directly result in heavier ridership, more trains, and increased conflicts at this street grade crossing into the future, if left as is.* This increase will occur with or without our proposed development efforts.

We appreciate your consideration.

Sincerely,



Charles W. Davis, Jr.  
Sr Vice President, Development

Cc John Gutleber, Frank Castagna  
Patrick Halpin

# 2015 ANNUAL RIDERSHIP REPORT

## LONG ISLAND RAIL ROAD

### EXECUTIVE SUMMARY

The LIRR continued its strong ridership growth in 2015 finishing the year with 87.6 million passengers, which was 2.1% above the 2014 ridership. This marks the highest ridership in recent history - since the post war high number of 1949's 91.8 million passengers (breaking the previous modern record of 2008's 87.4 million passengers). The Commutation market showed a 2.1% ridership increase, as did the Non-Commutation market, which experienced a 2.0% ridership growth. The sustained growth in NYC's key job sectors, along with significant gains in discretionary trips (summer market, leisure travel, and sports & entertainment segment) and positive response to enhanced service contributed to the 2015 ridership growth.

## 2015 Ridership Summary

- In 2015, the LIRR sustained its strong ridership growth for the fourth consecutive year
- Total NYC Employment increased 2.9% during CY 2015 due to a steadily improving economy; discretionary travel increased resulting from favorable weather and marketing programs.

### ANNUAL RIDERSHIP 2015 VS 2014 (in millions)\*

	Annual Ridership 2015	Annual Ridership 2014	% Change vs. 2014
<b>Total Rail Ridership</b>	<b>87.65</b>	<b>85.87</b>	<b>2.1% ▲</b>

\*Annual ridership based on calendar adjusted total ticket sales

## Major Factors and Initiatives Affecting Ridership

### 1. STRONG REGIONAL ECONOMY

- NYC Non-Agricultural employment increased 2.9% during CY 2015 vs. 2014
- Financial Sector employment increased 2.3%
- Business and Professional Services employment increased 4.7%
- Education and Health employment increased 3.4%
- Leisure and Hospitality employment increased 4.2%

## **2. RIDERSHIP GROWTH OF DISCRETIONARY TRAVEL (SPORTS, ENTERTAINMENT AND LEISURE SEGMENTS)**

- The Barclays Center continues to be a venue attracting new customers. With the NY Islanders move from Nassau Coliseum to Brooklyn, the LIRR experienced ridership growth.
- The successful performance of the NY Mets, during the playoff and World Series games, contributed to ridership growth.
- Additional service was provided to the Montauk Branch to meet customer demand - Montauk Branch ridership increased 2.5% during the summer months.
- Favorable weather boosted gains in the leisure market, such as beach getaways.
- The Forest Hills Stadium gained popularity attracting a number of entertainment and concert events, contributing to additional discretionary ridership.

## **3. TRAIN SERVICE IMPROVEMENTS**

- During 2015, the LIRR posted favorable trends in both commutation and non-commutation ridership. A number of Service Enhancements were implemented:
  - LIRR began making extra summer weekend service between Babylon and Patchogue, in recognition of the Patchogue's booming entertainment and restaurant activity.
  - Addition of two trains to the Oyster Bay Branch weekend schedule, one in the morning and one at night to serve city-bound customers.
  - Extension of seasonal weekend service on the Montauk Branch
  - Overall, the LIRR operated 1,700 more trains in 2015 than in 2014.

## **4. CONTINUED FLEET RELIABILITY IMPROVEMENT**

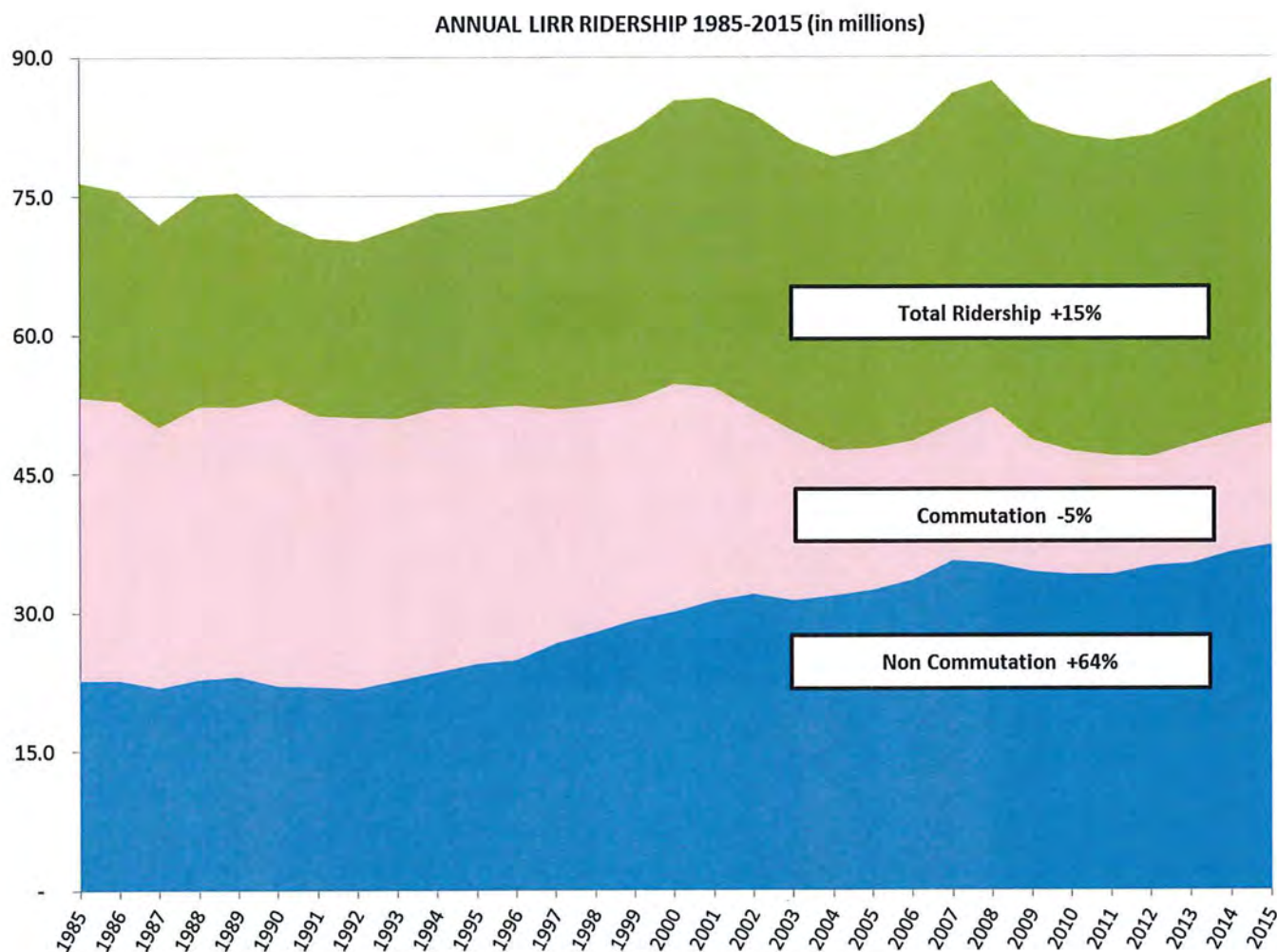
- The LIRR train fleet achieved record levels of fleet reliability for the fourth year in a row, as measured in mean distance between failures (MDBF).
- An overall fleet average of 208,383 miles between breakdowns vs. a goal of 176,000 was achieved.



## Long-Term Ridership Trends

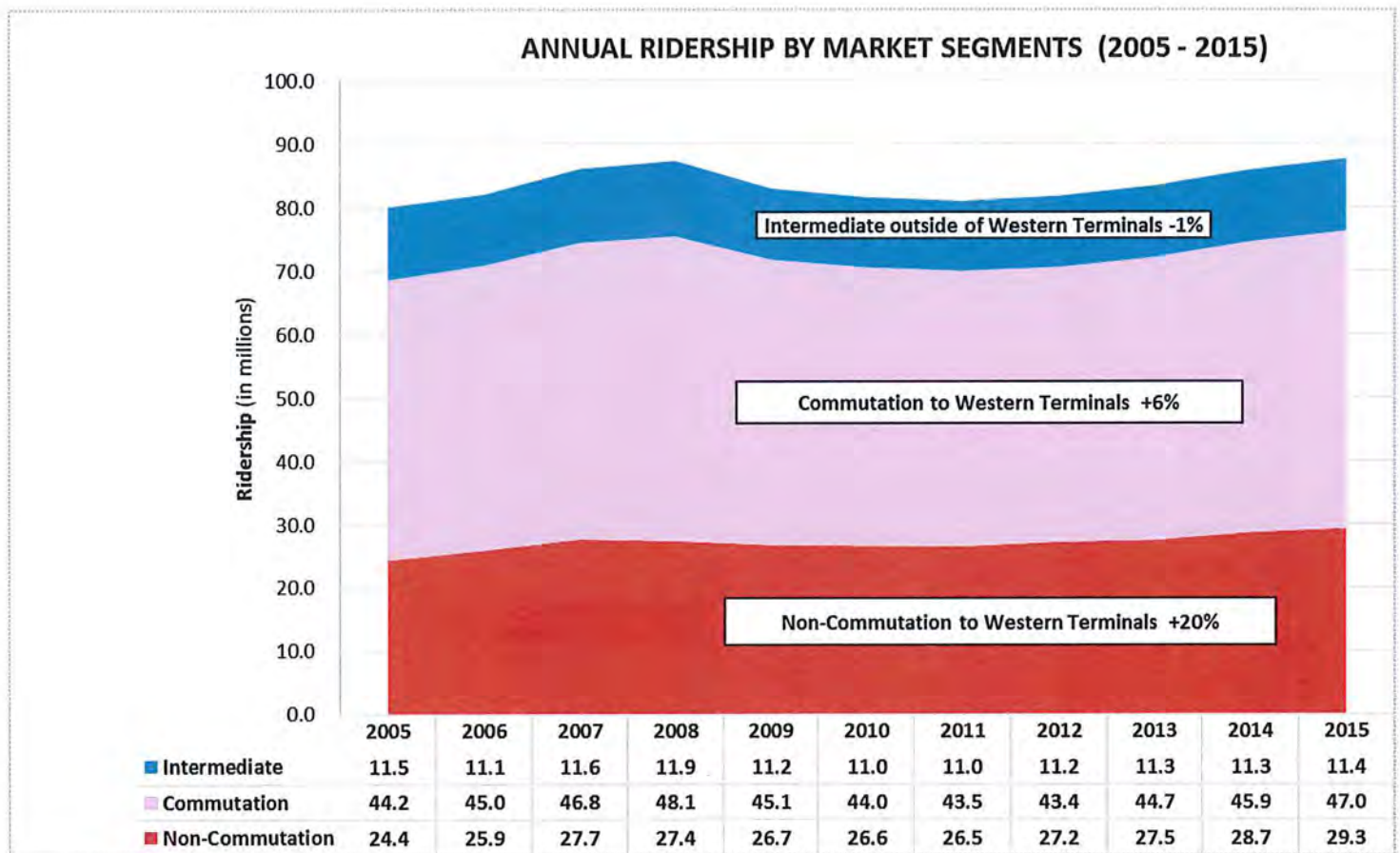
### Ridership Trends

- Over the past 30 years, system wide ridership has grown by 15%.
- Commutation ridership has shown a moderate decline in overall growth (-5%), however, Non-Commutation ridership has climbed reaching a 64% increase over the 30 year span.



## Ridership Trends by Market

- Over the past 10 years, significant growth has occurred in the Non-Commutation market, which has grown 20%.
- Commutation ridership to western terminals has increased by 6% since 2005.
- Non Commutation growth increased due to favorable market/economic conditions and aggressive marketing programs/niche market segments (i.e., Airtrain, Barclays, etc.).
- Intermediate ridership outside of western terminals has decreased by 1% over the past 10 years.



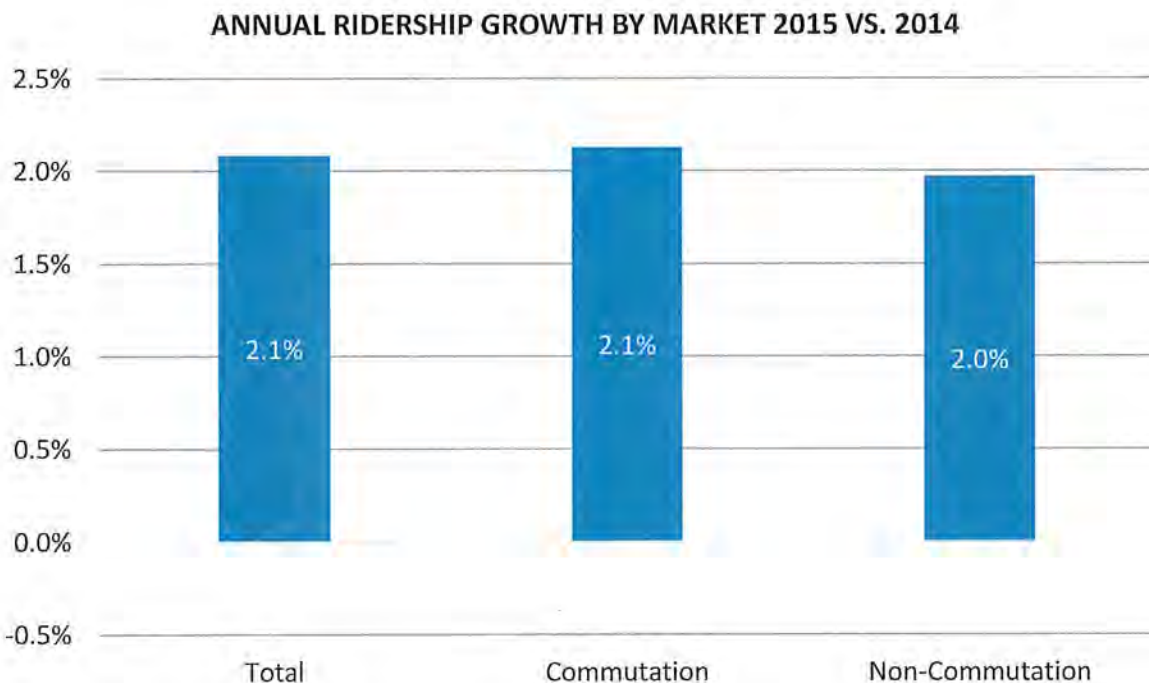
## Market and Ridership Trend Analysis<sup>1</sup> (2015 vs 2014)

### Commutation

- 2015 Commutation ridership increased 2.1%, reflecting a continuation of the strong regional economic growth (including a 2.9% increase in NYC employment).
- Commuter travel remained strong supported by job gains particularly in the Business and Professional Services (+4.7%) as well as Financial Activities Sectors (+2.3%).
- Reverse Commute ridership increased in both AM Reverse and PM Reverse Peak periods, 0.1% and 2.8%, respectively.

### Non-Commutation

- 2015 Non-Commutation ridership increased 2.0%, reflecting strong growth trends of discretionary trips within this market.
- The growth in Non-commutation ridership was supported by the “leisure-market” ridership growing 6.6%, with beach ridership up +12.6%.
- Weekend ridership increased 1.9% reflecting higher Sunday ridership travel of 2.1% compared to Saturday ridership travel of 1.7%.
- Off-peak weekday travel increased 2.3%.



<sup>1</sup> Data is based on a combination of passenger counts and ticket sales



## 2015 vs. 2014 Branch Comparisons

- All LIRR Branches experienced ridership gains in 2015. The West Hempstead and Oyster Bay Branches had shown the highest percent increases, 5.7% and 4.6%, respectively. The Port Jefferson Branch has continued to maintain the highest ridership (18.7 million customers), followed by the Babylon Branch servicing 18.2 million compared to 2014.

### RIDERSHIP BY BRANCH (in millions)\*

Branch	Annual Ridership 2015	Annual Ridership 2014	% Change vs. 2014
Babylon	18,242,236	17,956,348	1.6%▲
City Zone	7,057,723	6,793,300	3.9%▲
Far Rockaway	5,931,677	5,753,156	3.1%▲
Greenport	58,216	58,143	0.1%▲
— Hempstead	4,031,759	3,903,415	3.3%▲
— Long Beach	4,822,457	4,680,914	3.0%▲
— Montauk	2,303,670	2,247,711	2.5%▲
— Oyster Bay	1,837,035	1,755,844	4.6%▲
★ → Port Jefferson**	18,705,294	18,651,978	0.3%▲
— Port Washington	13,802,816	13,307,163	3.7%▲
— Ronkonkoma	9,906,530	9,863,213	0.4%▲
— West Hempstead	948,633	897,062	5.7%▲

Legend: ▲ increase; ▼ decrease; ● no change

\*Ridership data is based on ticket sales

\*\*Port Jefferson Branch includes ridership from Huntington Branch

## 2016 Outlook

- In 2016, the LIRR expects to maintain the upward trend of ridership growth that was experienced in recent years. The continuing sustainable growth in NYC Employment provides support for commutation ridership trending similarly.
- The Barclay's PGA Golf Tournament, at Bethpage Park in August 2016, is expected to boost discretionary ridership.
- The impressive line-up of performances at Barclays will continue to attract healthy discretionary ridership growth. Favorable ridership is expected in 2016, as the NY Islanders continue their success from making Barclays Center their home in 2015.
- New promotional partnerships with major local sports venues are being introduced including the Mets, the NY Cosmos, and the NY Islanders
- Ridership growth is expected to continue with the several opportunities for airport access from JFK AirTrain to offer incremental ridership growth of travel to the LIRR Jamaica station.
- Forest Hills Stadium has been transformed to a new local outdoor entertainment complex that attracts many concert goers from the tri-state area to concerts and events that are not typically available at other venues.

## 2015 LIRR Annual Ridership Report Appendix

Additional ridership statistics are provided in an online appendix. Listed as an exhibit within the April 2016 Metro-North and LIRR Committee materials, the appendix is available at:

<http://>



# Long Island Grade Crossings

In light of [recent events](#), there has been a lot of focus on grade crossings—places where roads cross train tracks at grade. There are a total of 367 grade crossings on Long Island, and some are more dangerous than others. The FRA has an inventory of all grade crossings in the country and they maintain various sorts of statistics online. They have an online tool that can be used to generate reports on highway crossings (where public roads cross railroad tracks) [available here](#). The FRA calculates an “Accident Prediction Value” (APV) for each and every crossing, and a crossing’s APV, which is a number that scales from 0 to 1 (or 0% to 100%), is the probability that a collision between a train and a highway vehicle will occur at a crossing in a year.

For those looking something to compare things to, the APV of the Commerce Street crossing in Valhalla, the crossing where the deadly accident occurred earlier in February, was 3.0888%. There are 129 different crossings on Long Island that have APV’s that are greater than that, and there are 60 different crossings on Long Island that were determined by the FRA to be more dangerous than the most dangerous crossing in the Hudson Valley (the Jay Street crossing in Katonah). According to the FRA, the most dangerous rail crossing on Long Island is the Washington Av. crossing in Brentwood. The APV for that crossing is 28.150%, over nine times the APV of the Commerce Street crossing. After playing around with the statistics from the FRA’s grade crossing inventory (a full spreadsheet with statistics for all crossings on LI is included at the end of this document), it appears that the FRA’s accident prediction value is largely driven by the number of collisions with highway vehicles rather than the overall riskiness of the crossing (New Hyde Park Road for example, a very dangerous crossing, doesn’t appear until eighth on the list). I created an alternative way of ranking the dangerousness of crossings that incorporates 10 different factors, and weights the crossings on a scale of 1 to 10. Those values are shown in the “Secondary APV” Column in the spreadsheets and tables.

The following table shows the top-10 most dangerous crossings on Long Island, ranked by the Secondary APV calculated:

FRA Rank	FRA APV	Secondary APV	Type	RR	County	Crossing	Branch	Accidents	Warning Device	Total Trains	Tracks	Max Speed	Electric	AADTC
8	13.662%	100.0%	Hgwy	LI	Nassau	New Hyde Park Road (New Hyde Park)	Main Line	1	FG	251	2	80	750DC	16,680
1	28.150%	98.1%	Hgwy	LI	Suffolk	Washington Avenue (Brentwood)	Main Line	4	FG	76	2	80	750DC	22,136
43	5.250%	96.2%	Hgwy	LI	Nassau	Main Street (Mineola)	Main Line	0	FG	251	4	80	750DC	6,746
2	25.898%	93.3%	Hgwy	LI	Suffolk	5th Avenue (Brentwood)	Main Line	3	FG	76	2	80	750DC	37,710
18	10.112%	90.8%	Hgwy	LI	Nassau	12th Street (New Hyde Park)	Main Line	1	FG	251	2	80	750DC	2,491
36	5.804%	87.5%	Hgwy	LI	Nassau	Nassau Boulevard (Garden City)	Hempstead Branch	0	FG	63	2	70	750DC	25,730
41	5.291%	87.1%	Hgwy	LI	Suffolk	Lowell Avenue (Central Islip)	Main Line	0	FG4	76	2	80	750DC	16,027
17	10.875%	86.5%	Hgwy	LI	Suffolk	Grant Avenue (Deer Park)	Main Line	1	FG	76	2	80	750DC	15,904
39	5.358%	85.2%	Hgwy	LI	Nassau	Stewart Avenue (Bethpage)	Main Line	0	FG	76	2	80	750DC	17,087
11	11.573%	84.2%	Hgwy	LI	Nassau	School Street (Westbury)	Main Line	1	FG	216	3	80	750DC	9,068
3	18.687%	84.0%	Hgwy	LI	Nassau	Robbins Lane (Jericho)	Port Jefferson Branch	2	FG	113	2	80	750DC	14,318
42	5.264%	83.8%	Hgwy	LI	Suffolk	Wellwood Avenue (Pinelawn)	Main Line	0	FG	76	1	80	750DC	24,997
9	12.118%	83.4%	Hgwy	LI	Nassau	Covert Avenue (New Hyde Park)	Main Line	1	FG	251	2	80	750DC	12,025
44	5.204%	83.2%	Hgwy	LI	Suffolk	Straight Path (Wyandanch)	Main Line	0	FG	76	1	80	750DC	22,963

(There’s a lot of abbreviations used in the tables, so I’ve put a conversion table at the end of the document).



Most of the most dangerous grade crossings are along the electrified portion of the Main Line, where there is a high volume of trains and trains travel at high speeds (the timetable speed for all but one of the crossings on the list is 80 miles per hour, the fastest on the LIRR). Many of these crossings also see lots of vehicular traffic over them as well.

On the other side of the coin, there are lots of grade crossings on Long Island that are relatively harmless. The list below shows the 10 least dangerous crossings on Long Island:

FRA Rank	FRA APV	Secondary APV	Type	RR	County	Crossing	Branch	Accidents	Warning Device	Total Trains	Tracks	Max Speed	Electric	AADTC
301	0.550%	29.1%	Hgwy	NYAR	Queens	Garrison & 54th Street (Maspeth)	Bushwick Branch	0	FG	4	1	5	No	1,976
300	0.550%	29.1%	Hgwy	NYAR	Queens	Flushing Avenue (Maspeth)	Bushwick Branch	0	FG	4	1	5	No	1,980
309	0.026%	31.8%	Hgwy	NYAR	Suffolk	River Road (Riverhead)	Calverton Spur	0	FG	0	1	10	No	889
281	0.903%	32.1%	Hgwy	NYAR	Kings	Varick Avenue (East Williamsburg)	Bushwick Branch	0	FG	10	1	5	No	3,000
293	0.755%	34.0%	Hgwy	LI	Suffolk	Union Avenue (Riverhead)	Main Line	0	FG	6	1	20	No	408
287	0.837%	34.0%	Hgwy	LI	Suffolk	Ninth Street (Greenport)	Main Line	0	FG	6	1	20	No	597
285	0.864%	34.0%	Hgwy	LI	Suffolk	Maple Avenue (Riverhead)	Main Line	0	FG	6	1	20	No	672
283	0.872%	34.1%	Hgwy	LI	Suffolk	East Avenue (Riverhead)	Main Line	0	FG	6	1	20	No	695
266	1.033%	34.3%	Hgwy	LI	Suffolk	Sixth Street (Greenport)	Main Line	0	FG	6	1	20	No	1,319
260	1.123%	34.4%	Hgwy	LI	Suffolk	Ostrander Avenue (Riverhead)	Main Line	0	FG	6	1	20	No	1,817

#### Number of scheduled trains (average weekday) that operate over the crossing (busiest crossings)

FRA Rank	FRA APV	Secondary APV	Type	RR	County	Crossing	Branch	Accidents	Warning Device	Total Trains	Tracks	Max Speed	Electric	AADTC
8	13.662%	100.0%	Hgwy	LI	Nassau	New Hyde Park Road (New Hyde Park)	Main Line	1	FG	251	2	80	750DC	16,680
43	5.250%	96.2%	Hgwy	LI	Nassau	Main Street (Mineola)	Main Line	0	FG	251	4	80	750DC	6,746
18	10.112%	90.8%	Hgwy	LI	Nassau	12th Street (New Hyde Park)	Main Line	1	FG	251	2	80	750DC	2,491
9	12.118%	83.4%	Hgwy	LI	Nassau	Covert Avenue (New Hyde Park)	Main Line	1	FG	251	2	80	750DC	12,025
13	11.288%	81.5%	Hgwy	LI	Nassau	Willis Avenue (Mineola)	Main Line	1	FG	251	2	80	750DC	6,235
11	11.573%	84.2%	Hgwy	LI	Nassau	School Street (Westbury)	Main Line	1	FG	216	3	80	750DC	9,068
15	10.998%	79.2%	Hgwy	LI	Nassau	Urban Avenue (Westbury)	Main Line	1	FG	216	2	80	750DC	5,776
3	18.687%	84.0%	Hgwy	LI	Nassau	Robbins Lane (Jericho)	Port Jefferson Branch	2	FG	113	2	80	750DC	14,318
40	5.291%	76.4%	Hgwy	LI	Nassau	Jackson Avenue (Syosset)	Port Jefferson Branch	0	FG	113	2	40	750DC	21,060
54	4.702%	73.8%	Hgwy	LI	Suffolk	Pulaski Road (Huntington)	Port Jefferson Branch	0	FG	113	3	80	750DC	9,203

Most crossings are on the Main Line or Port Jefferson Branch, where ridership is the heaviest. These crossings are also among the most dangerous, and see large amounts of vehicular crossings.





**Cashin Spinelli & Ferretti, LLC**  
***Program & Construction Management***  
***Municipal Planning***

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June 6, 2016

**BY EMAIL ([info@amodernli.com](mailto:info@amodernli.com)) AND REGULAR MAIL**

Edward M. Dumas, Vice President – Market Development & Public Affairs  
Long Island Rail Road Expansion Project  
MTA Long Island Rail Road, MC 1131  
Jamaica Station Building  
Jamaica, NY 11435

Re: LIRR Expansion Project from Floral Park to Hicksville – Scoping

Dear Mr. Dumas:

The Town of Oyster Bay (the “Town”) is in receipt of the Draft Scoping Document (“Draft Scope”), dated May 5, 2016, for the above referenced proposed action. The Town has forwarded a copy of the Draft Scope to Cashin Spinelli & Ferretti, LLC (“CSF”) for review and appropriate response. CSF is the Town’s primary technical consultant with respect to environmental impact review. In addition to reviewing the Draft Scope, we attended the public scoping session on May 25<sup>th</sup> in Hicksville.

The proposed action, as described in the Draft Scope, entails the installation of a third track on the LIRR Main Line between Floral Park and Hicksville stations, elimination of seven grade crossings within the proposed project limits, modification of passenger rail stations and parking, and modifications to railroad infrastructure (signal systems, substations, culverts, interlockings, crossovers, sidings, track bed, power systems, communications and signals). The easterly terminus of the project area, Hicksville station, lies in the Town of Oyster Bay. All of the grade crossing elimination work would occur at locations to the west of the Town.

Based on our review of the Draft Scope, CSF offers the following comments, submitted on behalf of the Town of Oyster Bay, for consideration in preparing the Final Scope describing the information and analysis to be included in the Draft Environmental Impact Statement (“DEIS”) for the proposed action pursuant to the State Environmental Quality Review Act (“SEQRA”).

1. The Draft Scope provides a general discussion of project purpose and need, pointing to broad goals of mitigating existing train traffic congestion and delays, accommodating demand for reverse-peak travel and expected future increases in ridership, and anticipated social and economic development benefits. However, the Draft Scope does not provide clear guidance as to how these issues will be addressed in the DEIS. It is hoped that such questions will be subjected to a meaningful, detailed analyses of pertinent data to substantiate the underlying assumptions and conclusions. The scoping document should provide a descriptive outline of what those analyses will entail.



2. The current proposal calls for the installation of a third track along a 9.8-mile segment of the LIRR Main Line between Hicksville and Floral Park, whereas the prior (2005) proposal would have provided a third track along a 11.5-mile segment of the Main Line between Hicksville and Queens Village. It is not clear from the information in the Draft Scope how a 1.7-mile section of third track between Floral Park and Queens Village which previously was believed to be essential is no longer considered to be necessary and how the elimination of this section of third track would not create a gap in the continuity of the proposed project.
3. The Draft Scope indicates that the 2005 third track proposal called for much more extensive property acquisitions than under the current proposed action. This raises concerns that the current (modified) proposal is attempting to squeeze facilities into a space that is not adequately sized, which potentially could give rise to operational problems and/or various impacts (noise, visual, etc.) to adjacent land uses. The DEIS should analyze in detail the difference in project footprint under the two scenarios, along with the implications, if any, with respect to operational efficiency, environmental impacts and other relevant parameters.
4. The Draft Scope indicates that the proposed action includes modifications to miscellaneous components of the system in the project area, such as substations, culverts, interlockings, crossovers, sidings, and track bed. However, no further information is provided to describe these modified facilities/activities more specifically – e.g., in terms of their location, physical dimensions, changes to existing conditions that would be involved in their construction, etc. – or to identify whether they entail potential environmental impacts or to suggest how any such impacts will be addressed. For example, concerns often arise in regard to projects involving new/extended sidings that would move train activity nearer to residential properties or other sensitive uses or the construction of electrical substations in close proximity to such uses.
5. For the most part, “Mitigation” is addressed under each environmental parameter in the Draft Scope by stating that measures will be identified as necessary. The SEQRA regulations, at §617.8(f)(4), call for the scoping document to present “an initial identification of mitigation measures”, more in line with the manner in which this is addressed in the “Vehicular Traffic” section (last paragraph on page 20 of the Draft Scope).
6. The section in the Draft Scope on “Contaminated Materials” (page 19) indicates that a Phase I ESA will be performed to “identify known locations of contamination...” The Phase I ESA should also identify suspected locations of contamination, as well as the need for Phase II ESA testing to characterize contaminant conditions. The scoping document should establish criteria for deciding when Phase II ESAs will be performed in conjunction with the preparation of the DEIS or deferred to a later date.
7. Some of the testimony from project proponents during the May 25<sup>th</sup> public scoping session in Hicksville described potentially negative aspects of the proposed action as “temporary inconveniences”, seeming to imply that there are no real impacts. However, as discussed below, a number of aspects of the proposed action with respect to areas in the Town of Oyster Bay pose the potential for significant, long-term adverse impacts, which merit a “hard look” as required under SEQRA.
8. The Draft Scope does not indicate that the DEIS will analyze project-related traffic impacts at and around Hicksville station. A number of area intersections currently experience poor operating conditions during peak periods. The proposed project is specifically intended to increase



ridership through Hicksville station and, thereby, inevitably will exacerbate such impacts in the absence of suitable mitigation measures. Accordingly, the DEIS should fully characterize current operating conditions at key intersections in proximity to the Hicksville station, quantify the projected increase in ridership and associated effect on vehicular volumes and operating conditions at the study intersections resulting from the proposed facility expansion, and identify measures for inclusion in the proposed action to mitigate any such impacts. This should be outlined in the scoping document.

9. Analysis of project-related impacts at Hicksville station should include any effects that increased passenger activity would have on intermodal operations, especially with regard to the bus system. As noted during the May 25<sup>th</sup> public scoping session in Hicksville, the existing arrangement for bus service at the train station is deficient, and available options for mitigating this problem should be explored in conjunction with the proposed project.
10. The Draft Scope indicates that a parking analysis will be performed for “affected stations”. Hicksville should be among the LIRR stations included in this analysis since the anticipated project-induced increase in ridership would intensify parking demand at this location, where the available parking resources already are seriously stressed.
11. The Draft Scope does not indicate that the DEIS will analyze project-related impacts at Hicksville station with respect to pedestrian conditions; only the seven locations proposed for grade-crossing modifications and the station areas in New Hyde Park, Merillon Avenue, Mineola, Carle Place, and Westbury are identified for such analysis. However, pedestrian safety is a significant issue in Downtown Hicksville, since travel routes between the train station and associated parking facilities traverse several major roadways (including two New York State highways) at grade. Project-induced increases in both vehicular and pedestrian traffic in Hicksville likely would aggravate this problem without the implementation of suitable mitigation measures.
12. The Draft Scope generally limits the geographic extent of the DEIS’s analyses to the area encompassing the proposed modifications, without considering the potential for impacts to areas along LIRR lines to the east, including other communities in the Town of Oyster Bay (i.e., Syosset and Woodbury on the Port Jefferson Branch, and Bethpage and Farmingdale on the Ronkonkoma Branch). This is a major deficiency in the Draft Scope, as the SEQRA regulations specifically require the analysis of secondary impacts.

A number of issues arise on the topic of secondary impacts at locations to the east of the proposed project corridor:

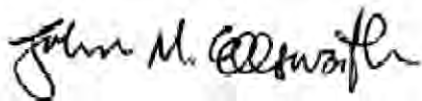
- a. It seems likely that any increase in activity along the Main Line between Floral Park and Hicksville would also be reflected in increased activity at stations to the east. These potential secondary impacts at Syosset, Bethpage and Farmingdale stations should be examined, in a similar manner as for stations in the project area, with respect to parking capacity, roadway traffic congestion, pedestrian safety, and other relevant parameters.
- b. A number of existing grade crossings in the Town of Oyster Bay to the east of Hicksville station would be retained under the proposed action. The scoping document should describe the analysis that will be undertaken in the DEIS to assess potential impacts at these locations – e.g., with respect to vehicular and pedestrian movement and safety, emergency response, etc. – due to increased train volumes along these lines (and associated crossing gate

down time), as well as increased passenger activity at Syosset, Bethpage and Farmingdale stations, which are all significantly impacted under current conditions.

- c. One of the stated purposes of the proposed project is to eliminate delays within the Main Line segment that would be expanded. The Draft Scope does not indicate that an analysis will be undertaken to demonstrate that the proposed project will not result in the existing bottleneck between Floral Park and Hicksville being shifted further to the east.
13. The Draft Scope makes note of the pending Hicksville station improvement project, but does not discuss the timing of that work in reference to the proposed third track project and does not indicate that the DEIS will analyze the potential for cumulative impacts, particularly during construction.

Very truly yours,

CASHIN SPINELLI & FERRETTI, LLC



John M. Ellsworth  
Director of Planning and Environmental Services

cc: Office of the Supervisor  
Attention: Steven Marx, Executive Assistant  
Hon. Members of the Town Board  
Leonard Genova, Town Attorney  
Neil Bergin, Commissioner, Department of Environmental Resources  
Timothy Zike, Deputy Commissioner, Department of Planning and Development



# Village of Mineola

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Mayor  
**Scott P. Strauss**

June 9, 2016

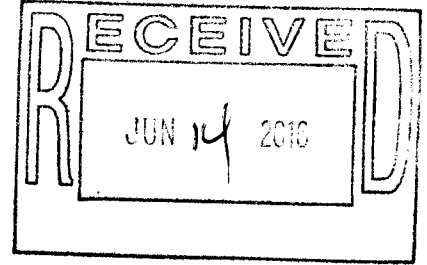
*Trustees*  
**Paul S. Cusato**  
**Paul A. Pereira**  
**George R. Durham**  
**Dennis J. Walsh**

*Village Attorney*  
**John P. Gibbons, Jr.**

*Village Clerk*  
**Joseph R. Scalero**

**VIA FEDERAL EXPRESS  
& ELECTRONIC SUBMISSION**

Edward M. Dumas, Vice President-Market  
Development & Public Affairs  
Long Island Rail Road Expansion Project  
MTA Long Island Rail Road, MC 1131  
Jamaica Station Building  
Jamaica, New York 11435



**The Long Island Rail Road Expansion Project  
(Floral Park to Hicksville)**

Dear Mr. Dumas:

I am the Village Attorney for the Incorporated Village of Mineola ("Mineola"). These comments are being submitted on behalf of Mineola in response to the MTA/Long Island Rail Road's ("MTA") Expansion Project Draft SEQRA Scoping Document. These comments are intended to assist the MTA in considering the project and in preparing all necessary environmental documents so that both the MTA and the public may properly evaluate any proposal to the main line corridor.

Mineola has been the site of numerous projects related to the main line of the LIRR over the last twenty (25) years. These projects have included the grade separation at Herricks Road, Roslyn Road, a temporary replacement bridge on Mineola Boulevard, and a permanent replacement bridge at the same crossing. Additional past projects include a station house reconstruction and rehabilitation, a signalization interconnect system at all at-grade crossings, and the construction of the Mineola Intermodal Center and bus terminal at the LIRR Mineola station. As a result, Mineola has had extensive experience in the environmental review of LIRR-connected projects within village borders.



Accordingly, it is respectfully suggested that the MTA give significant weight and attention to the comments which follow.

**A. SEQRA**

1. The purpose of SEQRA is to assure that social, economic and environmental factors are considered before reaching a decision on proposed actions that may impact the environment. This requires agencies to assess the environmental significance of all actions they have discretion to approve, fund or directly undertake.
2. In order for the SEQRA process to function properly, full cooperation is required amongst the project sponsor, lead agency, involved agencies and interested agencies. Crucial to this process is transparency and meaningful public participation.
3. The project is titled "Long Island Rail Road Expansion Project", focusing on the construction and installation of a third track. However, the draft scoping document is devoid of any mention, depiction and discussion of the third track location or placement. Such information is crucial in order for the public to meaningfully review and comment on the potential environmental impacts (cumulative or otherwise).
4. Meaningful public participation can only be accomplished if and when a more detailed scoping document is prepared and disseminated describing the project in its entirety. Such a document must include project specifics as it relates to the construction and installation of the third track, infrastructure and an analysis of the cumulative environmental impacts of same.
5. An opportunity for meaningful public participation requires that the public have sufficient time to involve itself in the scoping process. Given the nature of this project, a five week period for review, analysis and comment was insufficient.

**B. Project Details**

1. All of the proposed project details must be identified and circulated to the public.

Specifically, the MTA needs to do the following:

- a. Identify the actual location of the proposed third track for the entire project;
- b. Identify any and all proposed infrastructure (i.e. parking fields, parking garages, relocated/reconstructed station platforms, signals and signal houses);





- c. Identify the drainage plan during construction, especially at all proposed grade crossing eliminations;
- d. Identify the drainage plan following construction, especially at all proposed grade crossing eliminations;
- e. Identify the actual boundaries of the LIRR “right of way”;
- f. Identify the easements (permanent and/or temporary) that will be necessary during and after construction;
- g. Identify a realistic timeline for construction based upon past project experience;
- h. Identify the sequencing of construction for the entire project;
- i. Identify the locations where construction will be staged for the entire project;
- j. Identify how emergency services will be affected before, during and after construction;
- k. Identify the mitigation measures that will be in place to ensure that the proposed project will not result in soil or water contamination. Specifically, the MTA needs to identify the existence of any toxic or harmful materials existing or proposed;
- l. Identify the communities that will comprise the project study area for the cumulative impacts of the proposed project;
- m. Set forth the methodologies to be employed in order to identify and mitigate the traffic impacts resulting during and after construction of the proposed project;
- n. Inasmuch as increased ridership on the LIRR will result from the proposed project, projected parking requirements in Mineola for such ridership should be identified and a plan for mitigating such increased parking should be developed;
- o. Identify the noise study that will be conducted to review the impacts during and after construction of the proposed project;
- p. Identify the vibration study that will be conducted to review the impacts during and after construction of the proposed project;
- q. Identify the economic study that will be conducted to review the impacts upon property owners and businesses during and after construction;





- r. Many businesses in Mineola in proximity to the LIRR have suffered in the past due to many LIRR-related projects in the village. A careful analysis of projected impacts upon businesses must be made and a plan for preserving business operations during construction and thereafter must be formulated;
- s. Mineola has suffered a significant reduction of its assessment base as a result of takings in connection with other LIRR-related projects, especially the Grade Crossing Elimination Project and the Mineola Intermodal Center. If advancement of the proposed project will result in any further loss of assessed valuation by the village, a method to compensate Mineola on a permanent basis for such loss must be devised;
- t. Identify the reason(s) the proposed project was not discussed in the MTA Capital Program 2015-2019;
- u. Identify the funding source for the proposed project;
- v. Identify the impacts the proposed project will have on existing LIRR Branches/Scheduling (i.e., Hempstead Branch, Oyster Bay Branch and Port Jefferson Branch); and
- w. Identify the cumulative impacts of the project with respect to land use, the character of the community and noise.

## 2. Freight cargo

- a. There currently exists a certain level of freight traffic on the LIRR main line. A careful analysis of the current level of railroad freight traffic through the Village should be made and an evaluation of the potential for a future increase in freight traffic should be performed. Although the potential for increased freight traffic is dismissed in the Draft Scoping Document, an evident by-product of the project is the potential for increased freight travel in the future. The impacts must be identified and carefully considered.
- b. Identify any agreements, contracts, regulations and restrictions regarding freight cargo on the main line; and
- c. Identify the rail priority of freight on the main line, specifically in the case when tracks/signals are down.



### 3. Alternatives

- a. Identify all available alternatives to achieve the intended purpose of the proposed project. Specifically, a cost benefit analysis should consider the relative impacts of other initiatives that would improve service reliability at a lower cost and impact to local communities. These initiatives includes:
  - i. Construction of a new passenger train yard in Huntington for the westbound commute, thereby reducing the need to deadhead eastbound trains.
  - ii. Electrify the Port Jefferson branch;
  - iii. Complete the second track into Ronkonkoma;
  - iv. Grade crossing eliminations that do not adversely affect local communities;
  - v. Correct the Jamaica Crawl by upgrading problematic switches;
  - vi. Complete East Side Access into Grand Central Terminal; and
  - vii. High speed signaling switches in conjunction with the LIRR system.
- b. Identify if any alternatives will include elements of phasing, such as bifurcating the project into a Floral Park to Mineola phase and a Mineola to Hicksville phase;
- c. Identify the general impacts of phasing; and
- d. A realistic time-line for completion of each phase (including "down-time" in between any phases) must be developed so that a realistic assessment of impacts may be made.

### **C. Conclusion**

Mineola is a special village. Although it is a key transportation center, it is much more. The residents of Mineola strive to preserve and promote a quality of life which focuses upon safety, security, fine homes, manicured lawns, uncluttered roads, culture, recreation, education and a sense of community. Any project proposed for Mineola must also protect and promote that quality of life.

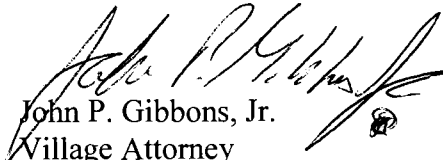
Mineola is also special as a business community. The business owners and professionals in the village are committed to complementing the residential community in promoting Mineola as a wonderful place to visit or in which to live or work.



It is urged that the environmental review of the proposed Main Line Corridor Improvements Project take into consideration and share in, at every phase and in every category of review, the promotion of the dearly-held values of the Mineola community.

Commentary upon the Draft Scoping Document without a complete presentation of a potential design for the proposed project is a very difficult chore. As a result, it is suggested that the MTA rescind the current Draft Scoping Document and issue a complete and proper document which addresses all aspects of the project.

Respectfully submitted,

  
John P. Gibbons, Jr.  
Village Attorney



Lalezarian Properties LLC  
1999 Marcus Avenue  
Suite 310  
Lake Success, New York 11042  
(516) 488-3000

June 13, 2016

Mr. Edward M. Dumas  
Vice President – Market Development & Public Affairs  
Long Island Railroad Expansion Project  
MTA Long Island Rail Road, MC 1131  
Jamaica Station Building  
Jamaica, New York 11435

Re: Lalezarian Properties Comments to the Draft SEQRA Scoping Document (the “Scoping Document”) issued by the Metropolitan Transit Authority and the Long Island Railroad (collectively “MTA/LIRR”), dated May 5, 2016 regarding LIRR Third Track Expansion Project (Floral Park to Hicksville)(the “Project”)

Dear Mr. Dumas:

We are writing to share both our concern and support for the Project together with our comments to the Scoping Document, particularly as concerns the proposed elimination and/or modification of the grade crossings at Main Street and Willis Avenue in Mineola. In summary, while we support the Project, we do so recognizing that Mineola has a history of well thought out planning for its downtown, which is so dependent on MTA/LIRR service. As a property owner making a substantial and concerted decision to invest in downtown Mineola, our support for the Project is not without serious concerns for its impact on the sustained and recently redoubled efforts of the Village of Mineola, its residents and business owners to restore vibrancy and economic prosperity to the area.

Over the past five years, as part of our commitment to Mineola, we have invested and will continue to invest well more than \$200,000,000 in capital devoted to transit oriented “smart growth” rental apartments, affordable housing, office and parking uses. We have been drawn to Mineola and its downtown based upon a number of factors including its MTA/LIRR service, Mineola’s proximity to Winthrop regional hospital and its location adjacent to the Nassau County Courts. Our properties include:

- 330 Old Country Road, an approximately 100,000 square foot office building located one block south of the railroad line;
- One Third Avenue, a new residential 312-unit rental building, including retail space, located one block south of the railroad tracks;
- An approximately 100 car parking lot located directly south of the railroad right of way between 8<sup>th</sup> Avenue and 6<sup>th</sup> Avenue;
- 199 Second Street (at Front Street just north of the tracks), a newly approved mixed use building with 267 rental units and ground floor commercial space; and
- 85 Willis Avenue, a 2 story commercial building located on the south west corner of Willis Avenue and Second Street, directly adjacent to a municipal parking lot to its west on Second Street and the existing grade crossing at Willis Avenue to its southeast.



The proximity of our properties to the Mineola train station underscores our belief that an efficient, safe and well-designed transit system is essential to the development of downtown Mineola. As such, conceptually, we have no objection to a third track as part of an overall plan to expand and transform Long Island's transportation infrastructure. However, any elimination of a grade crossing must be studied with particular attention paid to alternatives so that the method of elimination chosen does not destroy existing uses and the potential development so many properties have along these crossings. And care must be taken to maintain the continued levels of pedestrian and bicycle access across the tracks. It is not enough that access continues to exist. Access from north to south and vice versa must be inviting and safe.

### The Main Street Crossing

It goes without saying that Main Street is critical to the continued success of downtown Mineola and its future growth, namely the support of local business and development along this thoroughfare. Accordingly, we support the elimination of vehicular crossings at Main Street provided (i) a roundabout at Main Street (north of the tracks) is created connecting the portion of Front Street north of the tracks and due west, which roundabout will improve vehicular traffic patterns and invite pedestrian and bicycle traffic, all of which will enhance development both along the corridor and in the area, and (ii) an effective Willis Avenue vehicular crossing is maintained, as more particularly set forth below.

We have also considered and wish to share our concern over the alternatives. For example, the Scoping Document offers the creation an underpass as one alternative. While this crossing would permit continued vehicular connectivity north and south of the tracks, for obvious reasons, an underpass greatly jeopardizes economic viability for all properties along the road depression, not to mention the area as a whole. Similarly, a dead end at the end of Main Street will negatively impact the development of Main Street south of Second Street, in large part because cars will not travel down that part of Main Street (and those that do will have difficult turns to make to get back north). It goes to follow that pedestrians will be less likely to walk into a dead end if there are few or no active businesses on that portion of the street, resulting in almost certain failure for all businesses located south of Second Street.

### The Willis Avenue Crossing

Unlike Main Street, we feel very strongly that a two-way vehicular traffic crossing at Willis Avenue is critical to continued success of the area. However, the typical approach to creating an underpass that involves depressing Willis Avenue alone will not achieve the desired connectivity between north and south without serious negative impact on properties along Second Street and Willis Avenue. The difficulty, as you know far better than we do, is that the depression must begin well north and well south of the tracks. More specifically, the depression must necessarily extend to adjacent streets like Second Street. This depression will destroy pedestrian friendly access to properties at Second Street and Willis Avenue. Moreover, the resulting dead zone created by a long span of area without businesses will make it less likely that the commercial businesses on Second Street near the train station will connect with the commercial businesses west of Willis Avenue. For all of these reasons, the MTA/LIRR should evaluate elevating the Oyster Bay line track by a few feet as it approaches Willis Avenue. By doing so, there may be an opportunity to avoid a depression of the roadway at the intersection of Willis Avenue and Second Street, which would greatly reduce the otherwise negative, potentially devastating, impact of an underpass at the Willis Avenue crossing.

The outcome of this decision will greatly impact our property at 85 Willis Avenue. Specifically, Figure 27 of the Scoping Document depicts a view looking south down Willis Avenue while standing just north of Second Street and shows the proposed depression of Willis Avenue below the tracks. The figure

also shows that the depression begins down Second Street in the approach to Willis Avenue. At Willis Avenue, Second Street is approximately 6 feet below grade. This is a severely undesirable result for our building, which according to the Figure 27 would be effectively removed from grade level. In fact, under certain scenarios shown in the Scoping Document, 85 Willis Avenue will become an island unto itself with a proposed multi-story parking garage directly to the west, train tracks to the south and a significantly depressed road to its east and north. This would result in a de facto taking of our property at 85 Willis Avenue.

### Pedestrian, Bicycle Access and Garages

Most of the foregoing analysis concerns vehicular crossings, but as you are well aware, because downtown Mineola relies on the connectivity between north and south of the tracks, pedestrian and bicycle crossings must remain appealing, inviting, safe and usable and, therefore, at or close to grade. Pedestrian bridges should be ramped with gradual inclines making them more inviting to pedestrians and bicyclists. Importantly, connecting pedestrian bridges to multi-story parking garages, as emphasized again below, is not an attractive option. Both because of convenience and security concerns, pedestrians will not use these elevated bridges by climbing steps or using an elevator.

As concerns parking, the Scoping Document contemplates the use of a number of above-grade multi-story municipal parking garages to replace municipal grade level parking lots. While additional parking is important to the continued development of the downtown Mineola, multi-story parking garages are a flawed approach to achieving the desired result. In lieu, we strongly suggest creating more at grade or near grade parking that could be incorporated into the uses at the same property. Again, common sense dictates that people are more likely to use at grade or near to grade parking. In addition, devoting 200 feet or more of street front solely to parking creates a dead zone of the same size precisely where connectivity between businesses is so important.

One approach for enhanced parking is to consider the combination of lots, rather than the use only of existing separate lots. For instance, the municipal parking lot on the south side of Second Street (mid-block between Willis Avenue and Main Street) could be developed in conjunction with a redevelopment of 85 Willis Avenue to create two stories of municipal parking with a private building above. The result is far better: covered municipal parking that is more inviting to the public since it is closer to street level and additional local growth and investment, be it residential, commercial or office. This approach would require cooperation and collaboration between private owners and Mineola, which collaborations have a long and great history in Mineola.

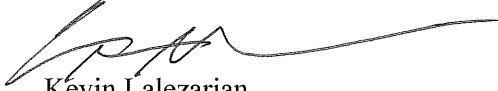
### Conclusion

We support the Project, provided proper vehicular, pedestrian and bicycle access is maintained. We hope that the MTA/LIRR will consider the suggestions outlined in this letter and reach out to us on a going forward basis so that we can share our local knowledge of the area and expertise in development. Although we have done our best to respond effectively to the Scoping Document, we do wish to highlight that greater detail regarding, among other things, the location of the new track, the methods used to construct the Project and contemplated permanent and temporary condemnations, is necessary before we may fully comment.

We have already seen that the MTA/LIRR wishes to work closely with the Village of Mineola and the property owners who would be impacted by the short, medium and long term effects of the Project. We are confident that the MTA/LIRR will remain committed in this approach and look forward to contributing

as best we can to the improvement of the transit system with an eye to enhancing the community of those the MTA/LIRR wishes to serve. Please do not hesitate to contact us at the address and phone number above to discuss or arrange a meeting.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kevin Lalezarian', with a long, sweeping horizontal line extending to the right.

Kevin Lalezarian  
Lalezarian Properties LLC

*L.J. Montreuil  
515 Premier Boulevard  
New Hyde Park, N.Y. 11040  
LMontreuil@optonline.net*

Edward M. Dumas, Vice President-Market  
Development & Public Affairs  
Long Island Rail Road Expansion Project  
MTA Long Island Rail Road, MC 1131  
Jamaica Station Building  
Jamaica, New York 11435

Subject: The Long Island Rail Road Expansion Project  
(Floral Park to Hicksville)

Dear Mr. Dumas:

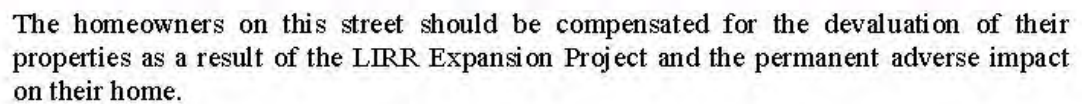
These comments are being submitted in response to the MTA/Long Island Rail Road's ("MTA") Expansion Project Draft SEQRA Scoping Document. These comments are intended to assist the MTA in considering the project and in preparing all necessary environmental documents so that both the MTA and the public may properly evaluate any proposal to the main line corridor.

It is respectfully suggested that the MTA give significant weight and attention to the comments which follow.

1. The MTA/LIRR along with Governor Cuomo has failed to provide the justification for the expenditure of \$1.5 B for the LIRR Expansion Project. A comprehensive and independent economic analysis should be performed to examine the cost and benefits of undertaking the LIRR Expansion Project, especially with regard to the Third Track between Floral Park and Hicksville, and the removal of at grade crossings with particular attention to the severe disruption to the character of the affected communities, such as New Hyde Park, and the loss of home values that will result from the plans that have been revealed thus far.
  - a. The economic analysis should consider the devaluation of property values that homeowners are likely to face resulting from construction and increased traffic flow through otherwise quiet suburban streets. New York State should compensate each property owner for the loss of value and wealth that is incurred as result of the adverse and permanent effects of the LIRR Expansion Project.

For example, the NYSDOT traffic analysis and forecasting model indicates that traffic will increase on Sixth Avenue in New Hyde Park from the current peak of 6 cars per hour to over 140 cars per hour during construction of the Covert Avenue grade crossing elimination. Traffic on this side street will remain at an unacceptably high level after construction, while South 12<sup>th</sup> Street and New Hyde Park Road crossings are eliminated. The residents on this street will continue to experience significantly higher levels of traffic after all construction is completed than when they had purchased their homes.

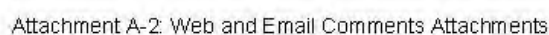




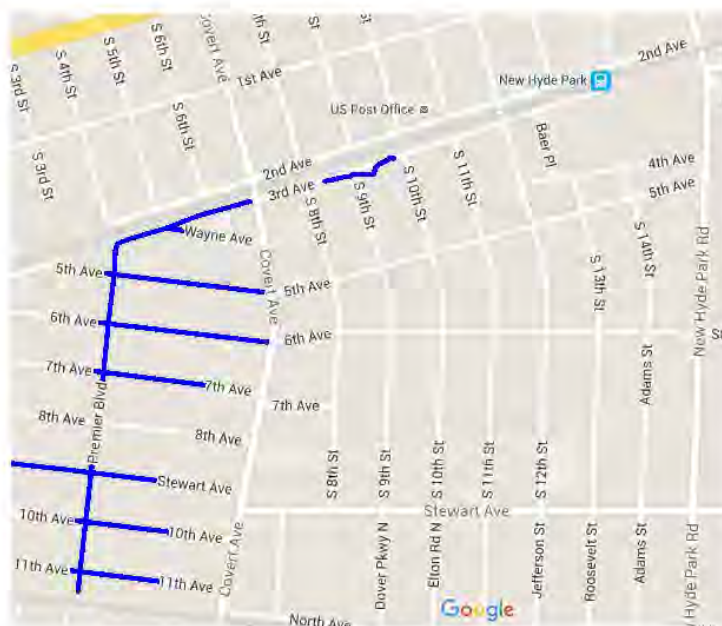
This condition however is not exclusive to the homeowners on 6<sup>th</sup> Avenue. The entire area of New Hyde Park south of the main line and north of the Hempstead line will be adversely affected by increased traffic though what was a quiet suburban neighborhood. In addition to destroying the character and tranquility of the community, homeowners will bear an unfair and unbalanced real economic impact in the devaluation of their homes.

This area is home to an ethnically diverse, middle class community whose most significant investment is tied up in the homes they live in. A reduction in the value of their homes represents a personal financial crisis that may well affect retirement plans and may in some cases result in a loss of home equity leading to foreclosure.

The Project in total places an unfair and disproportionate economic burden on this racially integrated community.



The change in traffic patterns resulting from the Project will also have similar adverse effects on Property values for homes west of Covert Avenue. Eliminating access to Third Avenue from Covert Avenue will negatively transform Premier Boulevard from a secluded back street to an essential clover leaf for traffic headed to the New Hyde Park LIRR station. Premier Boulevard is currently used for access to residents in the local development of dead end streets. Under the new plans, the street will become a bypass lane for Covert Avenue.

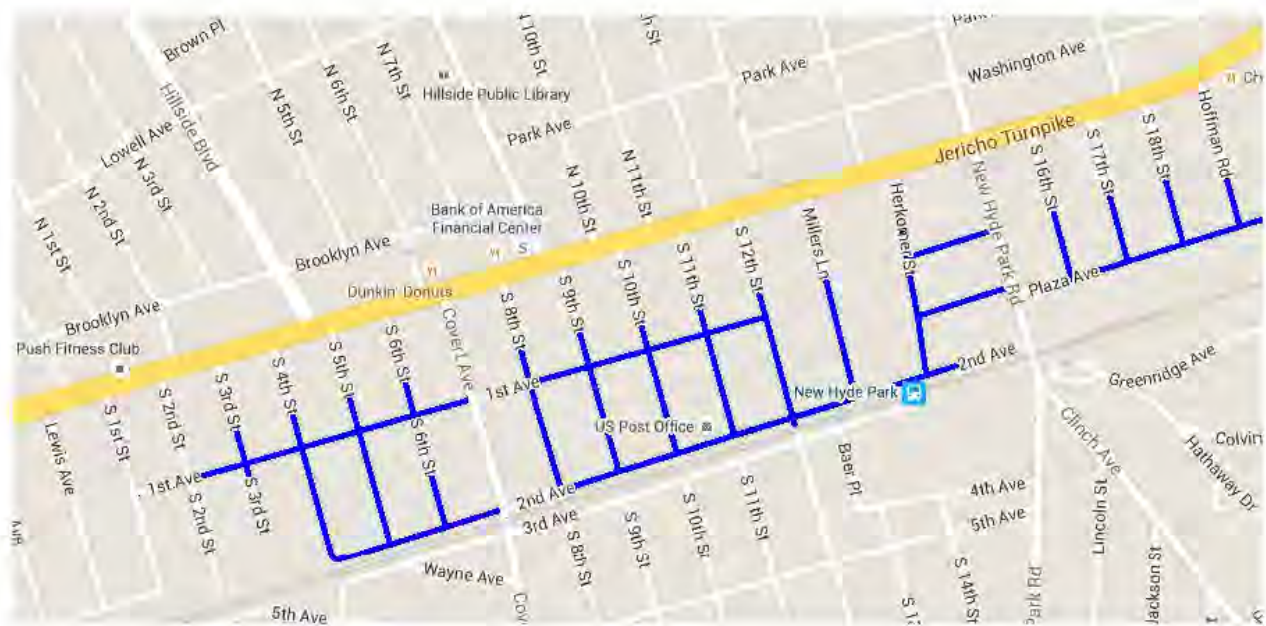


Homeowners should be compensated for the loss of value to their properties.

The overall traffic to the otherwise quiet residential streets will be increased further as local traffic will no longer be able to use the South 12<sup>th</sup> Street crossing. This will divert more traffic to Covert Avenue and New Hyde Park Road which will filter through the local residential area. More traffic yet, will be attracted to Covert Avenue and New Hyde Park Road from western Nassau County as drivers will no longer be impeded by gates at either of these crossings. This will add to the spillover on the residential streets.

First Avenue, north of the main line will also experience a sharp increase in traffic as vehicles navigate the residential streets to avoid delays at the junctures of Jericho turnpike at Covert Avenue and New Hyde Park Road.





The affect will be the same; the once quiet residential streets of New Hyde Park will be irreversibly impacted by more vehicles racing down these residential streets, in frantic attempts to shave even seconds off their commute or travel. This presents not only an economic disadvantage for which homeowners should be compensated, but also raises the risk to safety of the pedestrians in the area.

2. The MTA/LIRR has also failed to justify with any empirical data and mathematical forecasts how a third track will affect the overall on time reliability of the LIRR. The LIRR should examine all delays along the subject 9.8 miles of the main line that have occurred over the last 10 years. The LIRR should identify those delays that would have been avoided if a third track existed. The LIRR should then calculate the overall on time reliability performance for the LIRR system and compare that to the actual on time reliability performance. The incremental improvement, if any, will provide credible, objective information as to the degree the third track and the proposed methods for grade eliminations, will enhance on time reliability, compared with the cost and adverse impacts to the local communities. Compensation for devalued properties should also be factored into the cost side of the equation.


Further, the LIRR should consider the alternatives suggested by the President of the LIRR that will have a positive impact on the on time reliability performance of the LIRR. The relative adverse impacts and costs of these alternatives should be compared with their incremental advantage and those with the lower cost / adverse impact should be prioritized and implemented on a phased in approach. Elimination of the grade crossings in the disruptive manner that has been proposed and the addition of a third track should not be considered until each of the alternative initiatives has been analyzed and implemented.

- a. These initiatives include:
  - i. Construction of a new passenger train yard in Huntington for the westbound commute, thereby reducing the need to deadhead eastbound trains.
  - ii. Electrify the Port Jefferson branch;
  - iii. Complete the second track into Ronkonkoma;
  - iv. Grade crossing eliminations that do not adversely affect local communities. As previously stated, a partial elevation and partial depression would allow the roadways to remain active and would be less disruptive to traffic flow;
  - v. Correct the Jamaica Crawl by upgrading problematic switches;
  - vi. Complete East Side Access into Grand Central Terminal; and
  - vii. High speed signaling switches in conjunction with the LIRR system.

The blind determination to proceed with the LIRR Expansion Project as proposed in the seriously deficient Scoping Document represents a colossal misappropriation of public funds and places an extreme economic hardship on local homeowners without the necessary due diligence to explore mitigating measures that will be less costly, have less impact to individuals and that are likely to have a greater positive impact on the stated goal of the Project, is at least, a gross dereliction of duty by the MTA/ LIRR and the Governor.

Absent of an objective cost benefit analysis that includes the aforementioned factors, the leadership of the MTA/LIRR places the organization at risk of being used as a pawn for the political ambitions of elected officials and special interest groups that stand to profit by the enormous expenditure of public funds.

Sincerely,

A handwritten signature in cursive script, reading "Lawrence J. Montreuil".

Lawrence J. Montreuil





# INC. VILLAGE OF FLORAL PARK COMMENTS TO LIRR EXPANSION PROJECT SCOPING DOCUMENT

*Submitted on June 13, 2016*

The following document is respectfully submitted by the Mayor and Board of Trustees of the Inc Village of Floral Park outlining our community's concerns about the aforementioned project. The contents describe the concerns of the various departments that ensure that Floral Park provides the necessary services to its taxpayers

# INC. VILLAGE OF FLORAL PARK COMMENTS TO LIRR EXPANSION PROJECT SCOPING DOCUMENT

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**INTRODUCTORY LETTER FROM**  
**MAYOR THOMAS J. TWEEDY**

**MAYOR**  
THOMAS J. TWEEDY

**TRUSTEE**  
DOMINICK A. LONGOBARDI

**TRUSTEE**  
KEVIN M. FITZGERALD

**TRUSTEE**  
DR. LYNN POMBOYKO

**TRUSTEE**  
ARCHIE T. CHENG



*Incorporated Village of Floral Park*

ONE FLORAL BOULEVARD, P.O. BOX 27, FLORAL PARK, N.Y. 11002  
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VILLAGE HALL FAX 516-326-2734  
BUILDING DEPARTMENT FAX 516-326-2751 PUBLIC WORKS DEPARTMENT FAX 516-326-6466  
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**VILLAGE ADMINISTRATOR**  
GERARD M. BAMBRICK

**VILLAGE CLERK**  
SUSAN E. WALSH

**SUPERINTENDENT**  
**PUBLIC WORKS & BUILDINGS**  
STEPHEN L. SIWINSKI

**POLICE COMMISSIONER**  
STEPHEN G. McALLISTER

June 13, 2016

**BY EMAIL & FEDEX**

Mr. Edward Dumas  
Vice President – Market Development & Public Affairs  
Long Island Railroad Expansion Project  
MTA Long Island Railroad MC 1131  
Jamaica Station Building  
Jamaica, NY 11435

Dear Mr. Dumas:

Enclosed are comments from the Incorporated Village of Floral Park to the LIRR Expansion Project Scoping Document, dated May 5, 2016 (the "Scoping Document"). On the pages that follow, set forth are comments, questions and concerns raised by the Village's various Department Heads. These Department Heads are tasked with providing the day to day services and lifesaving protection to the approximately 16,000 residents of the Village of Floral Park. The questions and concerns raised by our Department Heads relate to how our Village will be able to continue to provide essential services to our residents both during and after this proposed mega-project.

Also enclosed are written copies of the statements previously submitted by our Village Board and Village officials at the Scoping Hearings held on May 24, 2016. We are submitting these written statements to ensure the LIRR has as complete a record of our concerns as we have been able to identify, under the circumstances. These statements and the statements of the Village Department Heads are designed to supplement and do not displace the comments previously submitted either at the scoping hearings or by online submission. Further, these



statements are designed to supplement the comments being submitted concurrently by counsel to the Village, Beveridge & Diamond, PC.

I am compelled to point out that the enclosed comments were prepared in extreme haste. This was necessitated due to the inadequate public review and comment period provided by the LIRR for this proposed mega-project. The mere 33 days provided by the LIRR to examine the Scoping Document does not provide for an opportunity of meaningful review and commenting as the LIRR is required to provide. This is further compounded by the startling lack of detail provided in the Scoping Document.

As our counsel suggest in their separate comments, we call upon the MTA/LIRR to prepare a new draft scoping document and provide for a new public review and comment period.

Sincerely,

/s/ Thomas J. Tweedy

Thomas J. Tweedy

Mayor, Inc. Village of Floral Park

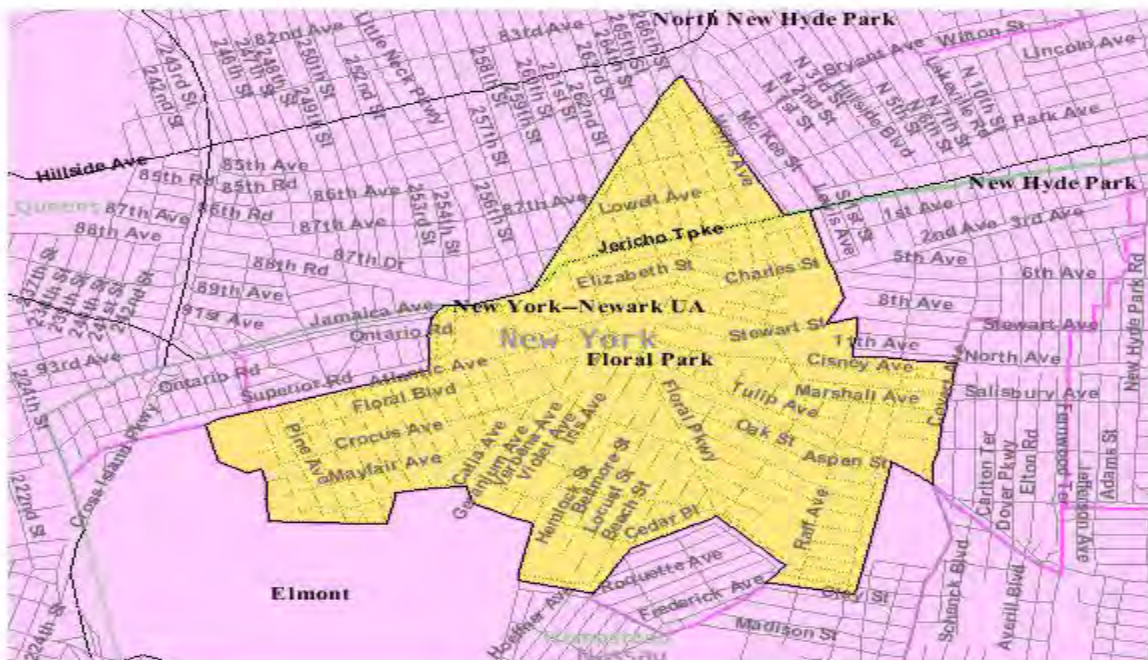
## VITAL STATISTICS

The Incorporated Village of Floral Park, located in the west-central section of Nassau County, just east of New York City, was incorporated in 1908. The Village covers an area of approximately 1.5 square miles and is basically a residential community. As of 2010 there were 15,863 residents.

The Village is a full service village which maintains a public library, a year round recreational center with a seasonal pool, a police department, a fire department and a public works department. There are three firehouses located in the Village. Water is provided by the Western Nassau Water Authority and gas and electric by National Grid and PSEG. Sewer facilities were installed in the 1950's in the Village by the County of Nassau.

The main portion of the Village is located in Hempstead Town with a smaller area located in North Hempstead Town. Floral Park-Bellerose Union Free School District provides elementary education. High School students attend Sewanhaka Central High School District.

There are ample shopping facilities located within the Village served by both the Floral Park Chamber of Commerce and the Covert Avenue Chamber of Commerce.





## **POLICE DEPARTMENT**

*As submitted by Police Commissioner Stephen G. McAllister*

In reviewing the materials provided by the LIRR and MTA outlining some of the proposed work or scope of this project, there exists some problems that would affect the Village of Floral Park from both a quality of life standpoint as well as a policing perspective.

The following is a list of some questions that need to be addressed during this Scoping Period:

- Grade crossing at Covert and S. 12<sup>th</sup> street – where will the traffic divert to since traveling northbound towards Jericho for a.m. peak will be impassable. If drivers divert to side streets or Tulip Avenue to get to Plainfield Avenue our already overburdened roadways will experience greater wear and tear. Increase of traffic will invariably lead to accidents and aided cases which will have to be addressed by FPPD patrol officers.
- The traffic that has been measured already on Plainfield Avenue is approximately 4500 vehicles traveling northbound towards Jericho and approximately the same traveling southbound (9000).
- Tulip Avenue has approximately 9000 vehicles traveling daily and intersects with Plainfield Avenue, leading to an already congested situation especially at peak travel times (0700 x 0900 & 1600 x 1800). Increased traffic on Plainfield Avenue could have a deleterious effect on response time of our patrol officers especially north of the railroad.
- Where would construction workers of this project park and stage their equipment to complete this project?
- What are the effects on railroad at Atlantic and South Tyson?
- Is Floral Park start of project or end?
- What effects on the present station at Floral Park?

Based on the above concerns, there are numerous intersection within Floral Park that will require a thorough traffic study, but are omitted from the intersections that are identified in the LIRR Scoping Document that will be include in a traffic study: These intersections are:

- Tulip Ave. & Plainfield Ave.
- Tulip Ave & Jericho Turnpike
- Covert Ave. & Tulip Ave.
- Carnation Ave. & Plainfield Ave.
- Stewart St. & Plainfield Ave.

- Terrace Ave. & Plainfield Ave.
- South Tyson Ave. & Atlantic Ave./Woodbine Court

It is difficult to comprehend the effects of this project without any detailed plans submitted by the MTA or LIRR but the above questions arise out the materials presented thus far.

## **FIRE DEPARTMENT**

*As submitted by Fire Chief John Florio*

The Floral Park Fire Department is sworn to protect and serve the residents of Floral Park. We also provide 24/7 mutual aid between our neighboring departments and ours. We achieve this goal through the dedicated hard work of volunteer residents who respond 24 hours a day, seven days a week from all directions in town.

This track project has been put out there with no detailed plans or specifics as to how the construction will go or what effect it will have. We are extremely concerned about the impact this project will have on our ability to respond to the fire house and get out in a reasonable, efficient time to do our job. This project will affect the heart of the village around the Floral Park station and lines east from there and will affect our ability to respond through main arteries in this village to reach areas we cover.

This great village has a large percentage of elderly and seasoned citizens who need our ambulance ready to go manned quickly in an emergency and able to respond and reach its destination in a very efficient manner. That, coupled with the need to respond to the hospital in a matter of minutes for certain emergencies, could be seriously inhibited on any given day depending on what the secret construction plan entails.

Our ability to respond can be further inhibited by the traffic jams and re-routed traffic flow during the construction. No plan has been set forth to determine what this could possibly do to our response other than create road blocks and problems and inhibit our ability to effectively respond to emergencies.

For years we have heard how the railroad station was at ground level many years ago. Our outlying firehouses came to be years ago because our apparatus responding to the north side from the main fire house was held up at railroad crossings leading to a house burning down. With a proposed plan to add a track crossing Plainfield Avenue and adding to the railroad station off Tulip Avenue, it



raises serious concerns about the closures this project will create and how our ability to effectively and efficiently perform our duty and protect our great village.

As for the construction itself, what materials and equipment will be brought into the village? Will there be hazardous and/or flammable materials in the village during this project? Will there be a storage site in town at the beginning area of the track exposing us to long term hazards that are just a spark away? We saw firsthand in NYC on the evening of May 16<sup>th</sup> where gas fell on a generator at a construction site under the elevated train on Broadway up town and caused a huge fire, which created a ripple effect in transportation for days and days. What are the plans for construction storage and staging areas?

This construction will require heavy equipment, drilling and disruption of the ground. Has there been any assessment of the infrastructure and the expected disruption? What will the effect be on existing gas and water lines and possible leaks and problems this may cause? Where will this equipment operate? Will roads be closed as a result? All of these issues effect our ability to respond in a timely, effective manner.

There are major plans to upgrade railroad crossings at Covert Avenue and New Hyde Park Road. These roads are main access roads to Stewart Avenue and Jericho Turnpike, our main route to Winthrop and LIJ Hospitals. What are the plans for closures of the routes and are they going to be done independent of each other? How do they propose to handle over-flow traffic from one closure that bounces down to the next intersection?

As you can see, there are many unanswered questions and serious concerns, only some of which are mentioned here, that will have an impact on the protection and well-being of the residents of Floral Park, our neighboring villages and our brothers and sisters protecting them around us. This project is not in our best interest.

## **DEPARTMENT OF PUBLIC WORKS**

*As submitted by **Superintendent of Public Works Stephen L. Siwinski***

The Scoping Document presents two scenarios pertaining to the proposed grade crossing elimination at Covert Avenue. My recommendation to minimize impact is Scenario 2. This Scenario would allow a majority of the northbound traffic to



continue north to Jericho. If Covert Avenue was closed and northbound traffic was to be eliminated this would impact our operations. Our main ingress and egress for Central operations is Stewart Street. The work for the elimination of the grade crossing at Covert Ave would route the northbound traffic onto Stewart Avenue using it as a cut thru and would impact the operations due to the congestion. Our main route out of the yard is east down Stewart to Plainfield. We would make a left or right onto Plainfield Avenue to provide the services to our residents. My other concern is our sanitation route to and from Covanta which leaves the village to Jericho and the return route is either Jericho or Hempstead Turnpike. Elimination of the north bound traffic would delay return.

Another concern which is mentioned but not detailed in the scoping document or the "Technical Statement of Work" is the construction phase which includes staging areas, the work along the track and right of way and the impact to the Village while the work is being done. The document does not address the execution on the work. Based on the "Technical Statement of Work" document one can assume that there will be significant work at the station in Floral Park. With the addition of a third track certain entities will be affected. Questions regarding the closure of commuter parking, additional road closings under the tracks in the center of town and the bridge at Plainfield need to be addressed. The scheduling of the work in the station area coupled with a potential of the grade elimination would have a congestion impact that must be seriously considered.

The failure of the Scoping Document to specifically identify staging areas for construction makes it very difficult to accurately assess impact. Currently the Village's DPW operates out of a Central Garage. They have two storage lots that are adjacent to the LIRR right of way. These lots are used for storage of equipment and supplies. One lot is on North Street and one on Mayflower. We are concerned that these areas may be selected as staging areas or will be impacted by staging areas situated in close proximity to these areas. Both lots are a vital part of the operations of Public Works. Storage space is a premium these are the only two yards that the Village has for DPW use. It is mentioned that staging areas will be determined. Both of the Village yards must be maintained and used solely by the Village.

Further, we are concerned that the Creedmoor Spur Parking Lot, just one block north of the Mainline tracks and the Floral Park Station, may be selected as a staging area. The Creedmoor Spur Parking Lot provides 256 parking spaces.

These parking spaces are heavily depended upon by the local merchants, teachers parking at the local elementary school for daytime parking and by residents of the various apartment complexes that either adjoin or are in close proximity to the Creedmoor Spur Parking Lot. Further, the revenues generated for the Village from the parking at the Creedmoor Spur is significant.

## **DEPARTMENT OF BUILDINGS**

*As submitted by **Superintendent of Buildings Stephen L. Siwinski***

The Floral Park Building Department is charged with the protection of the general health, wealth and safety of the public.

We are concerned about the storm water drainage effect in businesses and residences during and after construction. If the LIRR is proposing to build massive concrete structures (and replacing the current condition of tracks surrounded by grass and other vegetation) to accommodate the addition of the proposed Third Track within the existing LIRR Right of Way, this may increase the storm water run-off from the tracks to surrounding homes and businesses. What plans does the LIRR have to ensure that storm water run-off is contained on LIRR property both during and after construction?

We are also concerned about the possibility of the impact of a severe weather event (i.e. hurricane) during construction. The long term closure of access to our business district on Tulip Avenue due to the combination of the proposed construction from this Mega Project together with a severe weather event could result in the permanent closure and loss of certain businesses in our community. What emergency management plans have been prepared to address this possibility?

Further, what will be the impact to the building structures of the residences and businesses in close proximity to where this construction will take place? What studies has the LIRR conducted as to the effect that the vibrations from construction will have on surrounding structures and what is their plan to mitigate such effects?



## **PUBLIC LIBRARY**

***As submitted by Library Director Patricia Eren***

The LIRR Third Track Project and its potential impact on the Floral Park Public Library must be identified. Some of the major issues and concerns that need to be addressed are listed as follows:

In 2015, the Floral Park Public Library boasted 9,740 registered borrowers. The demographics of this number include all ages: adults, children, tweens, teens and senior citizens. In addition, visitors from neighboring communities avail themselves of library services resulting in approximately 140,000 visits to the library annually.

The library is located across from the Floral Park station and in very close proximity to where the proposed construction area begins. The Scoping Document fails to identify specific staging areas for the placement of materials and equipment, etc. The library is concerned that the existing parking area next to the library may be utilized as a staging area. Most of the available parking for the library is provided by the parking lot adjacent to the Floral Park station. If these current parking spaces for the library were to become inaccessible because this area were to be used as a staging area for construction, the impact on the library would be significant. Loss of parking and severely limited accessibility to the library during the LIRR Third Track project would have a devastating effect on the running of the library.

The library provides such vital community services as: job search assistance, computer/WiFi access, reading and study facilities, educational, social and community outreach services and programs, to name just a few. The loss of these services for an extended period of time would cripple the library's support of the residents of the Floral Park community, as well as residents of neighboring communities.

The anticipated upset to traffic patterns and street access could likewise endanger the welfare of the children, youth, elderly and handicapped visitors who frequent the Floral Park Library on a daily basis. Traffic congestion would raise legitimate concerns for the safety of these library patrons.

The noise of construction, increased train and freight traffic noise as well as the potential threat to the area's air quality levels will also result in safety concerns for patrons, especially those with already limited capabilities.

The Village of Floral Park prides itself on the beauty of its 1936 red brick library building topped with cupola. There is a major, justifiable concern that the necessary extended construction work required to install the third track would cause structural damage to the library as it abuts the railroad.



## **RECREATION CENTER AND POOL COMPLEX**

**As submitted by Recreation Superintendent Kurt Meyfohr**

As the Floral Park Recreation Center and Pool abut the LIRR right of way there are many concerns including the following:

- What are the plans to keep our facility safe from construction and damage?
- Slides for the pool are 11' away slide pool 15' away from the LIRR right of way
- Are background checks done on workers that will be near our facility?
- Will names of foreman/supervisors be provided when work next to our facility is being done along with contact numbers?
- Will the underpass (tunnel between North St. and Linden Ave) be closed off on and for how long?
- Where does their property line end? Current fence is about 3' from utility pole!
- Will new fences be put up on their property line and what type of fence would be used?
- Will there be any staging in or around our facility?
- Will any of the parking lots around our facility be used during construction?
- Will any chemicals be used in or around the facility?
- What testing has been done for chemicals and the pollutants in the LIRR Right of Way adjacent to the Floral Park Recreational Facility?
- Will MSD sheets be provided for any chemicals used?
- What traffic patterns will effect travel to the facility?
- What traffic studies have been done/or will be done relating to the impact of



- construction as it related to access to our facility?
- What time of the year will staging, construction, and clean-up it take place and for how long?
  - Will there be any disturbances to the playing fields, including grass & clay areas, irrigation, lighting, fences/backstops, bases plates, ground anchors?
  - Will there be a silt fence around the construction and will it run into our facility?
  - Will the storm water run-off from the LIRR Right of Way be contained to the LIRR property? What studies regarding storm water run-off have been conducted? What plans have been designed to contain the storm water run-off on the LIRR property?



**Thomas J. Tweedy**  
**Mayor, Inc. Village of Floral Park**  
**Statement Submitted at Public Scoping Hearing, May 24, 2016**

The speed with which the plans for seven grade crossings and 9.8 miles of new express track through some of the most densely populated and mature communities borders on the incomprehensible. The Governor asked the community leaders in Western Nassau County to listen to the State's representatives in developing this plan. We have listened and shared our concerns but our participation should not be inferred as consent. The only way this plan could move this quickly is because it is the same plan as that presented 10 years ago. If it is the same plan why is this not under the oversight of the Federal Transit Administration now? Scoping testimony and documents have already been provided 10 years ago. Why should those who testified 10 years ago be disenfranchised, why should they be ignored? We would accept that testimony as the State's scoping document is non responsive. Floral Park sat with the State's representatives three times yet none of our concerns are contained or addressed in this scoping document. Where is the track alignment, what is the right of way, what is the drainage plan, what parking will be lost due to building new superstructure to support new bridges, what operational benefits will be achieved or will we bear all the burden and derive none of the benefit? What impact will this plan have on our recreation center? When we began considering the development of our new Pool Complex in 2013 we looked at the MTA/LIRR's 5 year and 20 year Capital Programs, there were no budget proposals for any Mainline Capital Improvement. Without disclosing track alignment or the Means and Methods intended for the construction of this new track one can only assume the worst and despite due diligence by The Village and Cameron Engineering, our Architect, our Pools shells and our Village's investment are at risk.

At our adjacent Recreation Center: what is the visual impact as the train roars along on top of the retaining wall with baseball and hockey games right below, will there be walls to lessen the visual impact or address sound attenuation as trains roar beside our residents' homes and Recreation Center. We spent 18 months designing and mobilizing a new Pool Complex which was built in 9 months, opening on time and on budget – even through the brutal winter of 2014. This was possible due to good planning. To date there is little comparable planning, unless of course it is the same plan as 10 years ago. It is not our role to design your Track, it is yours to disclose. We did as the Governor requested, however we do not believe the justification for the Third Track has been achieved when compared to the incremental and less onerous LIRR proposals to address improvements and train movements along the Main Line, this combined with the lack of transparency and the segmentation strategy employed by the State's planning representatives is disturbing. Given the size and scope of this Megaproject we respectfully request an extension of the scoping comment period to 90 days, additional scoping hearings be convened in both Mineola and Floral Park, the disclosure of all plans and finally we request that the oversight of this project be returned to the FTA.

This is not a different plan and if it is show us.



***Kevin M Fitzgerald***

***Deputy Mayor, Inc. Village of Floral Park***

***Statement Submitted at Public Scoping Hearing, May 24, 2016***

Good morning, I am Kevin Fitzgerald Deputy Mayor of the Inc Village of Floral Park. Thank you for allowing me and our residents to comment on this potentially significant intrusion in our daily lives. Approximately a decade ago the same project was presented to us and, as is the style of the people of Floral Park, all documents were thoroughly reviewed to weigh the impacts and benefits. Unfortunately this time the Scoping Document is woefully short on particulars, especially those specific to Floral Park. There are no details or construction diagrams to visualize the impact or where specifically the additional track would start, what service changes would occur both during and after the proposed construction, what property easements are needed during the construction, the height of walls to be built, etc. In fact the document goes so far to state that “there would be no major station modifications at the Floral Park station as part of the propose project”. Therefore our residents do not have the requisite data to make informed commentary about this project. In fact since there is minimal information specific to Floral Park, some may think there is no or negligible impact to our Village. However based on a reading of the entire document we can see that a project of this size and scope will have a direct and meaningful impact on Floral Park

Separately the document has no discussions on the impact to the lives of the surrounding communities. Some of those concerns that will need to be described, studied and remediated are, but not limited to:

- The impact of construction vehicles, road closures, and increased traffic which will result in delays by our Police and Fire Department response times when seconds can mean the difference between life and death. Our emergency service teams respond to over 2,000 calls for service a year which our residents thankfully can rely on them being there when needed
- Impact to our Recreation Center and pool which abuts the right of way. This 13 acre facility is the center of our community from toddlers to senior citizens throughout the year. It should be noted that the 2015 to 2019 Capital Plan did not include a single line item for such an expansion and as such the Village in 2015 after reviewing the Capital Plan and other



related documents completed a \$6mm project to rebuild our community pool which was over 50 years old at the time

- What is the impact, whether it be noise, air quality especially for the infants and senior citizens, additional vehicle traffic, damage to property and to utilities caused by vibrations, to the residents and their homes especially those that live on surrounding blocks during a construction phase. Similarly, there is no discussion of the impacts of increased train and freight traffic if the additional track is completed

Additionally I would like to have entered into the record that the environmental impacts I previously mentioned have not meaningfully changed since the last time this project was brought forth, and I am therefore requesting that all comments both spoken and written made during the made public comment period in 2005 be reviewed and those questions and concerns also be answered as part of this project.

As time is limited during this meeting to set forth all my concerns, I will also be submitting, in writing, an extensive list of concerns that I have that I have not previously mentioned.

Lastly I would like to reiterate the seven points that the various Mayors of the communities along the mainline, including the Mayor of Floral Park have set forth as alternatives to addressing the potential need

- New Passenger Train Yard in Huntington to preset trains for westbound commute
- Electrify Port Jefferson Branch
- Completion 2nd track into Ronkonkoma
- Grade crossing elimination, in a contextually sensitive manner
- Correct the Jamaica Crawl along with upgrading problematic switches
- Compete East Side Access into Grand Central Terminal
- High speed signaling and switches in conjunction with passing sidings throughout the LIRR system

In closing, based on there being viable alternative and on the minimal information in the Scoping Document I have to express my opposition to this mega project as one would have to assume that this project will have a severe detrimental and lasting impact to the Village of Floral Park, its residents, businesses, and schools along with the way of life we have nurtured in our community for the last 108 years.

**Dominick A. Longobardi**  
**Trustee, Inc. Village of Floral Park**  
**Statement Submitted at Public Scoping Hearing, May 24, 2016**

Good Morning/Evening – My name is Dominick A. Longobardi and I currently serve as a Trustee on the Village Board of the Incorporated Village of Floral Park.

I want to take this opportunity to thank you for taking the time to listen to our concerns regarding Governor Cuomo's Plan to place a third track along the Mainline Corridor between our Village of Floral Park and Hicksville.

Let me say this at the outset. While I respect the Governor for his efforts and all of the other agencies and groups here promoting this project for the jobs they claim it will create, I, along with my fellow local officials and neighbors are asking that this particular project be put into context with other projects that will not only create jobs but will accomplish the similar streamlining effects for rail commuters as this project claims without creating those detrimental effects to the very livelihoods of those it purports to want to help, namely the residents and businesses along the mainline corridor. Also, allow me make this very clear, creating jobs is important to all of us. As a point of fact, these proposals and thoughts were outlined in a letter submitted by the mayors of local villages along the mainline to the Nassau County Village Officials Association, have been promoted by LIRR President Neil Nowakowski and shared with the Governor's staff. In addition, this letter was submitted to the record this morning by my colleague, Mayor Tom Tweedy of the Village of Floral Park, on behalf of those mayors and their respective communities. Upon your review of this letter, you will see that the proposed project is not necessary at this time and, in fact, should be a last resort for its purpose when all other options and plans have been completed.

All of this being said, I bring to your attention page 28 of the scoping document which states under the heading, "Cumulative and Secondary Impacts", "Cumulative impacts are those that result from a project in conjunction with other past, present and reasonably ***foreseeable future actions***... the DEIS will contain an assessment of the Proposed Project's cumulative and secondary impacts and benefits for all applicable resources." To illustrate the fact that other projects and ideas are on the table, I point you to the recent scoping hearings held on Long Island by the Federal Railroad Administration discussing future possible development in the North East Corridor. Based upon these



hearings, I think it is fair to say that Mr. Nowakowski, the MTA/LIRR and the Governor aren't the only ones thinking about rail expansion in the exact same area, let alone the exact same spot!! . On January 12<sup>th</sup> of this year, on behalf of the Village Board and the residents of the Village of Floral Park, fellow Trustee, Dr. Lynn Pombonyo, and I went and testified at similar scoping hearings being held to comment on the upcoming Draft Environmental Impact Statement for the North East Corridor Project. This NEC Project would provide for a rail line running up from Washington, D.C., across Long Island, and up into Boston. Of course the described is the short version. There are a lot more stops in between. One version of this plan would have the NEC line and the LIRR Third Track right next to each other where the Third Track purports to begin in Floral Park. It would then begin an ascent into a tunnel as it rides along the proposed Third Track and then follows the LIRR Hempstead Branch. While the Governor claims he is not taking any homes or businesses, someone here has to be taking something if these two projects are built because there just isn't enough room for both let alone each one individually. What I find amazing about this and the NEC scoping hearings is the lack of detail offered in each plan. In addition, the lack of detail is so evident that one should question how either plan could work given the brief description available for both and how either plan could never allow for the assessment of any impact of either project let alone the impacts of looking at them in the context of the other, and other plans offered.

There is an answer. As stated on page 28 and referenced above, it is the obligation of the MTA/LIRR to thoroughly investigate such plans as those like the NEC and other such work, be it the MTA/LIRR's work or not, that will impact the proposed Third Track. Therefore, as required by the specifications in the MTA/LIRR scoping document on page 28, I am requesting a full study of both the NEC and MTA/LIRR Third Track plans be done by the MTA/LIRR in light of the impacts the other plan might bestow on the surrounding communities. I am also requesting that a full assessment be done as to how the MTA/LIRR will mitigate any impacts that the NEC plan will cause should the MTA/LIRR move forward with its plans to build a Third Track. This should occur even if the NEC plan should come after the Third Track is built. I realize it is a lot of work, but it is, as part of the DEIS, the obligation of the MTA/LIRR to do so. I would also point out that the work may be made easier as the engineering teams for the NEC project and the Third Track project include the same firm of AECOM.

I thank you for taking the time to listen to these issues as they represent a very concerned community. If you need me to clarify any of my statements, please feel free to contact me and I look forward to your response. Thank you, again.

**Attachment 1. NEC FUTURE: A Rail Investment Plan for the  
Northeast Corridor Tier 1 Draft EIS Summary**



**Dr. Lynn Pombonyo**  
**Trustee, Inc. Village of Floral Park**  
**Statement Submitted at Public Scoping Hearing,**  
**May 24, 2016, A.M. Session**

I am here today to address concerns regarding the limited detail that is provided in the *LIRR Expansion Project, Draft SEQRA Scoping Document*, dated May 5, 2016. Specifically, I will be commenting on the sections titled *Contaminated Materials*, pages 18-19, and *Hazardous Materials*, page 27.

The two aforementioned passages in the scoping document provide a brief, general overview of the process that will presumably be described in the Draft Environmental Impact Statement (DEIS). The introduction to the *Contaminated Materials* section of the scoping document makes reference to the Study Area, also known as the Project Corridor, which includes “an approximately ¼-mile buffer along the right-of-way and ½-mile area around the station areas and grade crossings,” as described on page 12.

As a resident of Floral Park, Trustee of the Inc. Village of Floral Park, and the former Superintendent of the Floral Park-Bellerose School District, I want to address numerous concerns relating to the lack of specificity of the scoping document as it relates to soil and water contamination. In 2008, the MTA/LIRR released a lengthy, detailed document entitled *Site Assessment Remedial Action Work Plan/Floral Park Substation: Site No. V00389-1*. In the summer of 2008, approximately 760 cubic yards of contaminated soil were removed from eleven sites immediately surrounding the Floral Park substation and adjacent to the John Lewis Childs Elementary School field in the Floral Park-Bellerose School District. These eleven sites contained mercury at “concentrations above NYS Dept. of Environmental Conservation (DEC) recommended cleanup objectives.” The eleven areas requiring remediation called for removal of the contaminated soil at depths from one to six feet below ground surface. This single, limited, localized project was described in at least one 64-page work plan, had a two-year remediation timeline, 2007 through 2009, and contained numerous, complex measures to assure community, school and worker health and safety throughout the process. It is important to note that this substation and surrounding areas of prior mercury contamination are all well within the current Study

Area/Project Corridor, east of the Floral Park LIRR station, and along the planned third track corridor.

I am offering this example to convey the very serious concerns about the possibility of additional soil and/or water contamination and the presence of hazardous materials which would require a complex remediation plan that must be detailed in the DEIS. Therefore, the DEIS must address the following:

1. How will the soil along the 9.8 mile Study Area/Project Corridor be tested prior to the third track construction? Will the NYSDEC and/or other agencies review all testing results and will they be made available for independent review by the public?
2. If contaminants are found, how will the MTA/LIRR notify the public? What will be the level of NYSDEC and other agency oversight of all follow-up activities?
3. If remediation is necessary, will all work on the project that involves the movement of soil cease? What are the plans for security at the sites, dust suppression (i.e., imposing wind velocity limits on the removal of contaminants), and the transportation of hazardous materials out of the area? How will air quality be monitored during all remediation projects? What will be the plan for developing the remedial action documents? How will the MTA/LIRR make copies of all relevant documents readily available to the public?
4. During all potential remediation projects, what will be the level of NYSDEC and other agency monitoring? How will public notifications and updates be disseminated by the MTA/LIRR?
5. In the event that remediation projects take place, what assurances will be provided at the conclusion of the work that the contaminated sites are no longer hazardous? What will be the roles of the NYSDEC and other agencies in the testing and follow-up processes? How will public notifications of the testing results take place?
6. What is the plan for soil and water testing at various stages throughout the entire third track construction period, and along the entire 9.8 mile Study Area/Project Corridor?

Thank you for your consideration, study of and future responses to these concerns and questions.



**Dr. Lynn Pombonyo**  
**Trustee, Inc. Village of Floral Park**  
**Statement Submitted at Public Scoping Hearing,**  
**May 24, 2016, P..M. Session**

At this morning's public hearing in New Hyde Park, I offered comment about soil and water contamination. In 2008, Floral Park faced the very real problem of 760 cubic yards of soil that were contaminated by mercury at the LIRR substation on Plainfield Avenue; in the vicinity of the John Lewis Childs Elementary School field in the Floral Park-Bellerose School District; and along the path of the proposed third track project. The contaminated soil was removed as part of a highly complex two-year remediation project that was carefully planned and executed with NYSDEC and school district oversight. Given that this mercury contamination existed at at least six other railroad facilities, the potential is there for soil contamination in numerous places along the 9.8 mile proposed third track corridor. In this regard, the Draft Environmental Impact Statement (DEIS) must address numerous concerns relating to pre-testing of the soil before third track construction and grade crossing eliminations; remediation which, if necessary, is done with DEC and local oversight; and ongoing monitoring to insure that the communities, school children and staffs, and railroad workers are not exposed to hazardous materials in the soil or air. This dangerous possibility must be addressed along the entire 9.8 mile proposed third track corridor.

Tonight, I will address the limitations of the LIRR Expansion Project, Draft SEQRA Scoping Document, dated May 5, 2016, in providing adequate detail regarding other significant concerns:

- Use of the Floral Park recreation center, new swimming pool complex, and the John Lewis Childs Elementary School, field and playground – The scoping document doesn't even mention any of these important facilities, all of which about the proposed third track.

1. First, the DEIS must address staging areas for its construction teams and equipment. Will any of these large pieces of property which serve thousands of children, families and community members be used as staging areas at any time during the proposed construction? What about private and business properties, will they be designated as staging areas?

2. Second, as construction starts, there is the inevitable digging into the soil and placing it in large construction piles which, in Floral Park's case, will be directly alongside our school and village fields, and village swimming pools. I addressed the dangers of contamination this morning. However, in a best case scenario, even if the soil is free of hazardous materials, the DEIS must address breezy/windy conditions when the soil particles will become airborne and blow across areas while children are playing and community members are engaged in recreational activities. Furthermore, when driven by wind in the warm weather, airborne soil makes its way into open windows in homes, schools, businesses and any buildings which are not air conditioned. The DEIS must address the impact and mitigation of construction soil becoming airborne along the entire 9.8 mile length of this massive construction project.

3. Third, for those of us who have firsthand experience with prior MTA/LIRR construction projects, we know all too well of the problems of increased rodent infestation during major construction. The DEIS must provide assurances that the MTA/LIRR will prevent this serious health-related issue in the third track communities. Mitigation is not sufficient. Prevention is essential.

- Status of the LIRR station at Floral Park – Page 6 of the scoping document states, “No major station modifications would be made at Floral Park or Hicksville stations as part of the Proposed Project.” While the document goes on to state that plans are in place for platform reconstruction and new amenities, including a new elevator, at the Hicksville station, Floral Park is left to question what does “no major station modifications” include and not include? Will there be minor modifications? And since the Floral Park station is not handicapped accessible, the DEIS must also address ADA compliance. The only elevator is built for freight and is currently in disrepair.

It is our expectation that all of the public hearing comments and concerns will be given significant attention in the upcoming DEIS. Thank you.



**Archie T. Cheng**  
**Trustee, Inc. Village of Floral Park**  
**Statement Submitted at Public Scoping Hearing, May 24, 2016**

As a Trustee of the Village of Floral Park and the Chairperson of the Village's 3<sup>rd</sup> Track Committee, I am thankful for the opportunity to comment on the LIRR Expansion Project Draft SEQRA Scoping Document.

As a former Trustee of the Floral Park-Bellerose Union Free School District and Sewanhaka Central High School District, I was certainly caught off guard when Governor Cuomo resurrected the 3<sup>rd</sup> track project. A decade ago, Floral Park was caught in the crosshairs of the installation of a 3<sup>rd</sup> track from Queens Village to Hicksville. The last time, comments were made throughout the hearing process about 100 plus property takings, length of time of construction and its impact on our Village and School Districts, substantiated environmental concerns regarding contamination in the soil in and around the Railroad Right of Way, and temporary takings by the MTA/LIRR to enable the construction to take place.

The first page of the Scoping Document states "The LIRR Expansion Project represents a fresh approach to bringing the third track to fruition". It also states, as did Governor Cuomo, "that this project will set the standard for positive community engagement". I was thankful that I and colleagues from other Villages along the Main Line were invited to many meetings with representatives from the Governor's Office, the MTA, the LIRR and the NY State Department of Transportation. We were advised that our input was being sought so the Project Plan would address our concerns. I, for one, looked forward to advancing the concerns of the Village of Floral Park and its two School Districts. I also looked forward to seeing the Plan and how it addressed our concerns.

Discussions were had on numerous issues including the need for the 3<sup>rd</sup> track, where and how it would be constructed, impacts during construction, environmental concerns, impacts to our downtown area and Recreation Center, and safety issues. From day one I asked what I thought was the simplest of questions: Where is the LIRR's Right of Way? After all of our meetings and in reviewing the Scoping Document, that simple question has not been answered. In fact, at one of the meetings and after asking the question, I was admonished to not be so skeptical. While "community engagement" was sought, I do not believe at the present that it was "positive".

Nevertheless, I would like to limit my comments on the construction stage of the Project.

### **WHERE?**

On Page 12 of the Scoping Document, it is stated that “The Project Corridor comprises the railroad right-of-way, station areas, and grade crossings from Floral Park to Hicksville and **an approximately ¼ mile buffer along the right-of-way and ½ mile area around the station areas and grade crossings.**”(emphasis added)

First, and again, where is the Right of Way (ROW)? It has been stated that there will not be any residential takings and only limited commercial takings at or near the planned grade crossing elimination areas. Without knowing where the ROW is, it is impossible to comment on behalf of my constituents. Furthermore, while there may not be any permanent taking of residential property, does the Plan anticipate the need for temporary construction easements over residential property? I personally went back into the records of our Building Department to review the surveys drawn when the tracks in Floral Park were elevated. Those surveys showed the permanent ROW to be 66 feet wide. They also showed that the temporary working easements substantially widened the area in which the LIRR conducted construction. So much so that the fenced in area of the temporary ROW was within 4-5 feet of the back doors of the houses on Charles Street. Even though that encroachment of residents' property was temporary (how many years did it take to raise the tracks?), I would like to know if the homeowners impacted saw the taking as temporary. Yes, they knew when they bought their house that they would hear trains that were in close proximity to their property. But did they ever expect that the LIRR would want to widen their ROW again? Could they enjoy their backyard? Could they open their windows without dirt and who knows what else came into their house? Could they sleep or enjoy the interior of their homes? Finally, even if they had to, could they sell their home? Temporary maybe, but how long will this Project take and affect the ¼ mile area around the ROW and ½ mile area around the Floral Park Railroad Station?

### **WHEN?**

Our Recreation Center and new Pool Complex, two elementary schools, and numerous businesses abut the existing ROW. What will the impact be during and after construction?



As to our Pool, we are concerned that necessary construction to build a 3<sup>rd</sup> Track will affect the integrity of the pool walls and the “patio” area around the Pool. We have yet to hear when construction will take place. If construction takes place in the summer months, our residents’ ability to enjoy our Pool Complex and our Village’s ability to continue to pay for the new Pool will be drastically affected. If it takes place during the winter, spring and fall, our children’s organized and non-organized sports programs will be affected. Truth be told, our Recreation Complex is utilized year round so any construction impact will greatly diminish our resident’s way of life.

As to our schools, due to their close proximity to the ROW during construction, instruction of our children will no doubt be impacted. In the warm weather, will the District have to close windows to cancel out construction noise and stop dirt, dust and other potential contaminants from entering the buildings? At the present time, the School District’s bus parking lot and part of the playground at the John Lewis Childs School is owned by the MTA/LIRR. As a holdover sub-tenant of an expired lease the Village had with the MTA/LIRR, the School District occupies a portion of the old Creedmoor Spur. Prior to the announcement of the Project, the School District had plans to expand and repave the bus parking lot. Discussions regarding a long term lease were about to take place. Without the new lease, the School District would not be able to obtain State Aid for the bus parking lot project. After many discussions with the State and MTA/LIRR, we were informed that no action would take place on this issue until the MTA/LIRR decided if it needed the Creedmoor Spur for staging and/or parking for workers during construction. Our School District needs this Lease now!

In the same vein, the Village needs the parking lot in the old Creedmoor Spur not only for revenue, but also parking for the numerous owners at the Flowerview Apartment complex, employees at our largest office building, and employees of the School district. If the MTA/LIRR decides to use our largest parking lot, where will all of the cars go? There is not enough room now for the cars in our Village and certainly loss of parking spaces will put a strain on the people affected if the Village loses this lot.

Finally, when will the hours of construction be? If the Project will be completed as promised in an expedited manner, does that mean 24 hour, seven days a week construction? If not, how long will the Project and its construction take?

## HOW?

I am not an engineer and will let the experts discuss how a project of this magnitude is completed. I do not understand how new retaining walls will be built without impacting our Pool and Recreation Center. I do not understand how enlargement of the track area will be done without impacting homes and businesses. I certainly hope that the DEIS will address these issues and not merely state that this is a “design and build” project. We need to see the design before building commences. How else will we be able to address the issues facing our Village?

I would also like to know what is the plan for traffic? Page 6 of the Scoping Document states “No major modifications would be made at Floral Park or Hicksville stations as part of the Proposed Project.” Yet, during our meetings, we were told that the void between the tracks above South Tyson Avenue would have to be filled with new columns and track bed. I again do not understand how the work can be done without affecting our train station. If South Tyson Avenue is closed, how do school busses drop off and pick up students at JLCS? How does our Police and Fire Department respond not only to emergencies at John Lewis Childs School but the entire north side of our Village? The only alternative is to take a detour to Tulip and Plainfield Avenues and in so doing wasting valuable seconds.

I would like to understand how the NYS Department of Transportation plans to divert traffic during the elimination of grade crossings in New Hyde Park. We were informed that Covert Avenue would be first. The plan was to divert traffic north of the tracks westbound to Plainfield Avenue. As anyone in the Village knows, Plainfield Avenue is already over run with traffic and there is no chance Plainfield could accommodate additional traffic. South of the main line, traffic would have to travel to Tulip Avenue or, if more familiar with Floral Park, travel along Terrace, Stewart, Cisney, Beverly and Marshall. All side streets with only single family homes and all of them leading to access to our Recreation Center. To me, questions of safety certainly abound with the diversion of traffic during the approximately six months (as stated in the Scoping Document) it will take to eliminate the Covert Avenue grade crossings.

The above represents only a few of the numerous issues raised during the community involvement period that were not addressed in the Scoping Document. It is my hope that they will be answered in the DEIS and that we again will have sufficient time to review, engage experts, and express our comment before a final EIS is published.



**Gerard M. Bambrick**  
**Village Administrator, Inc. Village of Floral Park**  
**Statement Submitted at Public Scoping Hearing, May 24, 2016**

Good evening. Gerard Bambrick, 318 Carnation Avenue, Floral Park, NY. 11001. I am the Village Administrator for the Village of Floral Park. Also, I am a former Trustee of the Village and formerly I served as a member and Vice Chairman of the Nassau County Planning Commission.

I would like to address the alternatives that the MTA/LIRR has considered and will consider, as opposed to proceeding with the Third Track Proposal. At page 29 of the Scoping Document, you correctly state that SEQRA requires that the LIRR “describe and evaluate ‘the range of reasonable alternatives to the action that are feasible, considering the **objectives** and capabilities of the project sponsor.’”

Based on that statement in the SEQRA regulations and in the LIRR’s Scoping Document, before you can inquire into alternatives to be considered, first you must define what your objectives are. Here there seems to be some confusion on the part of the proponents of this Mega Project as to what the objectives of this Mega Project are. The Governor has informed the Mayors along the Third Track that the project has nothing to do with the reverse commute and nothing to do with increased freight. Yet many of the most vocal proponents of this plan say it will lead to a new era of reverse commuting.

So which is it? Is the Governor incorrect, and this project is, in fact, being undertaken for purposes of fostering a reverse commute? If so, what studies and analyses and data can you provide for the conclusion that there is a justification for this project based on the demand for a reverse commute?

If the Governor is correct, and this project has nothing to do with the reverse commute, and nothing to do with increasing freight capacity, as we have been told, then the only remaining rationale for this project would be to reduce service disruption and delays on the Mainline. That certainly is a worthwhile goal, but, as you acknowledge, SEQRA requires that you consider less disruptive alternatives as a means of obtaining that goal.

If that is the case, then we can address alternatives to be considered, and the questions become:

- (1) What other, less disruptive, alternatives has the LIRR considered to the Third Track Project to reduce service disruptions and delays on the Mainline?
- (2) What studies have been done and what professionals, such as engineers, have been retained to evaluate these alternatives?
- (3) Why do these alternatives fail to adequately address the service disruption and delays on the Mainline so that there is a need for this Third Track Mega Project?

Specifically, before the 3<sup>rd</sup> Track Plan was resurrected, LIRR President Nowakowski had set forth 7 very specific proposals to address service improvements along the Mainline . (President Nowakowski's 7 points are set forth in the Mainline Mayors' February 3<sup>rd</sup> letter, a copy of which is submitted with these comments. Also submitted is the follow up letter from the Mainline Mayors, dated May 16, 2016). In fact, at pages 4 and 5 of the Scoping Document, the LIRR states that the LIRR is "moving forward" with these 7 points of President Nowakowski's Plan.

If so, then:

What studies/analyses have you done to determine that implementation of these projects at pages 4 and 5 of the Scoping Document are insufficient to address the service disruption and delays along the Mainline?

Why is it not advisable or feasible to implement these already identified projects by President Nowakowski **first**, and **then** evaluate their effect on service disruption and delays along the Mainline **before** subjecting residents and businesses along the 9.8 mile stretch of this Third Track Mega Project to the years of disruption to their lives and businesses that the Third Track Project will necessarily entail?

Also, the introductory film at the beginning of this Scoping Hearing acknowledges that grade crossing eliminations would have a positive effect on service disruptions and delays along the Mainline in and of themselves and separate and apart from the balance of the Third Track Project. Why is it not advisable or feasible to complete the grade crossing eliminations as a separate



project first and then evaluate need of the Third Track Project before the LIRR subjects the residents along the Mainline to years of disruption?

Finally, I want to address the “No Action Alternative” that you state will be considered at page 29 of the Scoping Document. The Scoping Document states that the “No Action Alternative” “serves as the baseline condition against which” the potential benefits and impacts of the Third Track Project will be evaluated.

The No Action Alternative should include as its baseline an analysis of the positive impact that will result from implementation of President Nowakowski’s 7 Point Plan (which are essentially those projects set forth at pages 4 and 5 of the Scoping Document). In other words, the No Action Alternative should be measure the positive impact, if any, of the Third Track Project over and above the positive impacts that can be achieved from implementation of President Nowakowski’s 7 Point Plan. The No Action Alternative cannot, and should not be, a comparison of the services provided now, before implementation of President Nowakowski’s Plan, and then subsume the benefits resulting from Nowakowski’s Plan into an analysis what can be achieved if you proceed with the Third Track Project. That would unduly inflate the analysis of what can be achieved if you proceed with the Third Track Project.

**Attachment 2: May 16, 2016 letter from 8 Mainline Mayors to Nassau County Village Officials Assn. (NCVOA)**

.....  
**Attachment 3: February 3, 2016 letter from 8 Mainline Mayors to NCVOA .....**



**Susan E. Walsh**  
**Clerk, Inc. Village of Floral Park**  
**Statement Submitted at Public Scoping Hearing, May 24, 2016**

As Village Clerk of the Incorporated Village of Floral Park, please accept the following as my statement to be placed on the record at the scoping hearing regarding the LIRR Third Track Expansion Project:

**FACTS:**

- Village of Floral Park is 108 years old;
- 1.5 square miles small;
- Population of approximately 16,000;
- Floral Park is one of the five full service Villages in Nassau County;

**What does that mean – Floral Park provides the following services to its taxpayers:**

**Library** – buffers the LIRR,

**Recreation Building** - buffers the LIRR & home to over 50 community organizations;

**3 Firehouses** – including an ambulance vehicle, hook & ladder truck & 3 fire trucks;

**Pool Facility** -buffers the LIRR & home to swim meets, swim lessons & recreational sport activities;

**Police Department** – 35 man police department with approximately 10 police vehicles and is located ½ block away from the mainline;

**Public Works Building** – includes sanitation trucks; parks equipment, auto mechanic repair garage; road construction equipment; recycling services – all services provided five days a week;

**Re-fueling (Gas) Station** – provide gasoline to school buses, all emergency vehicles in Floral Park and neighboring villages;

**Village Hall** – ½ block away from the railroad & employs approximately 50 employees;

Additionally:

**Two (2) Elementary Schools** both buffer the LIRR & require bus transportation;

**2 High Schools** – one located on Covert & Tulip Avenues;

**3 Business Districts** - two of three districts buffer the LIRR;

**10 Houses of Worship;**

**Parking Permits:** the Village issues approximately 300 parking permits for commuter/under the railroad parking; approximately 1000 permits for both residential & and commuter permits are issued at the Creedmoor Spur.

This is a brief snapshot of Floral Park and would like Governor Cuomo to understand Floral Park's complex demographics before decisions are made. Therefore, by way of this statement, I would like to take this opportunity to cordially invite Governor Cuomo visit Floral Park and the Village Administration would be happy to provide an up close and personal tour of our Village so that he may visualize the impact this project would have on the day to day operations of our community.

Please don't hesitate to contact me at (516) 326-6300.

# Town of North Hempstead

*Supervisor*  
Judi Bosworth

*Town Board*  
Viviana L. Russell  
Peter Zuckerman  
Angelo P. Ferrara  
Anna M. Kaplan  
Lee R. Seeman  
Dina M. DeGiorgio



## Department of Planning & Environmental Protection

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*Town Clerk*  
Wayne H. Wink, Jr.

*Receiver of Taxes*  
Charles Berman

*Commissioner*  
Michael A. Levine, AICP

June 13, 2016

Elisa C. Picca, Executive Vice President  
Long Island Rail Road  
Jamaica Station  
Jamaica NY 11435-4380

RE: Main Line Expansion  
SEQRA Scoping Document

Dear Ms. Picca:

The Town of North Hempstead has reviewed the Draft SEQRA Scoping Document (May 5, 2016), prepared by the Long Island Rail Road ("LIRR") as Lead Agency for the LIRR Main Line Expansion Project from Floral Park to Hicksville (the "Proposed Project"). For the public record as part of the mandatory comment period on the Scoping Document, the Town respectfully submits its concerns with respect to the Proposed Project.

The Town's comments relate predominantly to the two grade crossings within its jurisdiction proposed to become grade separations (School Street and Urban Avenue), the potential negative short-term construction ramifications (including changes to the Westbury LIRR train station), and longer-term impacts on some nearby residents, businesses, current land uses, quality-of-life issues, and transportation patterns. Following construction, the Town also has concerns related to potential new public land uses, and in general—depending upon the scenario that may become the Preferred Alternative—the ongoing maintenance and upkeep of these public land uses in perpetuity. Comments related to the two crossings (no action and build scenarios), and station improvements, are provided first followed by general concerns related to the overall Proposed Project.

## **SCHOOL STREET CROSSING**

### *EXISTING CONDITIONS*

Vehicular traffic congestion and unsafe pedestrian and bicycle crossing conditions at the existing School Street crossing have currently reached unacceptable levels during LIRR AM and PM peak periods along the Main Line. The proximity of the Dryden Street School to this crossing point is a continued concern for the Town because of the Town's desire that residents living north of the Main Line corridor (both pedestrian and vehicular) have safe, unfettered access throughout the school year.

The Town considers all gainfully operative commercial establishments vital to the economic sustainability of Westbury/New Cassel. The presence of these businesses and their continued retention (including, but not limited to what they consider to be unhindered access) are ongoing priorities for the Town, since all businesses contribute to a strong local economy.

### *NO BUILD (WITH THIRD TRACK)*

The construction of the LIRR Third Track will exacerbate existing adverse traffic congestion conditions at the School Street grade crossing due to the increasing volume of train traffic in the Main Line Corridor. Pedestrian and bicycle safety will undoubtedly decrease further due to the activation of an additional set of tracks at the crossing (even though the crossing distance will not increase, since the [inactive] third set of tracks already exists).

Any decreases in level of service for even longer periods of time will not only create unacceptable wait times even longer than currently exist at the School Street crossing point, but may also create potential choke points at intersections on either end of the Post Avenue and Grand Boulevard (grade-separated) crossings. The Town is concerned that any further deterioration in level of service may have negative impacts on businesses because regular deliveries, shipping, customer parking and/or access may be substantially and permanently disrupted.

As such, the Town requests that traffic and transportation modeling includes analysis that depicts the effects of the Third Track on vehicle, pedestrian and bicycle patterns—including eventual train schedules associated with the fully-operational East Side Access project and Moynihan Station.

### *GRADE SEPARATED SCHOOL STREET UNDERPASS (PREFERRED ALTERNATIVE)*

The scenarios in the Draft Scoping Document depict a grade separation that raises the LIRR Main Line (including Third Track) and lowers two-way School Street through a new underpass.



These scenarios present an opportunity toward addressing current and future congestion and safety problems. The Town submits that in its development and refinement, the Preferred Alternative includes the following:

- An ADA-compliant sidewalk with significant width (minimum 5'0") to accommodate pedestrian and bicycles through the underpass corridor.
- Safety provisions (such as rails and lighting) through the underpass corridor to protect pedestrians and cyclists from vehicle traffic. As a conduit to/from Dryden Street School, safety is paramount.
- A driveway reconstruction and service road installation for access to 150 School Street (commercial).
- A traffic signal at Railroad Avenue and School Street due to altered sight lines, particularly affecting pedestrian/cyclist safety when exiting the tunnel and approaching Dryden Street.
- A driveway reconstruction at 118 School Street (residential).
- Maintenance of access for 461 Railroad Avenue (commercial) to its parking field abutting the LIRR right-of-way and School Street, as well as continued loading dock access.
- Relocated site access point for 172 School Street either to further north along School Street (grades permitting) or to Union Avenue.
- Reconfigured parking lot access for 173 School Street either via access from Grant Street (new driveway across a portion of 167 School Street) or incorporating a new grading scheme to retain ingress/egress from School Street.

#### *OTHER ALTERNATIVES*

The Town considers neither School Street closure, nor permanent one-way vehicular routing at this crossing point viable alternatives because all existing crossings in Westbury/New Cassel are critical and necessary. Given customary vehicle, pedestrian and bicycle patterns, the Town supposes that permanent closure or one-way routing will cause unmitigated congestion and unacceptable levels of service at other existing grade separations along Post Avenue in Westbury and Grand Boulevard in New Cassel.

The possibility of a grade-separated two-way overpass at School Street would result in either the removal of loading dock and vehicle access (creating undue hardship) for businesses along the north side of Railroad Avenue due to slope adjustments to maintain an intersection with School Street, or the unacceptable closure of Railroad Avenue altogether. Additionally, poor aesthetic quality-of-life conditions for all property owners near School Street would be created with unsightly overpass retaining walls.

As such, the other alternatives described in the Scoping document are not acceptable to the Town, do not adequately address the Town's concerns, and do not warrant further analysis.

## **URBAN AVENUE CROSSING**

### *EXISTING CONDITIONS*

Similar to the School Street crossing, vehicular traffic congestion and unsafe pedestrian and bicycle crossing conditions at the Urban Avenue crossing have reached unacceptable levels during LIRR AM and PM peak periods along the Main Line. The crossing is a concern for the Town because it provides a connection point for workers who live in the residential community of New Cassel on the north side of the Main Line to a vibrant employment market in the industrial park on the south side of the Main Line. This presents ongoing safety issues for workers who walk or bicycle to work through the Urban Avenue crossing, as well as congestion concerns for residents who drive this shorter route to Old Country Road.

Urban Avenue was never designed or intended to provide heavy truck access for servicing businesses in the industrial park or as a conduit to/from Jericho Turnpike via the residential community. Grand Boulevard has been (and remains) the primary arterial for truck traffic. Future considerations place priority on pedestrian and bicycle safety at Urban Avenue, as well as convenience and ease-of-access for residents of the New Cassel neighborhood.

The Town considers all successfully functioning industrial and commercial businesses in the New Cassel Industrial Area important to the economic well-being of Westbury/New Cassel. As with establishments near School Street, the Town regards these businesses and their retention (including, but not limited to what they consider to be unhindered access) as vital contributors to the Town's strong local economy.

In 2015, The Town received New York State Brownfield Opportunity Area (NYS BOA) designation for both the residential and industrial areas of New Cassel:

([http://www.northhempsteadny.gov/filestorage/16281/17115/17134/17136/FinalStep2BOA\\_March2013.pdf](http://www.northhempsteadny.gov/filestorage/16281/17115/17134/17136/FinalStep2BOA_March2013.pdf))

The Town has committed millions of dollars in public investment to revitalization initiatives from traffic calming and streetscaping changes in the heart of the residential community, to the creation of hundreds of new units of affordable and market rate housing, to the construction of a new USGBC LEED-certified Platinum community center, to creation of new public greenspaces and parking improvements. To this end, the Town continues to seek funding opportunities to foster business development, arts and cultural programming, and quality-of-life enhancements to this predominantly low-income, minority neighborhood.

Modifications to Urban Avenue (and the Main Line grade crossing) as a neighborhood priority are embedded in planning documents and congruent with the updated community vision plan. These were adopted by the Town in 2012 and recognized by NYS Department of State and Department of Environmental Conservation in 2015.

Storm water drainage and surface flooding continue to be a significant, recurring problem in the area around the Urban Avenue/LIRR grade crossing, as well as nearby streets, businesses, residences, and recreational uses during heavy rainfall events. The problem is costly to affected properties, and the Town has actively been pursuing grant funding under the auspices of the NYS Consolidated Funding Application process to find solutions to the flooding problems.

There are ongoing water *quality* concerns as well, as infiltration relates to groundwater protection and the underlying Magothy Aquifer—a critical source of drinking water for Long Island. The U.S. Environmental Protection Agency designated the New Cassel/Hicksville Superfund site in 2011 and began chemical oxidation and vapor stripping treatment after volatile organic compounds were discovered in 11 water supply wells throughout the area. The Town has looked to Federal and State agencies for support to find solutions for siting new recharge basins (and appropriate appurtenant drainage infrastructure) in this area to resolve ongoing water quality and quantity issues, but to date, substantial problems remain.

#### *NO BUILD (WITH THIRD TRACK)*

The construction of the LIRR Third Track will exacerbate adverse traffic congestion conditions at the Urban Avenue grade crossing due to the increasing volume of train traffic in the Main Line Corridor. Pedestrian and bicycle safety will undoubtedly decrease due to the construction of an additional set of tracks at this location, thereby increasing the crossing distance to three sets of active rail lines.

Any decreases in level of service for even longer periods of time will not only create unacceptable wait times at the Urban Avenue crossing point, but may also substantially increase congestion on the Grand Boulevard (grade-separated) crossing. The Town is concerned that any further deterioration in level of service may have negative impacts on businesses in the New Cassel Industrial Area because deliveries, shipping, customer parking and/or access may be substantially disrupted.

As such, the Town requests that traffic and transportation modeling includes analysis that depicts the effects of the Third Track on vehicle, pedestrian and bicycle patterns—including eventual train schedules associated with the fully-operational East Side Access project and Moynihan Station.



Surface flooding near the Urban Avenue/LIRR grade crossing, on adjacent properties, and likely at times within the rail corridor may continue during excessive rainfall storm events.

*GRADE SEPARATED URBAN AVENUE UNDERPASS (PREFERRED ALTERNATIVE)*

The scenarios in the Draft Scoping Document show a grade separation that raises the LIRR Main Line (including Third Track) and lowers two-way Urban Avenue through a new underpass. These scenarios present an opportunity toward addressing current and future congestion and safety problems between the New Cassel Industrial Area and adjacent residential area immediately to the north. The Town submits that in its development and refinement, the Preferred Alternative includes the following:

- An ADA-compliant sidewalk with significant width (minimum 8'0") to accommodate pedestrian and bicycles through the underpass corridor.
- Safety provisions (such as rails, lighting, etc.) through the underpass corridor to protect pedestrians and cyclists from vehicle traffic.
- Appropriate grade modifications to Railroad Avenue to allow it to remain open with Urban Avenue passing underneath.
- The relocation of the driveway at 146 Urban Avenue (residential).
- A connection between the southeast corner entrance area of Bunky Reid Park (municipal) and the underpass sidewalk.
- Appropriate access for any affected businesses along Urban Avenue in the New Cassel Industrial Area.
- Site clean-up and hazmat remediation of 109 Urban Avenue and 117 Urban Avenue (Section 11, Block 174, Lots 59-66), known to have a spills record that may require particular contamination measures.
- The creation of a much-needed stormwater recharge basin field beneath 109 Urban Avenue and 117 Urban Avenue (Section 11, Block 174, Lots 59-66), to accommodate the drainage need at the newly-constructed Urban Avenue underpass and in this area of the New Cassel neighborhood that is susceptible to flooding during heavy rainfall events.
- Construction of a new trunk main beneath the underpass to connect any stormwater laterals/leads on the north side of the LIRR Main Line that will alleviate flooding conditions. Surface slopes and elevations should be evaluated in the EIS so that appropriate sizing and installation of a new drainage main as part of the grade-separation construction occurs as part of the Proposed Project. The Town considers the drainage issue imperative to the overall project.
- Decking over the new stormwater field to create new and needed open park space with durable plantings, lighting and park furniture. Stair and/or ramp access to/from the underpass sidewalk (not currently shown in either of the Urban Avenue scenarios) will ensure safe ingress/egress to the park.

### *OTHER ALTERNATIVES*

The Town considers neither Urban Avenue closure, nor permanent one-way vehicular routing at this crossing point viable alternatives because there are only four existing two-way crossings in Westbury/New Cassel and each is critical and necessary. Similar to the situation at School Street, the Town supposes that permanent closure or one-way routing will cause unmitigated congestion and unacceptable levels of service at other existing grade separations particularly along Grand Boulevard in New Cassel.

A grade-separated two-way overpass at Urban Avenue would create grades on either side of the Main Line corridor that would result in either the unacceptable closure of Railroad Avenue completely, and creation of unsightly and impractical overpass retaining walls that would adversely affect residential and commercial property owners on both north and south sides of the LIRR.

As such, the other alternatives described are not acceptable to the Town, do not adequately address the Town's concerns, and do not warrant further analysis.

### **WESTBURY LIRR STATION IMPROVEMENTS**

The Town is aware that as construction of the Third Track begins through the Main Line corridor railroad commuter patterns and schedules may be modified as changes are implemented. With the creation of the track, platform modifications may disrupt vehicular and pedestrian/bicycle traffic along Union Avenue, Railroad Avenue and/or Post Avenue, even if only for the designated construction periods. The Town requests that all maintenance and protection of traffic (MPT) plans, as well as significant disruptions to commuter service as proposed in the planning phase and implemented (and/or modified) in the construction phase be furnished to the Town for review and comment, or purely for informational purposes. This will assist residents and visitors to the Town to minimize disruption and inconvenience to their routines and schedules.

### **GENERAL CONSIDERATIONS**

The Town has noted in preliminary proposed alternatives that certain businesses near proposed grade separations may be adversely impacted by permanent changes to access, roadway modifications, and/or takings as a result of the Proposed Project. The Town emphasizes that **any changes to business access or relocations** of affected businesses be undertaken in concert with these owners, and that where takings are deemed necessary, affected businesses be relocated to locations acceptable to ownership—preferably to new locations within the Town, and particularly within Westbury/New Cassel wherever possible. Access considerations are already

noted previously in these comments for the development of an acceptable Preferred Alternative for Environmental Impact Analysis (EIS) pursuant to SEQRA.

The Town reiterates concerns regarding the **development and implementation of construction schedules**, particularly with the complexities of using a design-build (D/B) project delivery technique for implementation. Westbury/New Cassel schools—particularly the Dryden Street School—must not be adversely impacted by noise, undue traffic pattern disruptions, or safety issues during any potential modifications to the School Street crossing. Construction *must be sequenced* so that any potential grade separations (should they be deemed feasible by EIS) not occur simultaneously so as to ensure that congestion impacts on Post Avenue and Grand Boulevard do not fail acceptable level of service thresholds—even if only temporarily. MPT plans must be provided to the Town as a courtesy. Additionally, widespread public noticing of schedule and platform changes at Westbury LIRR Station during potential Third Track construction *must be undertaken with ample advance disclosure*, which must include ongoing and transparent communication with the Town during any and all stages of planning and construction.

Where new public spaces are created as a result of the Proposed Project, it is imperative that the Town be consulted in the design phase and prior to final configuration decisions. Execution of interagency maintenance agreements may be needed, dedication of new open space may occur, and some eventual transfers of ownership to the Town may be deemed most practical in certain situations. Ease of **maintenance and upkeep of all public spaces over the long term**—new or existing; roadways or parcels—remain a high priority for the Town. Annual maintenance costs (if any) should be accounted for, and included within any EIS analysis.

Finally, in what will be presented as the Preferred Alternative, the Town expects that all concerns and recommendations (as noted above) will be incorporated into the analysis and design to ensure the welfare and quality-of-life considerations of the residents and businesses of Westbury/New Cassel, so as to realize a successful and meaningful project for North Hempstead, Long Island, and the LIRR/MTA.

## SUMMARY

The LIRR provides necessary regional rail service to Town residents and visitors to/from New York City and points east that is an important economic development factor to the Town's well-being, as well as the Long Island economy. As demands on infrastructure increase, the Town acknowledges the need for thoughtful, well-developed alternatives to alleviate congestion and maintain balanced economic growth.

The Town appreciates the opportunity to provide input during the scoping phase of this project, and expects to be kept informed of the project schedule, any preliminary site activities to be

performed in the study area prior to established project approvals, analysis of the alternatives to be considered with associated environmental, social and economic impacts, and adherence to SEQRA-mandated deadlines. The Town will provide comments, where necessary, on the DEIS. As preliminary plans, specifications and estimates are generated in their relevant stages, the Town respectfully requests to be included in the review, particularly where Town residents and businesses may be directly impacted by the Proposed Alternative.

Please continue to share information in a timely fashion with the Town's Department of Planning as the project moves forward.

Sincerely,

Michael A. Levine, AICP  
Commissioner of Planning

cc: Hon. Judi Bosworth, Supervisor  
Elizabeth Botwin, Town Attorney

Michael G. Murphy  
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477 Madison Avenue  
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Direct: (212) 702-5436  
Fax: (212) 702-5450

June 13, 2016

**Via FedEx and Email (info@amodernli.com)**

Edward M. Dumas, Vice President  
Market Development & Public Affairs  
Long Island Rail Road Expansion Project  
MTA Long Island Rail Road, MC 1131  
Jamaica Station Building  
Jamaica, NY 11435

Re: **Long Island Rail Road Expansion Project: Floral Park to Hicksville -  
Comments of the Villages of Floral Park and Garden City on the Draft  
SEQRA Scoping Document**

Dear Mr. Dumas:

This firm has been retained by the Incorporated Village of Floral Park ("Floral Park") and the Incorporated Village of Garden City ("Garden City") (collectively, "Villages") to represent them in relation to the proposed Long Island Rail Road Expansion Project – Floral Park to Hicksville ("Project"). The proposed Project, which has an estimated cost of \$1.5 billion, is subject to review under the State Environmental Quality Review Act ("SEQRA"). The Metropolitan Transit Authority ("MTA")/Long Island Rail Road ("LIRR") issued a Draft SEQRA Scoping Document for the proposed Project on or about May 5, 2016, and provided only until June 13, 2016 for public review and comment. These preliminary comments to the draft scope are being submitted on behalf of the Villages, and supplement and do not displace comments separately provided by Village officials.

The Villages have serious questions and concerns regarding the need for, and physical scope of, the Project, and adamantly object to the manner in which the MTA/LIRR has undertaken the SEQRA process thus far. These questions, concerns and objections are set forth below.

Page 1 of the Draft Scoping Document states that the new proposal "represents a fresh approach to bringing the third track to fruition" and reiterates Governor Cuomo's commitment that "this project will set the standard for **positive community engagement**." (emphasis added). MTA/LIRR is off to a poor start with the Draft Scoping Document.



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As set forth below, MTA/LIRR has failed to provide adequate opportunity for public review and comment on the Draft Scoping Document. For a project of this size and complexity, SEQRA recognizes that its minimum comment timelines should be expanded. Without public informational sessions and expanded opportunities for public review and comment, the scoping process for this Project is rendered deficient. In addition, the draft scope inadequately describes the actual Project in key areas, inadequately describes the analyses to be undertaken, and omits critical factual information.

These shortcomings strongly suggest that the Draft Environmental Impact Statement ("DEIS") will not incorporate the proper baseline conditions, will not adequately analyze impacts, will not identify and explore alternatives, and will not identify appropriate and achievable measures to avoid, minimize, or mitigate impacts. Further, as we explain below, the lack of detail in the draft scope raises the very serious specter that MTA/LIRR will engage in improper segmentation by artificially limiting the scope of the environmental review.

The inadequate public review and comment period and draft scoping have all the hallmarks of a project being rushed through the process instead of undergoing appropriate review. These concerns are heightened where, as here, the project sponsor is also the Lead Agency. The MTA/LIRR should promptly correct course regarding the Project's environmental review, and demonstrate its respect for the affected communities' right to thoroughly understand the magnitude of the Project, as well as its direct and induced impacts. If the communities are not given the ability to meaningfully participate in the environmental review process, as is their right under SEQRA, then opposition by the Villages may be unavoidable.

Therefore, at the outset, the Villages request that MTA/LIRR use these preliminary comments on the draft scope, as well as those of other affected communities and members of the public, to prepare a new draft scope, and initiate a new public review and comment period. This will help MTA/LIRR regain some level of trust within the communities that will be most affected by this Project, and respect Governor Cuomo's open commitment to the public.

### **Inadequate Public Comment Period**

Notice of MTA/LIRR's positive declaration and public scoping appeared in the May 11, 2016 issue of the Environmental Notice Bulletin.<sup>1</sup> In that notice, MTA/LIRR announced the comment period would end on June 13, 2016, which metes out barely 33 days for the public to review and submit comments on the Draft Scoping Document and the materials it refers to and incorporates. This is too short a period for the Villages and the public to adequately and meaningfully review the draft scope, and prepare and submit their comments to MTA/LIRR.

To date, many requests for additional time have been made and ignored by MTA/LIRR. Once again, the Villages respectfully request that MTA/LIRR provide additional time. As we explain below, however, MTA/LIRR should first prepare and release a new draft scope for

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<sup>1</sup> See [http://www.dec.ny.gov/enb/20160511\\_not1.html](http://www.dec.ny.gov/enb/20160511_not1.html).



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public review and comment (*see* next section). The new draft should be subject to a public review and comment period of at least 90 days, and supplemented with a series of public informational sessions to ensure that the public has a reasonable opportunity to understand the proposed Project before being expected to comment on the scope of studies to be undertaken.

Regulations under SEQRA establish a default time period of 60 days for the scoping process, which includes both the solicitation of public comment and the preparation of a final scope. However, the 60-day time period may be extended by agreement between a project sponsor and the Lead Agency.<sup>2</sup> Here, MTA/LIRR is both the project sponsor and the Lead Agency.<sup>3</sup> For particularly complex or sensitive projects, an extended scoping timetable is “frequently necessary” to ensure that the final scope appropriately addresses all relevant issues and specifications for review.<sup>4</sup>

The Project is undoubtedly complex and sensitive. As the Draft Scoping Document notes, the 9.8-mile affected area of the Main Line services 107,000 daily riders on the Hempstead, Ronkonkoma, Port Jefferson, Montauk, and Oyster Bay Branches. MTA/LIRR has stated that the aim of the Project is to address severe congestion, train delays, safety concerns, and traffic delays through alterations to streets, rail alignments, and schedules. Few projects subject to SEQRA review are more complex. And though the preliminary scope of the Project has been altered from its 2005-era predecessor to reduce the number of properties potentially taken by MTA/LIRR, the Project now includes grade crossing eliminations that, if anything, make the Project even more complex and sensitive than the 2005 proposal. Indeed, while the number of properties to be condemned may be fewer, potential impacts of the 2016 proposal to the local communities are almost certainly much greater.

The Villages are furthermore responsible to their residents to ensure that their comments on the Draft Scoping Document thoroughly address the range of potential issues that may be the subject of the SEQRA process for the Project. In light of all of these facts, a 33-day public comment period is plainly inadequate. As Floral Park Mayor Thomas J. Tweedy has explained in his separate comments to the draft scope, the speed at which MTA/LIRR is proceeding is “incomprehensible.”

The Villages respectfully request that MTA/LIRR provide for an extended comment period of at least 90 days, after it has prepared and issued a revised draft scope that meets the minimum requirements of SEQRA.

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<sup>2</sup> 6 NYCRR § 617.3(i).

<sup>3</sup> The 2005 third track proposal was subject to environmental review under the National Environmental Policy Act of 1969 (“NEPA”), with the Federal Transit Authority (“FTA”) acting as the Lead Agency. This enhanced the transparency of the process since the project sponsor was not also the Lead Agency. The Draft Scoping Document does not explain why the federal government would play no role in the 2016 Project proposal. Nor does it offer any information on how the new Project would be funded, which could trigger federal jurisdiction or involvement.

<sup>4</sup> NYSDEC, SEQRA Handbook, Chapter 5, § B(9).



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**Deficient Draft Scoping Document**

The 81-page draft SEQRA Scoping Document provides visual detail in figures and conceptual renderings, mostly addressing the elimination of grade crossings. The document may create the aura of a thorough description of the Project and the analyses MTA/LIRR proposes to undertake. But the opposite is the case, to the point that the public is being deprived of its right and ability to participate in the process. There is only one cure at this stage. MTA/LIRR should take the comments submitted on this draft as preliminary comments and reissue a new Draft Scoping Document for public review and comment.

The purpose of a Scoping Document is to provide the public and governmental agencies with an initial opportunity to comment on the DEIS process, including the Project's purpose and need, the alternatives considered, and the study areas/methodologies to be used in the analyses. A public Scoping Document must, among other things:

- Provide a description of the proposed action that includes the project's location, size, timing and duration, and any individual project characteristics which pose significant adverse environmental impacts;
- Identify the significant environmental conditions and resources which may be affected by the project;
- Identify specific aspects of impacts, not just general topic areas, including what elements of the environmental setting may be impacted;
- Describe the extent and quality of information needed;
- List available sources of information;
- Define reasonable alternatives for avoiding specific impacts which must be included in the EIS, either as individual scenarios or a range of alternatives; and
- Specify possible measures for mitigating potential impacts which must be discussed in the EIS, to the extent that they can be identified at the time of scoping.<sup>5</sup>

This will:

- Ensure public participation in the EIS development process;
- Allow open discussion of issues of public concern;
- Permit inclusion of relevant, substantive public issues in the final written scope; and
- Help the sponsor avoid the issuance of a deficient DEIS.<sup>6</sup>

As discussed in more detail below, the Draft Scoping Document wholly omits much of the necessary information. As a starting point, the Draft Scoping Document omits basic details about the Project, such as where the proposed third track physically will be located, the

<sup>5</sup> See NYSDEC, SEQR Handbook, Ch. 5(B)(5), (19).

<sup>6</sup> See NYSDEC, SEQR Handbook, Ch. 5(B)(2).

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boundaries of MTA/LIRR's right of way ("ROW"), details on how the Main Line will interconnect with the Hempstead Branch after the third track's installation, and the potential physical aspects of Project phases to be implemented under a design-build approach. Without disclosure of these foundational elements of the proposed Project, the public is left to speculate and cannot meaningfully assess whether potential impact analysis areas are correctly identified and described in the Draft Scoping Document. Indeed, if the basic physical features of the Project are unknown, MTA/LIRR itself cannot identify the potential impacts, important receptors, or necessary analytical steps.

In sum, the draft scope has all the hallmarks of a hastily prepared, incomplete and uninformative document. This bodes ill for the environmental analyses that will be prepared for this major infrastructure proposal unless MTA/LIRR quickly changes trajectory.

### **The Project Description Is Inadequate**

The Draft Scoping Document fails to present sufficient information regarding the proposed Project to allow for public input. Basic physical details are utterly absent, like the location of proposed new track and related improvements, the locations of affected properties and community resources, and the boundaries of the MTA/LIRR's ROW and the planned Study Area.

### ***The Third Track Installation Is Not Described***

A major component of the proposed Project is the addition of a third track between the Floral Park and Hicksville Stations. The only information presented in the Draft Scoping Document regarding the physical scope of this major infrastructure installation is set forth in Figure 4, which is a one-page schematic. The draft scope claims that the new approach to the "construction of the third track within the existing LIRR right-of-way completely eliminates the need for any residential takings." However, the absence of any detail regarding the physical improvements to be undertaken deprives reviewers of any insight into the scope of the third track component of the Project.

For example, do the existing tracks and related ballast and structures reach the outer edge of the MTA/LIRR ROW along the entire length of the Main Line between Floral Park and Hicksville? Does the ROW include easements to property currently used for other purposes? Thus, while MTA/LIRR may not need to formally condemn residential and other property to support the third track installation, will it nevertheless physically encroach (temporarily or permanently) onto these properties by exercising existing easement rights included in the ROW? None of this information is provided in the draft scope.

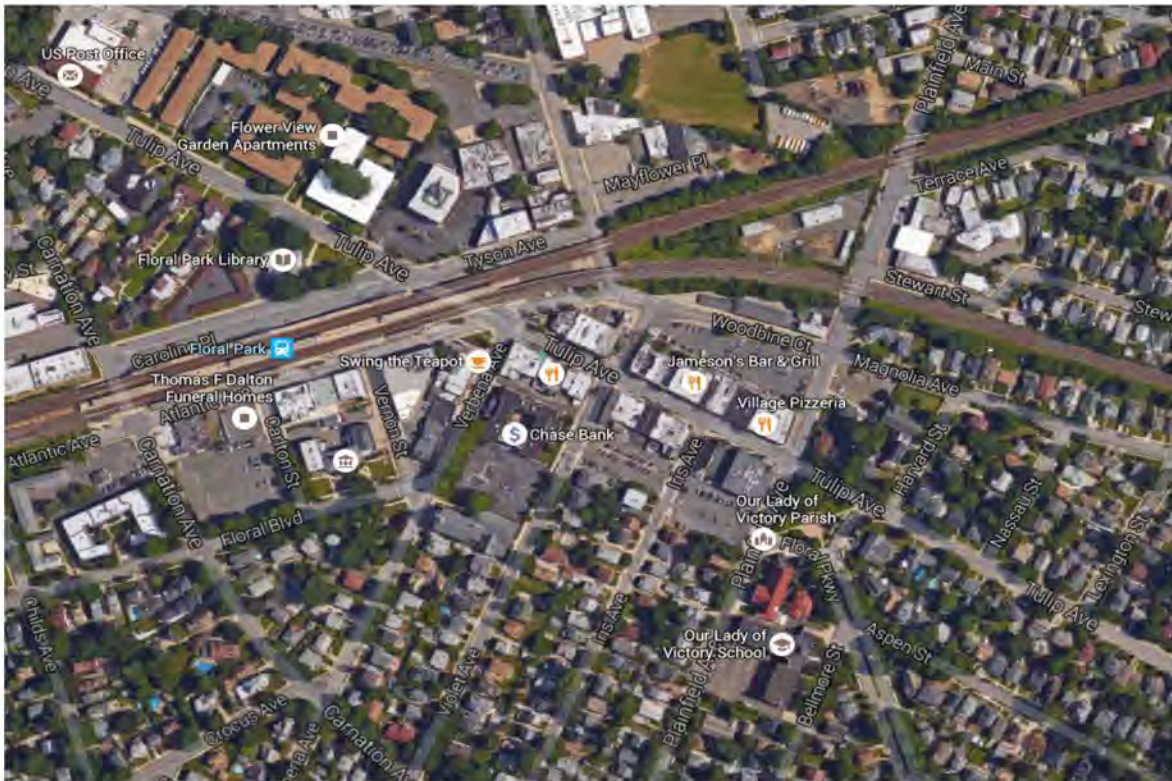
The lack of information regarding the Project within the Floral Park area is particularly disturbing. The Draft Scoping Document offers no information on how the third track will be integrated into the existing track system where the Hempstead Branch meets the Main Line,



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depicted in the figure below.<sup>7</sup> It is inconceivable that the addition of a third track along the Main Line would not trigger the need for major infrastructure reconstruction and realignment work at and just east of the Floral Park Station. If MTA/LIRR has detailed plans showing how the addition of the third track to the east of the Floral Park Station can be accomplished without major reconstruction work to that area or to the Floral Park Station itself, then those plans should be disclosed now, not later. If the MTA/LIRR does not have such detailed plans, then it has no basis to make the statement: “No major station modifications would be made at Floral Park.”<sup>8</sup>



The Project is likely to cause major impacts in the vicinity of South Tyson, Atlantic, and Magnolia Avenues, including potential local traffic impacts that might be experienced while this work is underway, as shown in the figure above.<sup>9</sup> Yet the scope simply ignores this issue.

Neither does the scope even mention the possibility—if not likelihood—that accommodating the third track at this point on the Main Line will result in a temporary or even

<sup>7</sup> Aerial view of LIRR Main Line in the vicinity of the Hempstead Branch; imagery ©2016 Google, map data ©2016 Google.

<sup>8</sup> Draft Scope, p. 6.

<sup>9</sup> Aerial view of LIRR Main Line in the vicinity of the Hempstead Branch; imagery ©2016 Google, map data ©2016 Google.



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permanent degradation of service on the Hempstead Branch. This issue is of particular concern to Garden City and its residents as well, as 4 stations—Stewart Manor, Nassau Boulevard, Garden City, and Country Life Press—lie within the boundaries of Garden City. Many of Garden City's residents rely heavily on the Hempstead Branch.

The implications for Garden City are significant. Indeed, it is understood that, as recently as June 7<sup>th</sup> at a meeting held at the New Hyde Park Inn, MTA/LIRR officials stated that the Project may eventually result in considerably less service on the Hempstead Branch than it currently provides, effectively reducing it to a one line branch. A number of local residents were present when these statements were made. This is compounded by the very likely reality that, during construction on the Main Line, the Hempstead Branch may experience severe overcrowding.

The potential impacts to the Hempstead Branch are a critical component of the assessment of this Project's impacts, yet they are not even mentioned in the draft scope.

### ***The Description of Proposed Grade Crossing Eliminations Lacks Critical Information***

While the Draft Scoping Document offers numerous conceptual renderings of the improvements that might be undertaken to eliminate grade crossings, elsewhere the scope includes alarming signals that MTA/LIRR still does not have a concrete grasp of its own proposal. The draft scope touts as a positive that the "grade crossing separation would be completed using an **expedited design-build approach** to shorten the construction period."<sup>10</sup> This curtailed description is a red flag. While SEQRA can in some instances assess the potential impacts of projects using a design-build approach, the analysis should encompass conservative worst-case assumptions to ensure that there is an adequate environmental review of all options granted to the design-build contractor. Otherwise the environmental review may be so abstract and generic that the analyses will not disclose likely impacts associated with the Project, let alone identify impact minimization or mitigation measures where needed.

The draft scope reveals other troubling signs in this regard. Under the heading *Construction Impacts*, the draft scope refers to unspecified "potential locations" of staging areas, construction worker parking, construction equipment locations, *etc.*<sup>11</sup> Coupled with the scope's deferral to and reliance on a later "design-build" planning stage, this description has all the hallmarks of a project that has not yet been defined. In order to properly assess the impacts of the Project, critical aspects such as staging areas, construction worker parking, and construction equipment locations must be identified from the outset.<sup>12</sup>

<sup>10</sup> Draft Scope, p. 1 (emphasis added).

<sup>11</sup> Draft Scope, p. 26.

<sup>12</sup> Floral Park is concerned that MTA/LIRR may look to use two storage areas adjacent to the Main Line, on which its Department of Public Works relies heavily for its operations. Storage space is at a premium in this vicinity.



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Even with the minimal conceptual renderings provided, Garden City separately is also gravely concerned with the likely impacts associated with the concepts outlined for the New Hyde Park Road grade crossing.<sup>13</sup> The areas south of this grade crossing including the extensive residential areas to the southeast, lie within Garden City's boundaries.<sup>14</sup>



In the abstract, elimination of grade crossings suggests there may be potential benefits. However, the elevation changes at the New Hyde Park Road grade crossing and surrounding area appear to be extensive and dramatic. Further, one if not both concepts presented in the draft scope suggest that residential properties—between New Hyde Park Road and Clinch Avenue—could in fact be affected. At least one of the concepts appears to show significant grade/roadway alignment work occurring into residential areas along Clinch and Greenridge Avenues. This

Similarly, Floral Park is concerned that the Project construction could adversely impact the Floral Park Public Library's ability to continue to provide local services. The library, which is located next to the Main Line, provides vital community services such as job search assistance, computer/WiFi access, reading and study facilities, educational, social and community outreach services and programs. Most of the available parking for the library is comprised of the parking lot adjacent to the Main Line. If these current parking spaces for the Library were to be used as a staging area for construction, the impact on the Library would be significant. The loss (or partial loss) of these services for an extended period of time would cripple the library's support of the residents of the Floral Park community, as well as residents of neighboring communities. The Village is also concerned that Creedmor Spur Parking lot may also be a potential location of a staging area. The Creedmor Spur Parking lot provides 256 parking spaces. These parking spaces are heavily depended upon by the local merchants, teachers working at the local grammar school for daytime parking and by residents of the various apartment complexes that either adjoin or are in close proximity to the Spur parking lot. Moreover, the revenue generated for the village from the parking at the Creedmor Spur parking lot is significant. Thus, MTA/LIRR should identify construction staging locations now, not later, so the feasibility of the Project and MTA/LIRR's assumptions can be properly assessed.

<sup>13</sup> Draft Scope, Figures 14-19.

<sup>14</sup> Aerial view of New Hyde Park Road grade crossing along LIRR Main Line and areas to the southeast; imagery ©2016 Google, map data ©2016 Google.



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indicates that impacts to traffic flow and safety, and quality of life and community character will have to be closely analyzed, and other alternatives considered.

The Draft Scoping Document provides no description or pictorial of how the newly configured Main Line, with the addition of the third track, will look from street level. For example, the tracks be elevated along Main Avenue – a residential area – in Garden City? If so, by how much? As alluded to above, will higher elevations require the installation of concrete walls along the track, the removal of trees and plantings, the loss of parking or relocation of utility infrastructure? These basic details are not provided in the draft scope.

Ill-defined Project details also raise the specter of improper segmentation. The 2005-era third track project extended to Queens Village. The draft scope does not explain why improvements between Floral Park and Queens Village stations are no longer needed to achieve the stated goals of the Project. This not only undermines MTA/LIRR's claims regarding the purpose and need for the Project, it raises serious concerns over segmentation if MTA/LIRR ultimately intends to pursue a series of additional improvements west of the current Project in order to achieve the stated goals. The issues of "purpose and need" and "segmentation" are addressed in further detail below. Without an adequate description of basic parameters of the proposed Project, a foundational element of the draft scope is missing. MTA/LIRR would be well advised to develop its proposal further and re-issue the draft scope once these details are known.

### ***The Study Area is not Defined***

The Draft Scoping Document defines the "Project Corridor" and the "Study Area" as the same conceptual area, without identifying the area's actual boundaries. Though the Positive Declaration for the Project states that "the MTA LIRR **has delineated** a Study Area for the Proposed Project,"<sup>15</sup> the scope resorts to a vague narrative description:

The Project Corridor comprises the railroad right-of-way, station areas, and grade crossings from Floral Park to Hicksville and an approximately ¼-mile buffer along the right-of-way and ½-mile area around the station areas and grade crossings. Certain analyses, such as those for indirect impacts and environmental justice, may require information from an expanded Study Area. Other analyses may require a narrower Study Area.<sup>16</sup>

As noted above, the scope does not define or delineate the ROW, so it is impossible to determine which properties and receptors will be included within the shifting ¼-mile or ½-mile Study Area. The Villages and the public are denied the opportunity to understand and offer

<sup>15</sup> MTA/LIRR, *State Environmental Quality Review Act / Positive Declaration / Notice of Intent to Prepare a Draft Environmental Impact Statement* ("Positive Declaration") (May 5, 2016) (emphasis added).

<sup>16</sup> Draft Scope, p. 12.



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meaningful comments on potential impacts and analyses within the “Study Area” when that area is so vaguely described. The only effective remedy for these deficiencies is the issuance of a new Draft Scoping Document with the required information.

### **The Statement Of Purpose And Need For The Project Is Incomplete And Flawed**

The draft scope asserts that the proposed Project will (i) reduce delays for commuters facing Main Line congestion, (ii) add operational flexibility,<sup>17</sup> (iii) provide additional track capacity, (iv) improve public safety and roadway conditions, and (v) reduce noise and improve neighborhood quality of life. Draft Scope, p. 4. The discussion surrounding these assertions fails to acknowledge which components of the proposed Project would serve these goals, or whether other improvements being pursued or proposed by MTA/LIRR would advance these goals. Further, and more importantly, emerging baseline data points tied to future planning and investment for the Northeast Corridor (“NEC Future”) astonishingly are not even mentioned in the scope.

### ***The Scope Should Clearly Delineate Which Components of the Project Will Support MTA/LIRR's Asserted Goals***

The draft scope should acknowledge that the installation of the third track is not necessary to improve public safety and roadway conditions, and reduce noise and improve neighborhood quality of life. These goals, as discussed in the Draft Scoping Document could be advanced by undertaking the grade crossings elimination component of the proposed Project, but this is not explained. It is also likely the case that the grade crossings elimination will partially serve the other stated purpose and need goals in the draft scope. In terms of assessing public purpose and need, this should have been better delineated in the draft scope to avoid public confusion and misperception, and to allow the public to clearly understand viable alternatives to the Project, as proposed.

### ***The Draft Scope Fails to Acknowledge That Other Projects May Achieve the Stated Purpose and Need Goals***

The draft Scoping Document (p. 4-5) lists other “regional transportation projects and plans” that MTA/LIRR is pursuing separate from the proposed Project:

- East Side Access
- Double Track Project from Farmingdale to Ronkonkoma

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<sup>17</sup> In terms of flexibility, the draft scope claims that a third track would support the goal of “improv[ing] mobility with additional reverse peak service.” Yet, as Floral Park Village Administrator Gerard Bambrick’s separately submitted comments explain, Governor Cuomo has previously stated to Mayors along the Main Line that the proposed Project has nothing to do with reverse commuting. The Mayors and the public are getting mixed messages.

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- Jamaica Capacity Improvements Project, which streamlines the Jamaica track layout, while upgrading and modernizing the switch and signal system, (including installation of higher-speed switches)
- Expansion of the electric car storage yard in Ronkonkoma
- The addition of pocket tracks along the Port Washington and Babylon Branches
- Huntington/Port Jefferson Branch yard site selection, preliminary design and environmental review

As discussed below, there is a serious question as to whether some of these projects should be segmented from the proposed Project in terms of conducting an adequate environmental review under SEQRA. Further, as was highlighted in a letter dated February 3, 2016, from the Mayors of the Villages of Bellerose, Floral Park, Garden City, Mineola, New Hyde Park, South Floral Park, Stewart Manor, and Westbury, to Barbara Donno, President of the Nassau County Village Officials Association (the “Mayors’ Letter”) (attached hereto – a copy of a follow-up May 16, 2016 letter is also attached), it is a matter of public record that LIRR President Pat Nowakowski previously touted these projects, as well as the grade crossings elimination component of the proposed Project, to achieve these goals and therefore potentially obviate the need for a third track along the Main Line. The Villages have raised this issue numerous times, yet the Draft Scoping Document fails to even acknowledge that these projects, without the third track along the Main Line should be analyzed as an alternative in the EIS. MTA/LIRR should rectify this deficiency in a revised draft scope.

***The Draft Scoping Document Does Not Even Reference the Northeast Rail System Or the NEC Future Project Even Though it Could Have a Profound Impact on the Future of Commuting on Long Island***

The Draft Scoping Document claims (p.1):

The Proposed Project is a key element of Governor Andrew Cuomo’s transportation infrastructure initiatives and is a strategic component of a comprehensive plan to transform and expand **New York’s vital regional transportation infrastructure and to enhance Long Island’s economy, environment and future.** (emphasis added)

The draft scope also explains (p. 3) that the “LIRR is projecting a substantial increase in service levels by the year 2040,” which “[if] left unaddressed, this existing [Main Line] chokepoint will result in increasing congestion, delays, additional gate-down time, and passenger crowding in the future.” Despite this, the draft scope, which purports to address commuter needs decades into the future, fails to even acknowledge the existence of the federal government’s NEC Future comprehensive planning effort.

As most members of the public will be well aware, the NEC stretches from Washington, D.C. to Boston, ranks among the busiest rail corridors in the world, and has long suffered from



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congestion and capacity constraints.<sup>18</sup> Further, there is a long standing relationship between the NEC and local commuter rail service providers along its length. Indeed, these local rail service providers, including MTA, use portions of the NEC infrastructure.<sup>19</sup> Thus, even in the absence of the NEC Future plan, the Draft Scoping Document should have identified the current and projected interrelationship between the proposed Project and the NEC as an area requiring detailed analysis. That the draft scope fails to even address this issue raises serious concerns over the credibility of the process.

These concerns are magnified in light of the NEC Future plan. In 2012, the Federal Railroad Administration (“FRA”) initiated NEC Future to consider the role of rail passenger service in the context of current and future transportation demands. Through the NEC Future program, the FRA has set in motion the development of a comprehensive planning strategy for a long-term vision and investment program for the NEC. Toward that end, the FRA issued a Tier 1 EIS in November 2015 to assess three alternative approaches to the no action alternative, to reduce congestion in the NEC and its connecting rail corridors.

Alternative 3 would “transform[ ] rail as the mode of choice for transportation in the region.”<sup>20</sup> It would provide five times more peak-hour Intercity trains than are currently in operation, and introduce 31-41 new stations.<sup>21</sup>

Most of the stations would continue to operate as they do today with some improvements to keep up with increased local demand. Between 4 and 7 stations would be upgraded to Hub stations to accommodate new service types. . . .

**The remaining new stations would serve new or underserved markets (such as Long Island and Central Connecticut) or stations with highway access to the NEC (such as Baldwin Station near Chester, PA) or are adjacent to existing stations and designed to accommodate multiple service types with multiple levels of tracks and platforms and convenient passenger connections to the existing station.**<sup>22</sup>

<sup>18</sup> Tier 1 EIS Alternatives Report, p.2, available at [http://www.necfuture.com/pdfs/tier1\\_deis/appendix/app\\_b05.pdf](http://www.necfuture.com/pdfs/tier1_deis/appendix/app_b05.pdf). Floral Park Trustee Dominick A. Longobardi’s comments on the draft scope illustrate that the NEC Future plan/process has been well known and vetted within the community, yet the MTA/LIRR makes no mention of it in the draft scope.

<sup>19</sup> See [http://www.necfuture.com/pdfs/scoping\\_package\\_0612.pdf](http://www.necfuture.com/pdfs/scoping_package_0612.pdf) at 9.

<sup>20</sup> NEC Future Tier 1 Draft EIS (“DEIS”), Abstract at 1.

<sup>21</sup> NEC Future DEIS, 9-46; 4-44.

<sup>22</sup> NEC Future DEIS, 4-44 (emphasis added).

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In the vicinity and north of the New York City metro area, Alternative 3 would include the development of a “second spine” route with new track-projects, including one that would run from Penn Station, under the East River, through Nassau and Suffolk Counties, and then crossing the Long Island Sound to Connecticut. This new NEC spine would literally run parallel or proximate to the Main Line along much of its length, and include the development of a new “Nassau Hub” station near MTA/LIRR’s proposed Project.

As noted above, the FRA has already issued a Tier 1 DEIS for NEC Future, and the Preferred Alternative is expected to be selected in the near future. It is impossible for MTA/LIRR to present a defensible analysis the proposed Project’s purpose and need in the absence of consideration of NEC Future. Indeed, it is premature to even undertake an assessment of the proposed Project in absence of knowing what FRA’s Preferred Alternative will be. For example, development of a new NEC spine through Long Island and development of a new Nassau Hub station would eviscerate any baseline assumptions MTA/LIRR has made. In the absence of knowing the FRA’s Preferred Alternative for the NEC Future plan, MTA/LIRR cannot adequately assess public purpose and need, cannot properly assess impacts, and cannot explore less costly, less intrusive alternatives that could bridge the gap to the service possibilities that the NEC Future project could provide. Not only does the NEC Future plan raise concerns over MTA/LIRR’s baseline assumptions, is also calls into question whether a cumulative analysis of both projects is needed.

MTA/LIRR’s draft scope does not even contemplate that it should explore the possibility that the projects identified in the February 2016 Mayors’ Letter, coupled with the NEC Future Plan, could achieve all of the goals advanced by MTA/LIRR to justify the proposed Project. The local communities along the Main Line should not be required to endure impacts associated with a Main Line third track that ultimately may not be needed.

### **The Draft Scope Points to Possible Segmentation**

The Draft Scoping Document refers in passing to numerous other projects, or potential impact areas that may need to be addressed through other projects, without identifying whether those other projects are related to the proposed Project. This raises the question of whether the impacts of other projects or service changes should be reviewed as part of the proposed Project, and whether they are being impermissibly segmented under SEQRA.

SEQRA prohibits the segmented review of an action so that various activities or stages are addressed as though they were independent, unrelated activities needing individual determinations of significance. Activities should be considered part of a single action if: they share a common purpose or goal; they involve common geographic locations; they share common impacts; they are under common ownership; they are part of an identifiable overall



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plan; they are functionally dependent on each other; **or**, one activity induces or commits an agency to approve other activities.<sup>23</sup>

The Draft Scoping Document refers to several other MTA/LIRR projects, or, through its cursory attention to potential Project consequences, provokes reviewers to look for other related impacts and projects. The scope identifies many “separate” projects, which are also noted above in relation to the February 2016 Mayors’ Letter, including: East Side Access; Double Track Project from Farmingdale to Ronkonkoma; Jamaica Capacity Improvements; expansion of the electric car storage yard in Ronkonkoma; the addition of pocket tracks along the Port Washington and Babylon Branches; and the Huntington/Port Jefferson Branch yard site selection, preliminary design and environmental review.<sup>24</sup>

The draft scope also specifically states that the Project would support “longer term post-[East Side Access] Project service plans.”<sup>25</sup> The scope does not address whether increased train service on the Main Line resulting from the Project may create or move constraints elsewhere in the LIRR system, such that other projects outside of the Project Corridor may be necessary. As noted above, the scope does not identify how the Project will tie in to the Hempstead Branch, or whether service on the Hempstead Branch will be affected by the Project.

The Draft Scoping Document should identify whether any of these other projects or any other operational improvements will be related to or induced by the proposed Project. Likewise, the scope should identify whether any of the other existing or planned projects are based on an assumption that the Main Line third track component of the Project will be implemented. To the extent that any of the factors indicative of segmentation are present for any combination of this Project with other projects, the scope should identify the cumulative impacts of all related actions to be addressed in this Project’s DEIS.

### **Subject Matter Specific Comments**

As discussed above, SEQRA requires the Draft Scoping Document to identify details of the Project’s location, size, timing, and duration, including individual project aspects that present significant adverse environmental impacts. It must also identify the significant environmental conditions and resources which may be affected by the Project, and must identify specific aspects of impacts, not just general topic areas, including what elements of the environmental setting may be impacted. The Draft Scoping Document must also define reasonable alternatives for avoiding specific impacts which must be included in the DEIS, either as individual scenarios or a range of alternatives. It must then specify possible measures for mitigating potential impacts which must be discussed in the EIS, to the extent that mitigation measures can be identified.

<sup>23</sup> See SEQR Handbook, Chapter 2, § D(3).

<sup>24</sup> Draft Scope, pp. 4–5.

<sup>25</sup> Draft Scope, p. 6.

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In several critical respects, the Draft Scoping Document wholly fails to meet these scoping requirements.

### ***Recreational and Historic Resources***

The Draft Scoping Document devotes one sentence to how the proposed Project's impacts on recreational resources will be assessed:

The DEIS will document the potential construction-related impacts (including potential air quality, construction noise, and other safety concerns) to public open space and recreation resources in the Study Area.<sup>26</sup>

This statement is made under the heading *Construction Impacts*. LIRR/MTA apparently does not propose to consider in any meaningful fashion the Project's operational impacts to recreational resources once construction is complete. This omission suggests that MTA/LIRR does not recognize the importance of recreational resources, such as parks, ballfields, pools, and community centers, within the tightly-knit communities along the Main Line. It is difficult to conceive of a more inadequate analysis scope, particularly in light of the massive scale of the proposed Project.

The scope should identify and specify recreational resources within the Study Area, once that area is properly defined. This will allow the public to weigh in on whether the identified impact assessment will address the potential impacts, and whether MTA/LIRR has overlooked any particular resources.

For Floral Park, this is of particular concern since its Recreation Center, which provides varied and extensive recreational opportunities to residents, directly abuts the Main Line ROW, as shown below.<sup>27</sup>

The Recreation Center includes a new pool complex, fully re-constructed in 2015 at great expense to the Village and its residents, after the Village had ascertained that the LIRR's capital budget did not include plans for any capital improvements on the Main Line.<sup>28</sup> The Center also hosts baseball, softball, hockey, tennis, basketball and other playground and recreational activities. Each activity has its own unique facets and characteristics that are important to its

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<sup>26</sup> Draft Scope, p. 27.

<sup>27</sup> Aerial view of LIRR Main Line in the vicinity of the Floral Park Recreation Center; imagery ©2016 Google, map data ©2016 Google.

<sup>28</sup> As the separately submitted comments of Floral Park Mayor Thomas Tweedy and Trustee Kevin Fitzgerald note, the MTA's short term and long term Capital Plans made no reference to the proposed Project.



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participants, and each is vulnerable to impacts caused by noise, vibration, and visual encroachment.



Similarly, significant recreational areas within Garden City directly abut or are proximate to the Main Line. For example, as shown in the figure below,<sup>29</sup> Nassau Haven Park, which hosts a baseball field, playground and tennis court facilities, and the unique Garden City Bird Sanctuary, lie directly south of the Main Line. The extended greenway north of Main Avenue and south of the Main Line provides additional recreational opportunities for local residents. Other recreational assets within Garden City likely to be affected by the project include Tullamore Playground.

<sup>29</sup> Aerial view of LIRR Main Line in the vicinity of the Nassau Haven Park and the unique Garden City Bird Sanctuary; imagery ©2016 Google, map data ©2016 Google.



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Further, a casual survey of on-line maps shows numerous other parks and community recreational resources either immediately adjacent to the Main Line, or within two blocks of it. Indeed, MTA/LIRR held one of its public meetings on the draft scope in the “Yes We Can” Community Center in Westbury, which is adjacent to the Main Line—without identifying the center in the draft scope as a resource that may be affected.

MTA/LIRR should re-issue the draft scope with a thorough explanation of how it intends to assess impacts to recreational resources. This should include a list of the recreational resources to be included in the analysis based on a clearly defined Study Area, a preliminary description of the activities that occur at each location, and an explanation of how potential impacts to these activities in light of their unique attributes will be considered in the analysis.

The Draft Scoping Document’s discussion of how it intends to address impacts to historic resources fares no better, in that it presents a generic, uninformative description of the analysis to be undertaken. Not a single historic resource that might be impacted is identified in the draft scope. In addition, the analyses apparently is to be limited to registered (or eligible) historic properties “within 100 feet of the railroad right-of-way or within 500 feet of any grade crossing or station,”<sup>30</sup> even though the greatest impacts experienced may be visual at historic resources well beyond the arbitrary 100-foot and 500-foot limits presented in the draft scope.

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<sup>30</sup> Draft Scope, p. 17.

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### ***Traffic and Transportation***

The Villages have generally supported the concept of addressing grade crossings along the Main Line. That said, the work must undergo a detailed and thorough review before proceeding. Above, we highlighted the lack of critical detail in the Project description (*e.g.*, unacknowledged but apparently necessary major infrastructure improvements at the Main Line/Hempstead Branch junction and impacts to the Hempstead Branch) and warned of the red flags raised by MTA/LIRR's plan to use a "design-build" approach toward elimination of the grade crossings. These issues raise a host of additional concerns regarding the scope of analysis concerning traffic and transportation impacts during construction and operation.

### **Traffic Study Intersections**

The scope lists a series of intersections that would be included in the traffic study (p. 21-22), but omits numerous intersections within Floral Park that should be studied: These include:

- Tulip Ave. & Plainfield Ave.
- Magnolia Ave. & Plainfield Ave.
- Charles St. & Plainfield Ave
- Tulip Ave & Jericho Turnpike
- Covert Ave. & Tulip Ave.
- Carnation Ave. & Plainfield Ave.
- Stewart St. & Plainfield Ave.
- Terrace Ave. & Plainfield Ave.
- South Tyson Ave. & Atlantic Ave./Woodbine Court

This is a preliminary list of additional intersections that Floral Park officials have identified for analysis. Once additional details are known about the Project, additional intersections may need to be included.

These intersections need to be studied for two reasons. It is common knowledge that there is a paucity of north-south traffic corridors in western Nassau County. New Hyde Park Road, Covert Avenue, and Plainfield Avenue are the three major north-south corridors in this area of western Nassau County. During the construction phase of the westernmost proposed grade crossing eliminations on Covert Avenue and New Hyde Park Road, much of the traffic that presently passes through those grade crossings necessarily will be diverted and much of this traffic will travel down the Plainfield Avenue corridor. Also, as discussed above, the draft scope document entirely omits any reference to construction work that will have to be performed on existing bridges and overpasses to accommodate the proposed third track. Several of the listed intersections would be within the work area of necessary work to these bridges and overpasses (such as Stewart Street & Plainfield Ave., Terrace Ave. & Plainfield and South Tyson & Atlantic Ave./Woodbine Court).



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### Impacts to Cyclists

The Draft Scoping Document offers no information on how bicyclists will be accommodated by the grade crossings elimination component of the Project. Over the last decade, bicycle ridership has increased dramatically. Long Island's gentle terrain is uniquely suited to this activity. With more bicyclists on the road, more attention is being devoted to creating dedicated cycling lanes and incorporating safety design measures aimed at reducing bicyclist injuries and fatalities.

The Draft Scoping Document fails to even mention this issue despite MTA/LIRR's proposal to undertake major roadway infrastructure redevelopment activities. The draft scope must be revised to address this issue, requiring baseline data on bicyclist accident history within the Study Area and at key intersections, and specifying appropriate standards and guidance that will be used in the analysis to ensure that bicyclists will be accommodated in a safe and convenient manner. The draft scope should also identify alternatives that will be explored to address these concerns. For example, will design and grade level alternatives be explored to encourage bicyclists, where appropriate, to use a pedestrian bridge instead of an underpass dominated by heavy vehicular traffic?

### Freight Operations

The draft scope (p. 5) states the following with respect to freight operations:

New York & Atlantic Railway (NY&A) is the contracted freight operator along the LIRR system. Current NY&A operations typically include three round-trip freight trains per day along the Main Line which always run during off-peak hours - a significant reduction from historic peak levels. Since NY&A operations are not currently capacity-constrained, the additional third main line track proposed by the Proposed Project would not increase freight traffic along the corridor. **With or without the Proposed Project, it is anticipated that rail freight demand on Long Island would not increase significantly, and any increase (should it occur due to a change in market conditions) in service would be during the off-peak periods similar to current operations.** (emphasis added)

Then presumably in reliance on this assumption, the Air Quality, Safety and Security sections state, respectively:

- "Because the Proposed Project would not increase diesel locomotives for passenger or freight rail service no analysis of potential impacts from additional diesel locomotives is necessary."
- "The Proposed Project would not result in any increases in freight traffic."

There is no basis for the underlying assumption. To the contrary, among the goals of the Project are the reduction or elimination rail congestion, removal of grade crossings and provision of



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operational flexibility. These changes could positively enhance the economic profile of freight services on Long Island and induce an increase in freight traffic along the Main Line. More to the point, the Draft Scoping Document should call for this issue to be analyzed as well as any associated impacts with increased freight runs on the Main Line, including air quality impacts, noise impacts, vibration impacts, impacts to recreational resources, *etc.*

### ***Socioeconomics/Community Character/Environmental Justice Impacts***

#### **Grade Crossing Barrier/Pedestrian Bridge Design**

The draft Scoping Document (p. 13, 15) states that environmental justice impacts and impacts to land use patterns/community character must be assessed in the DEIS. Importantly, the draft scope (p. 23) also recognizes the importance of analyzing of “pedestrian connectivity”; however, this analysis seems to be limited to assessing concerns associated with pedestrian access to/and from LIRR stations along the Main Line. While this is important, it is insufficient.

The proposed Project encompasses eliminating seven street-level grade crossings along a nearly 10-mile stretch of the Main Line. Elimination of these grade crossings would proceed through grade separation (*i.e.*, roadway underpass and pedestrian bridge), and, at up to two locations, closure.<sup>31</sup> Whether through crossing closure or grade separation, the prospect of community separation and isolation is of paramount concern. Thus, in order to adequately understand the impacts of the proposed Project, it is essential that the draft scope extend the “pedestrian connectivity” analysis to address impacts to community character and environmental justice.

These concerns should be self-evident in relation to a grade crossing closure. In this instance, the proximate communities to the north and south of the grade crossing will become completely isolated from each other, potentially adversely impacting community character and future land use patterns. Thus, it is imperative the draft scope describe the analysis that will be undertaken to assess and, if necessary, mitigate these impacts.

At locations where grade separation is proposed, reliance on pedestrian bridges is proposed to accommodate pedestrians. However, pedestrian bridges could still effectively isolate communities north and south of the Main Line if they are inadequately designed. The scope of the proposed analysis needs to be expanded to address these concerns or alternatives, including access points/configuration, grade alternatives, lighting for safety and security needs, surface conditions, surrounding landscaping, fencing/railing, multi-use bridges (*i.e.*, for bicyclists and pedestrians), relationship to the surrounding pedestrian/bicycle network, and use of materials that improve aesthetics and reduce future maintenance. Pedestrian bridges cannot be

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<sup>31</sup> The potential closure of the Covert Avenue grade crossing is of particular concern to Floral Park, as it is proximate to and could impact ingress and egress for the Village’s Department of Public Works central operations location at Stewart Street & Pool and Garage Road, and impact and lengthen existing sanitation routes.



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viewed as an afterthought, but must be treated as an integral component of the grade crossings elimination component of the Project.

### **Emergency Response**

The draft scope (p. 7) states that the “modifications to the grade crossings would be designed to accommodate emergency vehicles, snow plows, and truck traffic,” and explains (p. 20) that the DEIS will discuss how “the Proposed Project would provide substantial transportation benefits to Long Island, including an assessment of potential beneficial impacts on rail service, vehicular traffic, pedestrian and traffic safety and emergency response. Should adverse impacts be identified, the DEIS will then further evaluate the ability of additional transportation system improvements to mitigate those impacts.”

While grade separation would be expected to result in some emergency response benefits, grade crossing closure may adversely impact response time. A revised draft scope should specify that this issue will be quantitatively assessed for communities proximate to the proposed grade crossing closure locations.

The draft scope states that emergency response (fire, police, ambulance, *etc.*) times will be assessed for the three areas proposed for study of transportation impacts. Although it is unclear, it is assumed these areas are New Hyde Park, Mineola and Westbury/New Cassel, where the draft scope identifies specific intersections for analysis. This analysis should not be artificially limited in this way. To be informative, the analyses will need to go beyond delays that might be experienced at specific intersections and take a more holistic assessment of emergency response delays that accounts for emergency response facility locations, and anticipated alternative traffic routes to and from affected communities.

The Draft Scoping Document inexplicably does not call for an assessment of impacts to emergency response during construction, even though the greatest impacts would be expected to occur during construction. Project construction could have a significant adverse effect on emergency response, including, for example, mutual aid arrangements among local volunteer fire departments. Thus, the draft scope should be revised to describe how this issue will be addressed in the DEIS.

### **Project Construction Benefits**

The scope states that the DEIS will provide a quantitative analysis of fiscal and economic benefits due to Project construction will be provided, yet only calls (p. 15) for a “qualitative description of potential socioeconomic benefits from operations.” The analysis of socioeconomic benefits of operations should be quantitative not qualitative. The latter is a meaningless shortcut for a proposal of this magnitude.



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### **Business Relocation**

The Draft Scoping Document briefly addresses the plan to acquire commercial properties and/or relocate businesses within the Project Corridor. The scope states:

[S]ome commercial property acquisition would be necessary to construct the Proposed Project. Most of the areas where this commercial property acquisition may be necessary would be in areas surrounding stations and where roadways, bridges, and underpasses cross the LIRR right-of-way.

The analysis will identify the commercial properties for which full acquisition would be required (currently estimated at fewer than 10), as well as commercial properties where partial acquisitions are necessary but where the goal will be to minimize the impacts on the affected businesses. ... The analysis also will describe the compensation and relocation assistance that would be provided to displaced businesses by ESD and NYSDOT, with priority given to relocation within the same town or village where the displaced business currently operates.<sup>32</sup>

Though SEQRA requires that a scope specifically identify project locations, affected resources, alternatives, and potential mitigation measures, the scope does not identify with any specificity (a) where the commercial property acquisitions would occur, or (b) potential properties for the relocation of displaced businesses. While the conceptual renderings of the grade crossing elimination improvements suggest which properties might be impacted, MTA/LIRR knows, or should know, which specific properties could be affected, since the draft scope notes that the properties that may need to be acquired properties are “estimated at fewer than 10.” These properties should be specified.

Since MTA/LIRR has wisely set as a goal that it would, with the assistance of Empire State Development, prioritize relocating these commercial enterprises “within the same town or village where the displaced business currently operates,” the draft scope should be amended to require a real estate analysis to assess the availability of commercial properties within each impacted community. The analysis should assess the suitability of these available properties for relocation of the affected businesses, including factors such as square footage and utility needs, and real estate tax burden. The importance of this analysis is self-evident. It will determine whether relocation within the same community is feasible, and therefore whether there will be an impact to local employment and the local tax base.

The Draft Scoping Document’s failure to identify these properties and businesses, and its failure to call for an analysis of whether these businesses could be relocated locally, deprives affected communities of the opportunity to comment on the types of impacts, the types of analyses, and the potential mitigation measures that should be studied in the DEIS. This is particularly important in the context of assessing socioeconomic impacts, since the Village and

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<sup>32</sup> Draft Scope, p. 14.



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the public undoubtedly understand the value of the commercial properties and their businesses to the local economy and community character better than MTA/LIRR does.

### **Stormwater, Groundwater, and Drainage**

The Draft Scoping Document states generically that it will assess the existing conditions of drainage and stormwater management, acknowledges that new drainage control structures and systems will be required for the Project. The draft scope then states that the necessary new systems “along the railroad right-of-way, at station areas, and at grade crossings” will be described and addressed in the DEIS.<sup>33</sup> This vague and generalized description fails to identify potentially affected resources with the specificity required by SEQRA.

It will be critically important for the Project’s design and the DEIS to address potential stormwater and drainage issues at below-grade underpasses in the areas of grade crossing eliminations. The draft scope’s statement that the design and impacts associated with the new Project features will only be addressed “at grade crossings”—which are proposed to be eliminated—is presumably a scrivener’s error, but highlights the fact that the draft scope does not identify any locations where the conceptual design, particular elevation, or existing stormwater and drainage patterns may present particular difficulties or require unique evaluation or mitigation.

Similarly, the draft scope does not acknowledge the fact that in many areas along the Main Line the water table is particularly shallow, which may limit the depth of excavation or require engineered groundwater management systems to avoid repeated flooding or undermining of grade-separated crossings.

To the extent that any stormwater, groundwater, or surface water management systems rely on pumping or other active controls, the scope should identify whether and where such controls could be necessary, and whether the requisite property and utility infrastructure exists to support the controls. The scope should also identify the potential for such controls to be impaired or interrupted during power outages and other extreme weather events. Because power outages typically occur during storms, abrupt thaws, and other periods of heavy stormwater and surface water flows, the potential effects of a power outage to an active control should be identified in the scope. The proposed below-grade traffic underpasses will be particularly important during storms and other extreme weather events, for emergency services or evacuations, yet such underpasses are also most vulnerable to flooding. The failure of active controls, and consequent flooding of underpasses, would be a particularly severe socioeconomic impact of the Project, and heighten emergency response concerns during extreme weather events.

But the Draft Scoping Document does not mention these issues or their potential effects on the Main Line communities. MTA/LIRR should issue a new Draft Scoping Document that identifies these potential impacts with reasonable specificity.

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<sup>33</sup> Draft Scope, p. 20.



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In addition, the draft scope lacks basic details regarding the improvements that will be required to accommodate the third track. For example, will it require the installation of substantial concrete structures along significant sections of the of the Main Line? And even if all these improvements are accommodated within the MTA/LIRR ROW, are neighboring properties likely to suffer temporary and permanent adverse stormwater and drainage impacts? In the absence of any information on what it being proposed, it is impossible to provide any specific comments.

### **Resiliency**

The Draft Scoping Document makes only the most token of references to resiliency planning as an aspect of the Project.<sup>34</sup> However, the Project will involve re-design, engineering, and major construction of large parts, if not substantially all, of this section of the Main Line Branch.<sup>35</sup> It also poses impacts to substantial community resources, including traffic, emergency services, train service on other parts of LIRR's system, and community centers. Potential disruptions or impairments to these resources during extreme weather events that are caused or aggravated by the Project should be identified, avoided, minimized, or mitigated in the course of SEQRA review and Project planning.<sup>36</sup> A sincere review of these issues, with input from the affected communities, could even disclose opportunities in this Project to increase the resiliency of the Main Line and resources within the Project Corridor above current conditions.

The draft scope's cursory reference to resiliency issues, however, is a serious oversight, particularly in a community that experienced some of the worst long-term effects of Super Storm Sandy. MTA/LIRR should issue a new Draft Scoping Document that identifies resiliency-related impacts, affected resources, and potential mitigation measures in the detail required by SEQRA. Only then can the Village and the public understand the Project's potential effects, and provide meaningful input.

### ***The Description of the Visual Impact Assessment Requires More Detail***

As with other analyses, the draft scope offers a very generic description of the visual impact assessment to be undertaken. It states (p. 16) that the DEIS "will identify sensitive receptors." The Draft Scoping Document should have provided a preliminary list of these sensitive receptors so the public could weigh in early and comment on whether there have been any oversights. It is too late to do so once the analysis is complete.

<sup>34</sup> See, e.g., Draft Scope, p. 29 ("[E] effects of climate change that could affect the Proposed Project into the future will be discussed in the DEIS, and the design and operational measures that will be included as part of the Proposed Project to make it resilient to projected future climate conditions will be discussed.")

<sup>35</sup> The extent of the required design, engineering, and construction would be better understood at this point if the Draft Scoping Document described the Project in even minimal detail.

<sup>36</sup> Resiliency concerns extend to protracted street closures and inaccessibility to local business districts. Any extended closure of access to local business districts due to a combination of construction and a severe weather event could result in the permanent closure and loss of certain businesses.



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Further, with the likelihood that rail infrastructure grade levels may need to change to accommodate grade separation (this clearly being contemplated at least three locations (p. A-1, A-2), the draft scope fails to discuss whether the studied impact area should be expanded beyond the default Study Area (to the extent that is even defined). Certainly, along the entire length of the Main Line, pedestrian bridges over the tracks would also represent new visual features that should be assessed. It is common practice for SEQRA visual impacts assessments to extend beyond the study area used to assess other impacts. Yet the draft scope is silent on this issue.

A revised draft scope should be issued that addresses these issues.

### ***Impacts to Residential Property Values***

The draft scope should provide for a residential property value impact analysis. As was noted above, it appears that, based on the concepts outlined in the draft scope, the proposed New Hyde Park Road grade crossing elimination could involve extensive infrastructure next to and possibly into residential areas to the south of the crossing. In addition, in many locations the Main Line directly abuts residential areas. Even if residential properties will not be formally “taken” through eminent domain, local residential property values could be adversely impacted by the encroachment of infrastructure from the Project. The Draft Scoping Document should be revised to describe a residential property value impact analysis to be undertaken, including an identification of the areas that would be included in the analysis.

### ***Contaminated/Hazardous Materials***

In very general terms, the draft scope identifies an appropriate process for assessing impacts associated with contaminated and hazardous materials. However, there are existing, available resource materials that should have been identified in the scope. For example, the comments separately submitted by Floral Park Trustee, Dr. Lynn Pombonyo, discuss this issue in detail and identifies the Site Assessment Remedial Action Work Plan/Floral Park Substation: Site No. V00389-1, as a relevant source of information as an example of a specific resource that should have been identified in the Draft Scoping Document. In addition, the soils beneath the Main Line ROW that may be disturbed during Project Construction may be contaminated with residual contamination from compounds used to eliminate or control vegetation growth. The scope should call for a description of the use of these compounds and available data on soils conditions as a result of their use, or require the data to be gathered to the extent it is not currently available.

The Villages are also concerned with the types of hazardous materials that will be brought into the community to support Project construction, and where and how these materials will be stored. The recent fire from a gasoline spill that caused structural damage to the Metro North rail line highlights the importance of this issue.

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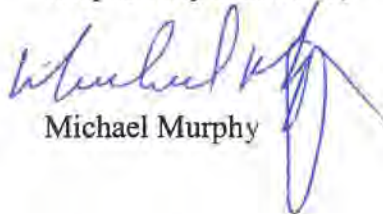
**2005 Project Record**

The Villages recognize that the 2005 third track proposal is not identical to the current proposal. Nevertheless, there are significant commonalities. As noted above, the 2005 third track proposal was subject to environmental review under NEPA, with the FTA acting as the Lead Agency. While that project was eventually abandoned, that review generated thousands of public comments. Many of those comments are likely relevant to this proposed Project. The Villages request that those comments be incorporated into the record and considered in development of the scope of environmental analyses for this Project.

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While Floral Park and Garden City understand MTA/LIRR's desire to explore and ultimately implement the proposed Project, they cannot comprehend the rationale behind the haste at which the agency is proceeding. The process has already revealed serious shortcomings in terms of process and detail set forth in the Draft Scoping Document. This runs contrary to Governor Cuomo's commitment to the affected communities. MTA/LIRR should take stock, hit the "reset" button, and take the time necessary to ensure that the Project's environmental review complies with the letter and spirit of SEQRA.

Respectfully submitted,



Michael Murphy

**Enclosures**

- A. February 3, 2016, letter from Main Line Village Mayors to Barbara Donno, President of the Nassau County Village Officials Association
- B. May 16, 2016, letter from Main Line Village Mayors to Barbara Donno, President of the Nassau County Village Officials Association

cc: Hon. Thomas J. Tweedy, Mayor, Village of Floral Park  
Hon. Nicholas P. Episcopia, Mayor, Village of Garden City



## **ATTACHMENT A**

**MAYOR**  
THOMAS J. TWEEDY

**TRUSTEE**  
DOMINICK A. LONGOBARDI

**TRUSTEE**  
KEVIN M. FITZGERALD

**TRUSTEE**  
DR. LYNN POMBOYNO

**TRUSTEE**  
ARCHIE T. CHENG



## *Incorporated Village of Floral Park*

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**VILLAGE ADMINISTRATOR**  
GERARD M. BAMBRICK

**VILLAGE CLERK**  
SUSAN E. WALSH

**SUPERINTENDENT**  
**PUBLIC WORKS & BUILDINGS**  
STEPHEN L. SIWINSKI

**POLICE COMMISSIONER**  
STEPHEN G. McALLISTER

February 3, 2016

Hon. Barbara Donno, President  
Nassau County Village Officials Association  
PO Box 484  
New Hyde Park, NY 11040-5572

Dear Mayor Donno:

We the undersigned Nassau County Mayors object to the Governor's surprise announcement and resubmittal of the Mainline Third Track Project. We ask the Nassau County Village Officials Association to join with the Villages along the Mainline in opposition to this ill-conceived plan.

The Main Line Third Track Project has previously been operationally discredited, publically debated and defeated. There is no demonstrated compelling need for such a tremendously disruptive project especially as there are several incremental and necessary proposals to address any reverse commute issue already submitted by LIRR President Pat Nowakowski and former LIRR President Helena Williams. LIRR President Pat Nowakowski's innovative and less invasive proposals will more precisely address the issue of the reverse commute while simultaneously positively impacting the westbound commuter. President Nowakowski's proposed improvements include but are not limited to:

1. Creating a New Passenger Train Yard in Huntington to preset coaches for westbound morning operations clearing the Mainline of eastbound empty "deadhead" passenger trains which will allow for an eastbound "reverse" rush hour commute.
2. Electrify the Port Jefferson Branch and complete a small passenger train yard at the Port Jefferson Branch Terminus thereby increasing reliability and efficiency for the growing LIRR commuter need there and creating a new more accessible tourist destination.
3. Complete the Second Track into Ronkonkoma and electrify its entire length.
4. Grade Crossing elimination along the entire expanse of the Mainline corridor, thereby improving safety, reliability, and speed, while addressing environmental concerns of noise and air quality at each of these locations.

5. Upgrade problematic switches and correct the Jamaica crawl by untangling the archaic 19<sup>th</sup> Century track design which create bottlenecks.
6. Complete the East Side Access into Grand Central Terminal.
7. Hi-speed signaling and high speed switches in conjunction with passing sidings throughout the LIRR system. President Nowakowski's proposal is a 21<sup>st</sup> Century solution to a 21<sup>st</sup> Century problem.

Once these decades old needs and operational deficiencies are completed, including addressing sound attenuation along the entire Third Track corridor, we agree to re-evaluate the need for a Third Track plan at that time.

The MTA Mission Statement professes that, "the Metropolitan Transportation Authority (MTA) preserves and enhances the quality of life and economic health of the region we serve through the cost-efficient provision of safe, on-time, reliable and clean transportation services." Each of the criteria espoused by the MTA in its Mission Statement is more appropriately and effectively addressed by the incremental improvements proposed. We believe that the decades-long construction of this multi-billion dollar megaproject would forever negatively impact the foundation of our businesses, the valuation of our homes and the destruction of suburban life in our communities. We question any real operation improvements promised for western Nassau's LIRR commuter. Ultimately, our communities would bear the entire burden and derive none of the benefit. The Third Track plan is fundamentally contrary to the tenets of the MTA's Mission Statement and we strongly oppose this plan.

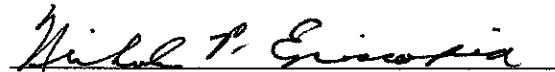
We ask the NCVOA to address this issue at your next meeting, adopt a resolution expressing the NCVOA's support of the Mainline Villages and convey the NCVOA's opposition to this proposal to Governor Cuomo.

Thank you for your consideration, and please feel free to reach out to any one of us to discuss further.

Very truly yours,



Henry J. Schreiber  
Mayor, Inc. Village of Bellerose



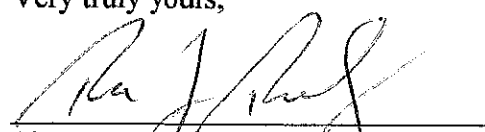
Nicholas P. Episcopia  
Mayor, Inc. Village of Garden City



Robert A. Lofaro  
Mayor, Inc. Village of New Hyde Park



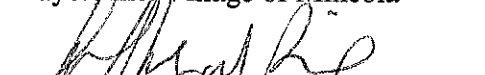
Gerard S. Tangredi  
Mayor, Inc. Village of Stewart Manor



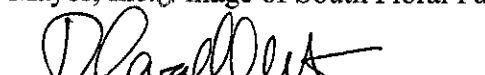
Thomas J. Tweedy  
Mayor, Inc. Village of Floral Park



Scott P. Strauss  
Mayor, Inc. Village of Mineola



Geoffrey N. Prime  
Mayor, Inc. Village of South Floral Park



Peter I. Cavallaro  
Mayor, Inc. Village of Westbury

**ATTACHMENT B**

**MAYOR**  
THOMAS J. TWEEDY

**TRUSTEE**  
DOMINICK A. LONGOBARDI

**TRUSTEE**  
KEVIN M. FITZGERALD

**TRUSTEE**  
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May 16, 2016

Hon. Barbara Donno, President  
Nassau County Village Officials Association  
P.O. Box 484  
New Hyde Park, NY 11040-5572

Dear Mayor Donno:

By letter dated February 3, 2016, the eight Mayors of the Villages along the Long Island Rail Road Mainline corridor asked the NCVOA to support them in opposing the Governor's proposed Third Track Project. Although the letter expressed our opposition to the Governor's proposal, that letter was not a blanket "no" to projects along the Mainline. Rather, that letter stated that the Mainline Mayors support LIRR President Patrick Nowakowski's previously stated seven point proposals for operational improvements along the LIRR Mainline Corridor. A copy of the February 3rd letter ("Mainline Mayors' Letter"), setting forth LIRR President Nowakowski's proposal, is attached

Subsequent to the Mainline Mayors' Letter to the NCVOA, the Governor's office reached out to several of these Mayors to discuss the Governor's proposal. As described in the March 6<sup>th</sup> *Newsday*, on February 19th Governor Cuomo himself, together with several top level staffers, met with Mayors, Trustees and appointed officials from the Villages of Floral Park, New Hyde Park, Westbury and Mineola. Following that meeting, Lisa Black from the Governor's office coordinated separate meetings with the State Department of Transportation with the same villages and Garden City. Ms. Black has also coordinated additional follow up meetings with the Villages.

Mayors and Trustees from each of these villages have subsequently spoken and compared notes from these separate meetings. Each of those separate meetings focused on mitigating, to some degree, the very obvious and significant disruptions that will inevitably result from the proposed Third Track Project. In each case, the State's proposal mainly focused on the long overdue grade crossing eliminations along the Mainline that the Villages have been advocating for the past 30 years.

Each of the Mayors has expressed their gratitude to the Governor and his staff for their time spent collectively and in the follow up meetings. We appreciate what clearly appears to be the Governor's and his staff's sincere and earnest efforts to mitigate, to the extent possible, any impacts and changes that will inevitably be caused by the proposed Third Track Project to each of the Mainline Villages and its



residents and businesses. We also appreciate the Governor's repudiation of the false concept that the proposed Third Track Project would facilitate the "reverse commute" and his assurances that the project is not meant to accommodate, nor will result in, increased freight traffic. We are heartened that Governor Cuomo is dealing with us more openly and honestly than the MTA did ten years ago, and he has put aside the MTA's false argument about the reverse commute.

Despite the positive interaction with the Governor and his staff over the past few weeks, at this juncture, the Mainline Mayors continue to have serious reservations and require additional and substantial information before any project is advanced.

Nonetheless, despite the lack of any clear articulation of a need for this mega project, it is now proceeding forward at an alarming pace. On May 5th, the LIRR released its Draft SEQRA Scoping Document and announced the public hearing dates for public comments. It is providing merely two back to back dates for public hearings, with hearing times offered only in the afternoon and starting early evening. Further, the comment period for the submission of written comments is barely more than the absolute minimum required under SEQRA. A project of this scope and scale requires more than the minimum required by SEQRA.

Normally, the lead agency is obligated to finalize a scoping document within 60 days of receipt of a proposed scope from the project sponsor; although, this timeframe is often extended by agreement for large, complicated projects. Where the lead agency and project sponsor are one in the same, no such deadline is imposed and the lead agency is free, from the outset, to allow impacted communities and the public adequate time to study, review and comment in a meaningful way on a draft scoping document. One of SEQRA's overriding mandates is to provide for **meaningful public review and assessment**. Governor Cuomo has made a commitment that "this project will set the standard for positive community engagement." SEQRA is foundational to that commitment. For a project of this magnitude and complexity, a minimum of 90 days must be provided for public review and comment on the Draft Scoping Document, and additional dates and more convenient times must be established for public hearings.

Our opposition to this project moving forward at this stage is essentially twofold.

First, there are no written plans that can be shared by the Governor's office about the Third Track Proposal. While the LIRR's Draft Scoping Document provides significant detail about the proposed grade crossing eliminations, it does not provide (nor have we been otherwise provided) any detail as to basic and vital issues, such as track alignment, from which we can engage in a meaningful study and provide meaningful comments. Consequently, we are left to guess at the scope and extent of the problems the proposed Third Track Project will cause to the residents and businesses in each of our Villages. It is difficult to meaningfully assess and comment on the Draft Scoping Document when key details of the proposed project are missing.

Second, despite the Mainline Villages' request, we have not been provided with a sufficient justification for this proposed mega project. Admittedly, the Governor has strongly argued that his rationale for this project is to create redundancy in capacity so that service disruptions and delays would be eliminated. While that certainly is a laudable and worthwhile objective, we have not received an explanation as to why that objective is not better achieved through LIRR President Nowakowski's seven point proposal

(reflected in the Mainline Mayors' February 3<sup>rd</sup> Letter). We are also not sure why the important grade crossing eliminations cannot proceed separately on their own merits.

While the LIRR's Draft Scoping Document indicates that the components of President Nowakowski's seven point plan will move forward as separate projects independent from the Third Track Project (other than perhaps the grade crossing element), that is insufficient. The Governor's proposed Third Track Project will undoubtedly cause several years of disruption to the lives of residents along the Mainline. To subject our communities to this massive upheaval while a much less onerous and less expensive alternative has been identified by those very people responsible for the day to day operations of the Long Island Railroad is unwarranted.

Why has no consideration been given to completing President Nowakowski's plan first. Then, once completed, it can be determined if President Nowakowski's plan sufficiently achieves the objectives of eliminating service disruptions and delays before the communities along the Mainline are asked to endure the several years of disruption to the lives of its residents and businesses that will necessarily ensue if the proposed Third Track Project is pursued.

Also, by now you have probably received a letter from the so called "Right Track for Long Island" group. This group appears essentially to be a combination of the LIA and the Rauch Foundation, both of which were leading advocates of the Third Track Project ten years ago. This time around, their argument in favor of the Third Track Project is based primarily on a 2014 report paid for by the Rauch Foundation. We believe there are many glaring deficiencies with this report, but will only focus on two at this time.

First, many of the supposed benefits of this project identified in the Rauch Report are based on the assertion that the Third Track Project will dramatically increase the "reverse commute". As stated above, the reverse commute argument was thoroughly discredited ten years ago and Governor Cuomo in our recent conversations has stated that his proposed Third Track Project has nothing to do with addressing any reverse commute issue along the Mainline. If such a major premise of the Rauch Report has been abandoned, it calls into question the conclusions based on that faulty premise.

The second glaring problem with the report is that all of its economic modeling is premised upon the false choice that either the Third Track Project is undertaken or no improvement projects to the Mainline are undertaken. We are not advocating against improvement projects along the Mainline. To the contrary, we support the implementation of LIRR President Nowakowski's seven point plan, which includes an aggressive plan for grade crossing eliminations. The Rauch Foundation Report fails to analyze or acknowledge the positive economic and other impacts that would result from implementation of President Nowakowski's plan. Without such an analysis of the economic benefits that could be derived from LIRR President Nowakowski's plan, any valid comparison of that plan to the proposed Third Track Project cannot be made.


Consequently, while we appreciate the sincere efforts of the Governor and his staff to address, to a certain degree, how to alleviate the inevitable problems this proposed mega project will cause, we believe there must first be a threshold determination as to whether there is justifiable reason to proceed with the proposed Third Track Project rather than the less disruptive alternatives identified by LIRR President Nowakowski. Our position is further buttressed by the fact that all of our elected state and local representatives along the Mainline have expressed their opposition to this plan precisely because they have not been provided with a sufficient justification for this mega project.

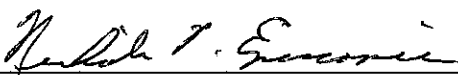
Further, despite the Governor's efforts to address mitigation over the last several weeks, all of those apparent good intentions are being obviated if the LIRR continues to "Fast Track" the SEQRA process.

Consequently, we maintain our opposition, as set forth in the February 3, 2016 letter to the NCVOA, to the Governor's Third Track Project. Instead of the Third Track Project, we call on the State to fund LIRR President Nowakowski's seven point plan to address and improve operational and safety issues along the Mainline corridor. Further, the issue of grade crossing eliminations should be de-coupled from the proposed Third Track Project. Grade crossing eliminations have a compelling operational and safety justification separate and apart from the proposed Third Track Project.

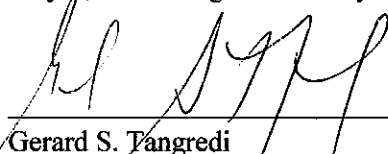
We ask the NCVOA to support your neighboring Villages.

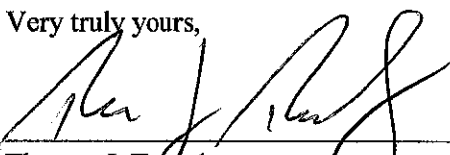
If you have any questions, please contact any of the undersigned Mayors.


  
Henry J. Schreiber  
Mayor, Inc. Village of Bellerose

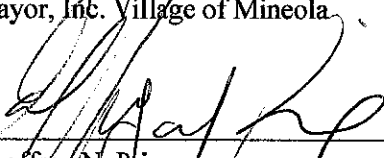
  
Nicholas P. Episcopia  
Mayor, Inc. Village of Garden City


  
Robert A. Lofaro  
Mayor, Inc. Village of New Hyde Park

  
Gerard S. Tangredi  
Mayor, Inc. Village of Stewart Manor

Very truly yours,  
  
Thomas J. Tweedy  
Mayor, Inc. Village of Floral Park

  
Scott P. Strauss  
Mayor, Inc. Village of Mineola

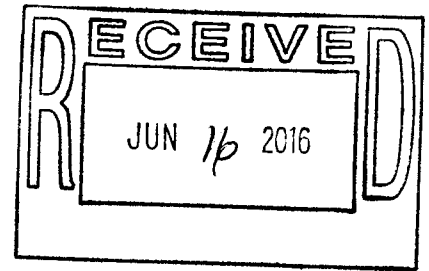
  
Geoffrey N. Prime  
Mayor, Inc. Village of South Floral Park

  
Peter I. Cavallaro  
Mayor, Inc. Village of Westbury

cc: See Attached List

June 13, 2016

Edward M. Dumas, Vice President-Market Development & Public Affairs  
Long Island Rail Road Expansion Project  
MTA Long Island Rail Road, MC 1131  
Jamaica Station Building  
Jamaica, NY 11435



Re: Scoping Meeting for Third Track Expansion

Dear Mr. Dumas:

My name is Timothy J. Dalton, I am a third generation resident of the Village of Floral Park, my family has been active in the community since 1920. I have an office which is located directly across from the Floral Park train station and work as a third generation funeral director. I have lived through the first project back in the 1960's and now you are asking for us to endure another project. We have a number of employees and have been part of this community for many years. We almost went out of business during the first project and certainly this second project could do the same. I have a lot of concerns and apprehension about your now misguided, understated third track expansion project.

First, from the release of the Scoping Document to now, the MTA has limited the time for the public to respond to this major project. With college graduations and vacations planned by many, the comment period should be extended.

Second, where is the plan? How can the public properly comment on a plan that has not yet been released? With all the smoke and mirrors, it appears that the MTA is trying to pull the wool over the public's eyes. As with any large project, the devil is within the details. As businesses, we have to submit plans to get approval from our local authorities, when did the MTA become exempt from this basic principal?

Third, Where is the right of way for this Third Track Expansion Project? What construction easements are allowed? While no properties are to be taken, for how many years will homeowners lose a piece of their property to those easements? Will they be compensated, are there any incentives? How will these construction easements affect our property values, which will affect our tax base, which will affect the overall health of the communities. Overall, the assessed values of our properties will most likely decrease. How does the MTA plan on addressing the value down of our communities, our individual properties for homeowners and businesses alike? This overall project, while in your words "will boost the economy" which I don't agree with, will affect all of the communities along the major corridor, from Floral Park to Hicksville. A thorough major economic study should be done for just this main corridor region alone.





Fourth, the Business Community. What effect will this project have on them? Increased traffic, construction, detour, staging areas, diverted traffic, road closures, and inability of clients to gain access to the local establishments.

What is the true economic impact zone of this construction,  $\frac{1}{4}$  mile,  $\frac{1}{2}$  mile,  $\frac{3}{4}$  miles, 1 mile range from ground zero (Third Track Construction Project)? How will businesses be compensated due to loss of business and business that will close? Will the MTA be offering incentives for businesses to stay open and deal with it? How many employees will lose their job? How will this impact the downtown areas with parking, foot traffic, which is already at a premium? Will these businesses share in this \$2 billion boondoggle or is their cost of doing business simply to close their doors. If businesses are allowed to share in incentives what cost will they incur to deal with the government business bureaucracy? Included in this is small to medium size businesses that will close or be severely hurt by this third track mega project along the main corridor.

Fifth. A big question in everyone's mind is where is the MTA staging area? What type of equipment, pile drivers, bulldozers cement mixers? What effect will this have on local businesses due to noise and vibration? What effect will this increase in construction have on pollution in the local area, air, ground, water and what long term effects will this cause to the local residents and business that have to endure this long project.

Sixth. What is the real timeline to complete this project? With the Second Ave subway well past its projected completion date of years ago. How many more years will that take? For Example, it took over 13 months to put one escalator in at the Floral Park RR station. As a business owner across the street, we had to endure loud noise, music and the total lack of respect by your employees. Another example, it took over 2 years to put new stairs in at the same station. These we consider minor construction projects, and if this is any example of how the MTA really works, how long will this mega project really take?

Seventh. How does the MTA plan on addressing a lot of the environmental concerns that face us as a community during this third track expansion project? Specifically, over the years pesticides, possibly agent orange and other chemicals have been used as defoliants to keep weeds and other organic matter from growing along the tracks. How will the dust affect us during this project which possibly will carry many different types of contaminants? A short while back mercury was removed from a substation in Floral Park and our concerns are that this may be in other areas along the third track. How will water and run off be drained away during this process to protect our water supply in our local area? As we know in the Grumman Bethpage area they are dealing with a large plume from other manufacturing that is affecting the quality of their water. Have any long term studies of our water quality been done by the MTA. How do you plan on identifying other hot spots laden by contaminants or will this be overlooked. How will rain water run off during the construction project be handled or will we be adding additional contaminants to our bays and ocean. With the increased nitrogen levels, salts, pesticides, contaminants and other chemicals not named, will affect our wildlife now and into the future? Will the MTA be monitoring our estuaries to protect our back bays and oceans that we have been accustomed to past, present and future?



Eighth. Freight. As we all know it has not truly been addressed in this document. What increase in freight does the MTA project over the next number of years? How does the third track expansion project added freight fit in with the Ronkonkoma intermodal facility that's been built in Suffolk? We all know that this is about freight. Will you be removing garbage, ash and other contaminants through our Village? What other concerns and plans does the MTA have in case of a derailment involving heavier cars, laying with liquid petroleum, gasoline and other flammable materials? How will these materials be classified? Will they be hazardous, radioactive, toxic, flammable? All of these questions need to be answered.

Ninth. What other plans have been addressed in lieu of this third track expansion mega project? A while back the president of the MTA Patrick Nowakowski laid out a plan to fix what was broken with the MTA which would cause a lot less damage and construction displacement within our communities. Why hasn't the MTA started to truly fix what's broken before they continue to break down our communities?

Finally, the greatest injustice done to myself, the residents of Floral Park and all of the communities along the main track corridor is the timing or lack of time that we have been allowed to comment on a project that is projected to take years. With the scoping document being released on May 5, 2016 and with us only allowed to have comments by 5:00pm on June 13, 2016, to me seems abusive to the public to say the least. With the lack of information, no plan, no designated right of way given, no staging areas given, no freight plan, there is no reverse commute, no benefits given to any of the local communities, we need more time.

It is time for the MTA to release the plan, be truthful about the freight, do the necessary economic impact studies on all the communities in a thorough manner, address the pollution, air and noise pollution that the local residents will have to endure. It is time to stop and embrace the communities that have grown up around the main corridor. We already have endured one expansion project in our lifetime and we do not deserve to endure another. As the plan stands right now it should not be allowed to move forward, We the People.

Sincerely,

A handwritten signature in black ink, appearing to read 'Timothy J. Dalton', with a stylized, cursive script.

Timothy J. Dalton  
58 Daisy Avenue  
Floral Park, NY 11001



Timothy J. Dalton  
58 Daisy Avenue  
Floral Park, NY 11001

Edward M. Dumas, Vice President  
Market Development & Public Affairs  
Long Island Rail Road Expansion Project  
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