

April 30, 2020

Letter #1140

Third Track Committee of the Board of Trustees
Village of Garden City
351 Stewart Avenue
Garden City, New York 11530
Attention: Brian Daughney, Stephen Makrinos

Reference: MTAC&D Contract No. 6240 Design Build Services for Long Island Railroad Expansion
Project from Floral Park to Hicksville

Subject: Response to April 8, 2020 Letter from Third Track Committee (Letter #1139)

Dear Mr. Daughney and Mr. Makrinos:

Thank you for your letter dated April 8, 2020 regarding the Long Island Rail Road (LIRR) Expansion Project. As you are aware, the COVID-19 pandemic has required significant changes to the project's daily operations and management. NYS Executive Order No. 202 (also referred to as "New York State on PAUSE") allows essential transportation infrastructure projects to proceed, and we have implemented robust safety protocols to allow the project to continue at this time. We are pleased to report we have been able to continue the construction of several elements scheduled within the Village of Garden City, including elimination of the New Hyde Park Road grade crossing, installation of sound attenuation walls, and enhancements to Merillon Avenue Station. This continued progress is thanks in large part to the strong working relationship between the Village, MTA-LIRR, and 3rd Track Constructors (3TC). In that spirit, we have carefully reviewed your recent letter, and would like to take the time to properly address each of the issues raised.

Your letter enumerated several concerns regarding construction activities and modifications to design plans for project elements within the Village of Garden City (Village). We understand the Village's position and want to provide additional context and explain which items are open to further discussion and input. For ease of response, we have categorized your comments as follows: (1) worker parking; (2) damaged open spaces; (3) utility pole installation; (4) landscaping; (5) retaining/sound walls; (6) road repair. Throughout our responses below we refer to your letter as well as MTA Contract No. 6240 ("Contract") and the Memorandum of Understanding between LIRR and VGC ("MOU", dated February 27, 2018).

Comments Regarding Worker Parking: *"The failure to keep workers from parking on Village streets – in fact the promise that workers would be bused or transported in to work areas - was pretty much ignored throughout the project."*

Response: The Village is correct in reference to the MOU, which states that one of Design-Builder commitments includes “providing satellite parking for construction workers so as to keep personal construction worker vehicles off of residential streets.” While 3TC has frequently used crew cabs to limit the number of personal vehicles in the community, we acknowledge there have been instances when worker vehicles have been present. We applaud the residents who have participated in the project’s Community Scorecard program and who have raised concerns about such vehicles. The appropriate monetary deductions were taken from 3TC’s quarterly award based on this input, and we note 3TC’s subsequent efforts to improve the issue.

Comments Regarding Damaged Open Spaces: *“We also note that the 3T team utilized the Cow Pasture/Strawberry Field area to construct switching equipment for the Third Track – without asking the Village for permission...that usage requires the area be cleaned up and repaired. We expect that the divots will be fixed and new sod panted, and trees that were damaged by the heavy equipment be replaced.”*

Response: 3TC is contractually committed to restoring damaged areas of property, as stated in TP 3.11.4.3 *“Existing lawn areas outside the Railroad ROW disturbed due to construction operations shall be repaired and reseeded to previous condition”*. We will hold 3TC to this requirement and impress upon them the importance of restoring this area as soon as possible. Following restoration, we invite the Village of Garden City to join us for a walk-through of this and other areas to ensure the site has been restored to the satisfaction of the Village. Separately, we are aware that 3TC has agreed to compensate the Village for use of this property, and we encourage you to follow up with them directly.

Comments Regarding Utility Pole Installation: *“...the Village of Garden City was never asked or consulted with respect to the placement of the 4-5 metal 120 foot high utility poles between the bridge at Nassau Boulevard and Weyford Terrace...We are advising your team not to install the 5th pole or any other poles on the south side of the Main Line.”*

Response: The Village is correct that initial design plans envisioned that the permanent utility poles would be installed on the north side of the Main Line in this area. During the construction phase, 3TC identified several serious constructability issues that led to the relocation of these poles to the south side—including space and access constraints affecting the feasibility of constructing the poles and cable while maintaining active train operations, as well as safe clearances from station platform construction and sound wall installation. Your letter also refers to the project team’s commitment to explore the feasibility of burying utility lines. A thorough feasibility study was indeed performed earlier in the design phase. We would be pleased to share the results with you in a public-friendly format that can be shared with Village residents.

We understand the abrupt change to the neighborhood aesthetics that has resulted from the clearing of vegetation, the installation of sound and retaining walls, and the installation of these tall utility poles. Please note that in addition to the 5 poles installed west of Nassau Blvd, additional poles will be installed on the south side of the track in the area east of Nassau Blvd. While we appreciate the negative community reaction that has resulted from these utility poles, these are necessary utilities and they are located within LIRR right-of-way. Village approval is not required. Nonetheless, we agree that this design change should have

been communicated to the Village at an earlier date. We also agree that additional measures, such as enhanced landscaping, are warranted to soften the visual effects of these poles and other project elements.

Comments Regarding Landscaping: “...*Current 3T Plans are woefully short and deficient with respect to landscaping...The 3T landscape architect agreed with our broad outlines for the planting of various hedges, shrubs and trees. We refer you to Section 39 of the MOU...’[i]n this area, trees and other landscaping will be provided in the LIRR Right of Way south of the barrier with such trees and landscaping, to the extent possible, mirroring and enhancing the landscaping prior to construction.’”*

Response: We appreciate the Village’s time and effort spent to date reviewing 3TC’s draft landscaping proposals and the constructive input provided. We understand your disappointment with the updated plans recently provided, and the Village’s sincere desire for a mix of trees, hedges and shrubs of various species, kinds, and sizes—including specific requests for oak and white pine trees, cryptomeria, arborvitae, skip laurel, dragon lady and holly—for both the Strawberry Field and Merillon Station areas. The Project Management Team was represented on your April 16, 2020 video conference with 3TC, during which they committed to revising and enhancing their draft landscaping plan to (1) address the Village’s prior comments; and (2) provide additional taller trees to buffer views of the south-side utility poles. We will urge 3TC to produce an impressive plan as soon as possible.

Comments Regarding Retaining/Sound Walls: “...*in the Current 3T Plans there is no reference to the wall to be placed along the ballfield in Nassau Haven Park...from day one there was to be a wall in that area...the height of the sound walls in the ‘Cow Pasture/Strawberry Field’ area was to be increased...8 feet above rail.’”*

Response: The schematic that 3TC sent to you on April 7, 2020 was an illustrative representation of the location of various utility poles and walls and was not inclusive of all work to be completed. The contract does require the installation of a sound attenuation wall along a portion of Nassau Haven Park (Contract, TP 3.5-22). We have confirmed with 3TC they plan to install a wall in this location. With respect to wall height, we understand that 3TC has worked directly with the Village to negotiate higher sound attenuation walls in certain locations. As these are not contractual requirements, and we encourage the Village to work with 3TC to clarify the sound wall heights for each location in question. The contractual requirement is that the “*top of sound attenuation barriers in fill sections shall be at least 8’ above the lower proposed ground line adjacent to the barrier or 4’ above top of rail, whichever is greater*” (Contract, TP 3.5-23).

Comments Regarding Road Repair: “*We also expect that obligations to fix areas or roads impacted by the project – will be repaired in accordance with Section 19 of the MOU*”

Response: Yes. In several locations, the Contract requires restoration and repair of locations damaged by construction operations (including TP 3.6-4 and TP 1.4-1). We will ensure 3TC’s compliance with these requirements and invite the Village to a three-party inspection upon restoration.

Again, we thank the Village for alerting us to these concerns in a timely manner. We appreciate your dedicated involvement in the project since the planning phase, and we are committed to creation of an end

product that will be an enhancement to the LIRR as well as to each of the adjacent communities. Please feel free to contact me at by e-mail at mark.roche@mtacd.org or by cell phone (646)476-0848 with any questions.

Sincerely,



Mark Roche
Project Executive

Attachments: None