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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

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**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.¹ 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

¹ See 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.² Here, MTA/LIRR is both the project sponsor and the Lead Agency.³ 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.⁴

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.

² 6 NYCRR § 617.3(i).

³ 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.

⁴ 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.⁵

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.⁶

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

⁵ See NYSDEC, SEQRA Handbook, Ch. 5(B)(5), (19).

⁶ See NYSDEC, SEQRA 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.⁷ 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.”⁸



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.⁹ 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

⁷ Aerial view of LIRR Main Line in the vicinity of the Hempstead Branch; imagery ©2016 Google, map data ©2016 Google.

⁸ Draft Scope, p. 6.

⁹ 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 7th 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."¹⁰ 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.*¹¹ 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.¹²

¹⁰ Draft Scope, p. 1 (emphasis added).

¹¹ Draft Scope, p. 26.

¹² 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.¹³ The areas south of this grade crossing including the extensive residential areas to the southeast, lie within Garden City's boundaries.¹⁴



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.

¹³ Draft Scope, Figures 14-19.

¹⁴ 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,"¹⁵ 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.¹⁶

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

¹⁵ 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).

¹⁶ 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,¹⁷ (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

¹⁷ 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.¹⁸ 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.¹⁹ 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.”²⁰ It would provide five times more peak-hour Intercity trains than are currently in operation, and introduce 31-41 new stations.²¹

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.²²

¹⁸ Tier 1 EIS Alternatives Report, p.2, available at 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.

¹⁹ See http://www.necfuture.com/pdfs/scoping_package_0612.pdf at 9.

²⁰ NEC Future Tier 1 Draft EIS (“DEIS”), Abstract at 1.

²¹ NEC Future DEIS, 9-46; 4-44.

²² 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.²³

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.²⁴

The draft scope also specifically states that the Project would support “longer term post-[East Side Access] Project service plans.”²⁵ 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.

²³ See SEQR Handbook, Chapter 2, § D(3).

²⁴ Draft Scope, pp. 4–5.

²⁵ 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.²⁶

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.²⁷

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.²⁸ 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

²⁶ Draft Scope, p. 27.

²⁷ Aerial view of LIRR Main Line in the vicinity of the Floral Park Recreation Center; imagery ©2016 Google, map data ©2016 Google.

²⁸ 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,²⁹ 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.

²⁹ 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,”³⁰ 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.

³⁰ 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.³¹ 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

³¹ 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.³²

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

³² 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.³³ 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.

³³ 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.³⁴ 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.³⁵ 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.³⁶ 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.

³⁴ 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.")

³⁵ 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.

³⁶ 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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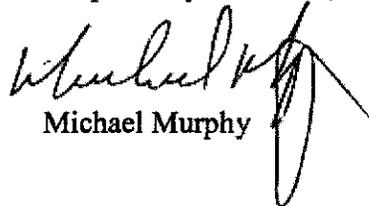
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2005 Project Record

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.

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 POMBONYO

TRUSTEE
ARCHIE T. CHENG



VILLAGE ADMINISTRATOR
GERARD M. BAMBRICK

VILLAGE CLERK
SUSAN E. WALSH

**SUPERINTENDENT
PUBLIC WORKS & BUILDINGS**
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Incorporated Village of Floral Park

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

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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 19th 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 21st Century solution to a 21st 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.

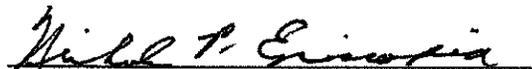
We ask the NCVOA to address this issue at your next meeting, adopt a resolution expressing the NCVOA's support of the Mainline Villages and convey the NCVOA's opposition to this proposal to Governor Cuomo.

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



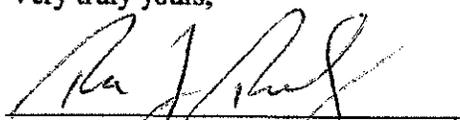
Nicholas P. Episcopia
Mayor, Inc. Village of Garden City



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



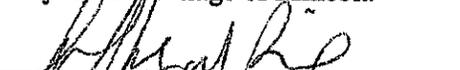
Gerard S. Tangredi
Mayor, Inc. Village of Stewart Manor



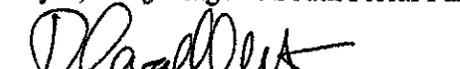
Thomas J. Tweedy
Mayor, Inc. Village of Floral Park



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

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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 6th *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 3rd 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.

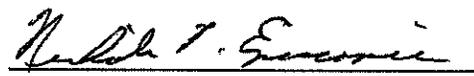
Further, despite the Governor's efforts to address mitigation over the last several weeks, all of those apparent good intentions are being obviated if the LIRR continues to "Fast Track" the SEQRA process.

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.

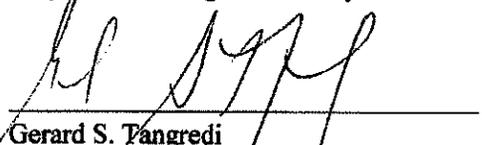
We ask the NCVOA to support your neighboring Villages.

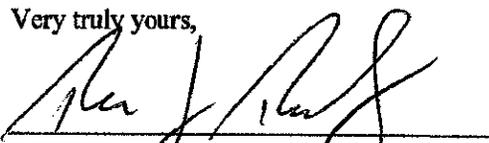
If you have any questions, please contact any of the undersigned Mayors.


Henry J. Schreiber
Mayor, Inc. Village of Bellerose

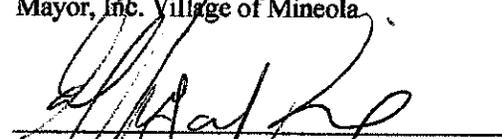

Nicholas P. Episcopia
Mayor, Inc. Village of Garden City

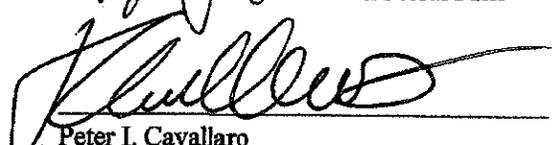

Robert A. Lofaro
Mayor, Inc. Village of New Hyde Park


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