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January 14, 2022

Ms. Danielle Gosselin
Acting Director, Office of Environmental Assessment
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423

Re: STB Docket No. FD 36575, Townline Rail Terminal, LLC – Construction and Operation
Exemption–In Suffolk County, NY; Waiver Request of Six-Month Prefiling Notice
Requirement

Dear Ms. Gosselin:

Pursuant to 49 CFR §1105.10(c)(2), Townline Rail Terminal, LLC ("Townline") respectfully requests a waiver of the six-month pre-filing notice required by the Board's regulations at 49 CFR §1105.10(a)(1). Townline intends to petition the Board for an exemption under 49 U.S.C. §10901 to permit it to construct and operate approximately 5000 feet of new common carrier railroad line (the "Proposed Line") in Smithtown, NY.

BACKGROUND

Townline is a Limited Liability Company established in 2021 to be a common carrier railroad. Townline is affiliated with CarlsonCorp, Inc. ("Carlson"). Carlson operates a New York State Department of Environmental Conservation ("NYSDEC") permitted waste transfer facility for the recycling and processing of recognizable uncontaminated concrete, asphalt pavement, rock, brick, and soil ("RUCARBS"), woody yard waste, un-adulterated wood, yard waste, and horse manure.

Carlson operates its NYSDEC permitted facility on 82 acres in Smithtown, NY. Townline intends to develop the northern most portion of the property along the boundary line which runs adjacent and parallel to the Long Island Railroad ("LIRR") Port Jefferson Line. New York & Atlantic Railway operates freight service on this main line and has entered into an agreement with Carlson to install a new switch connecting the Proposed Line to the interstate network.

Townline plans to serve customers located on the Carlson property and adjacent properties, potentially including Carlson, Covanta Energy, Kings Park Ready Mix, Kings Park Materials (Asphalt plant) and Pelkowski Precast concrete.

At the outset, Townline will move incinerator ash and construction and demolition debris for Covanta Energy and Carlson. Townline anticipates an increased need for rail service

because the last remaining landfill on Long Island is scheduled to close in late 2024. This landfill receives incinerator ash, a byproduct from Covanta Energy's local waste-to-energy facilities. It also receives construction and demolition debris from various sources in the area. When the landfill closes, the only two viable options to remove this ash and debris from Long Island will be via rail or tractor trailer/triaxle trucks.

The construction of the Proposed Line will facilitate the movement of this incinerator ash and construction and demolition debris off Long Island while minimizing truck traffic on local roadways.

REQUEST FOR A WAIVER FROM THE SIX-MONTH NOTICE REQUIREMENT

Under 49 C.F.R. §1105.10(c)(2), a petitioner "must describe as completely as possible the anticipated environmental effects of the proposed action, and the timing of the proposed action, and show that all or part of the six-month lead period is not appropriate."

Townline seeks to file with the STB its Petition for Exemption in the late spring or summer 2022. Townline wants the Proposed Line to be fully constructed and operational before the landfill closes. Townline believes that the environmental effects of the project will be limited. Accordingly, Townline respectfully requests OEA waive the six-month lead time required under 49 CFR §1105.10(a)(1).

TOWNLINER'S PROPOSAL IS NOT LIKELY TO HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT

Under 49 C.F.R. §1105.6(a), an environmental impact statement ("EIS") "will normally be prepared for rail construction proposals." However, section 1105.6(d) provides that an applicant can request that the Board instead evaluate a project through an environmental assessment ("EA"), rather than an EIS, if the applicant demonstrates that a proposal is not likely to have a significant environmental impact. Further, under section 1105.6(d), "[a]ny request for reclassification must be in writing and, in a rail construction, should be presented with the prefiling notice required by §1105.10(a)(1) (or a request to waive that prefiling notice period).

The Proposed Line is to be constructed upon property currently used for the processing and recycling of RUCARBS, woody yard waste, un-adulterated wood, yard waste, and horse manure. The Town of Smithtown is currently in the process of creating a new master plan for the township and has included in its plans the potential for rail operations on this property. Further, the Proposed Line is 5,000 feet, will run roughly parallel and adjacent to an existing rail line, and will be located on industrial property with an NYSDEC permit. Townline proposes to provide rail service to a solid waste transfer facility; however, it will not own or operate the facility which will be separately permitted by NYSDEC. For these reasons, OEA should determine that an EA is appropriate for reviewing the environmental impact of this project.

The Proposed Line will not cross any public or private roads and as such no safety impacts at rail crossings will result because of the construction of the Proposed Line. The Proposed Line will result in removal of one rail crossing at Meadow Glenn Road (DOT Crossing # 338326D).

As stated, the current use of the property where the Proposed Line is to be located is for processing and recycling of RUCARBS, woody yard waste, un-adulterated wood, yard waste, and horse manure. Townline's proposed project is consistent with historic industrial use of the

property. The Proposed Line will result in new rail traffic, creating a modest net increase in energy use for train operations but also removing truck traffic from local roadways.

Townline anticipates traffic to be limited to five days per week once the Proposed Line is fully operational and therefore, does not expect that the traffic to be handled over the Proposed Line will exceed the threshold of 8 trips per day for an attainment area as per 49 CFR §1105.7(e)(ii)(C).

Anticipated rail traffic volume can be expected to lead to a corresponding increase in noise levels. However, the Proposed Line is situated amongst industrial areas, a common carrier freight/commuter rail line, The Sunken Meadow State Parkway, The Huntington Landfill, Covanta Energy, and the Iroquois Pipeline right-of-way and as such Townline does not anticipate that the Proposed Line will impact sensitive noise receptors.

Townline does not believe that the Proposed Line is likely to adversely affect endangered or threatened species or areas designated as a critical habitat.

Townline believes that no portion of the Proposed Line is located in proximity of a floodway or wetlands. If Townline is incorrect, it is prepared to mitigate or design the project to address any concerns related to the existence of any potential floodway and wetlands.

Townline knows of no historic resources that may be impacted by the Proposed Line but will work with OEA and the New York state historic preservation office to identify any potential impacts.

Townline does not believe that an environmental impact statement will be necessary because the impacts of the Proposed Line are negligible considering the surrounding land uses. Accordingly, Townline respectfully requests OEA waive the six-month lead time required under 49 CFR §1105.10(a)(1) and review the Proposed Line as an EA.

Sincerely,



Justin J. Marks
Counsel to Townline Rail Terminal, LLC