



Department of Transportation

KATHY HOCHUL
Governor

MARIE THERESE DOMINGUEZ
Commissioner

RICHARD B. CAUSIN, P.E.
Regional Director

July 22, 2022

Andrea Poole
Surface Transportation Board
Docket No. FD 36575
395 E Street SW
Washington, DC 20423

RE: Docket No. FD36575, Townline Rail Terminal, LLC – Construction and Operation Exemption – Hamlet of Kings Park, Town of Smithtown, Suffolk County, NY

Dear Ms. Poole,

The New York State Department of transportation (“NYSDOT”) is in receipt of a letter dated June 22, 2022, regarding a request by Towline Rail Terminal, LLC (Townline) to construct and operate a new common carrier line in Smithtown, New York. Your letter asks for information on “any environmental resources that may be affected” by the proposal, as well as any “requirements or concerns from [NYSDOT].”

According to your letter, Townline is seeking authority from the Surface Transportation Board (STB) to construct and operate approximately 5000 feet of new common carrier rail line in Smithtown, Suffolk County, New York. Townline intends to construct this line at the northern end of an 82-acre tract, adjacent to and parallel with the Long Island Rail Road’s (“LIRR”) Port Jefferson Line. You indicate that Townline and would initially move incinerator ash and construction/demolition debris for an affiliated company (CarlsonCorp, Inc.) that operates a waste transfer facility at this site, and that it also plans to offer rail service to adjacent properties.

Without additional information, NYSDOT is unable to provide detailed information at this time regarding what, if any, environmental resources may be affected by Townline’s proposal. To that end we recommend that a study of the area be conducted that includes the “facility” being proposed (the rail line) and any anticipated road improvements. Specifically, that includes the following:

- Screening for the presence of contaminated soils and plans to address the same if found during construction.
- Screening for the presence for threatened and endangered species and habitat.
- Screening for the presence of cultural and historic resources.

- Information regarding traffic and associated emissions effects on roadway network, if any (e.g. trucks in and out of the facility during construction and operation).
- Information that addresses the Clean Air Act general conformity requirements.

In addition, it appears that the line being proposed will be constructed in or around a residential area. To that extent NYSDOT recommends that public outreach be conducted regarding the proposal and that an identification of any impacted disadvantaged populations (i.e. minority, low-income, persons with limited English proficiency etc.) be made. Given the proposed line's location, Environmental Justice (EJ) concerns may exist, and all relevant Executive Orders - including those directing community engagement – will need to be complied with.

Finally, it is not clear from your letter whether any railroad crossings will be created or modified as part of Townline's proposal. However, please know that to the extent that any public rail crossings will be created or impacted, or if any crossing on the LIRR's line will be modified or created, a public hearing is required by New York State law, and an order from the NYSDOT approving such creation or modification will be needed.

Thank you for advising the NYSDOT about Townline's proposal. Please do not hesitate to contact me if additional information is needed during your environmental review.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard Causin', with a horizontal line extending to the right.

Richard Causin, P.E.
Regional Director, Region 10