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February 14, 2023
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February 13, 2023

The Honorable Martin J. Oberman
Chairman
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423

Re: Townline Rail Terminal, LLC - Docket Number: FD 36575

Dear Chairman Oberman,

The residents of Kings Park, Commack, Fort Salonga, Northport and East Northport only became aware of the above referenced petition approximately four weeks ago, when an article appeared in a local newspaper, the Smithtown News. Local government officials knew of this project for approximately a year, if not longer, yet never advised the community of this significant proposal. (See attached email dated December 7, 2022)

This is a project that will severely affect the residents in the orbit around this proposed regional freight rail yard.

According to the four corners of the November 17, 2022 petition, this regional train yard will have five tracks totaling 9,400 feet, two buildings totaling 100,000 square feet, and a 161-freight car capacity totaling 10,456 feet of train. These trains will be hauling not only ash, but unassociated construction & demolition debris and aggregates. It notes that Townline is willing to accept a common carrier obligation and to "hold out" to provide rail service to the public at large.

According to the petitioner, there will also remain an area that will be used for an existing fleet of 50 trucks already operating on the site.

If approved, Townline's proposed line intends to serve as a truck-rail transloading facility which will allow companies to move the longest leg of transport by hauling via rail and then moving the items to a truck when closer to the delivery.

Although the petitioner and Town Supervisor Ed Wehrheim continue to utter there will be only one train per day, for five days, the duly sworn petition does not support this claim. The language is clear, *"Townline will interchange with NYAR and anticipates an **initial** operation of one-train per day 5-days a week to utilize the Proposed Line."*

The use of the word *initial* is critical in understanding the scope of this freight yard. Couple this language with the parameters the petition outlines, including a “161-freight car capacity,” community members are correct in their understanding that this project will not be a sleepy rail spur, as characterized by Mr. Carlson and the town’s supervisor. It will be a far-reaching regional freight yard.

This freight yard would be a chain link fence away from established residential neighborhoods in Kings Park (See photos) and in very close proximity to residential homes in Fort Salonga, Northport, East Northport and Commack, all which tightly border the projected area. There are several schools, stables, playgrounds and a nursing home in close proximity to the proposed yard.

The surrounding communities already bear the burden of several major sources of environmental blight, including the Huntington Resource Recovery Facility, the Northport power plant, the Huntington and Smithtown landfills and their methane burners/vents, medical waste incinerators at both Northport VA hospital & St. Catherine’s Medical Center, and the various heavy industrial uses that have been going on in this area for decades, many of which continue to operate illegally and unchecked.

How much of a burden is this one community expected to take? The freight yard’s proposed location is on the edge of a residentially zoned area (R43), plainly in the back yard of families, with inground pools and playsets. It is important to understand that in no way did anyone move into this area thinking they were going to be living right behind a diesel freight yard.

This proposed project will also have a detrimental impact on Long Island’s sole source aquifer as it sits atop a deep recharge basin.

Suffolk County Department of Health Services notes in its correspondence to the US Office of Environmental Analysis Surface Transportation Board (OEA), dated July 22, 2022, “*The project site is also in the 25–50-year groundwater contributing area to Smithtown Bay... It should be noted that this project site is in an **Article 7 restricted area** and storage of any toxic or hazardous materials, as defined in Article 7 of the Suffolk County Sanitary Code, is severely restricted.*” (See attached letter dated July 22, 2022, from Julia Priolo, Principal Environmental Analyst Office of Ecology, Suffolk County)

The surrounding communities were never advised by local, state or federal officials that this was ever a possibility. Just the opposite, the last the community knew, the petitioner was looking to site an indoor compost facility on this property. Community members were invited into town hall and shown a detailed PowerPoint presentation of that proposal. There has never been any type of communication that plans had changed for Mr. Carlson’s property.

The NYSDOT, in correspondence to the US Office of Environmental Analysis Surface Transportation Board (OEA), also dated July 22, 2022, advises, “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...” This was never done. (See attached letter dated July 22, 2022, from Richard Causin, NYSDOT Regional Director, Region 10)

Both the NYSDOT letter and the Suffolk County Department of Health letters, in response to OEA’s June 22, 2022 correspondence looking for information and comments regarding the proposal, noted that only limited information was provided by OEA. NYSDOT directly stated, “Without additional information, the NYSDOT is unable to provide detailed information at this time regarding what, if any, environmental resources may be affected by Townline’s proposal.”

A review of the STB site reveals no additional information was provided in order to help these interested parties provide informed input.

In a letter dated September 29, 2022, the OEA granted the petitioner's request for a waiver of 49 C.F.R. § 1105.6(a), which normally provides for the preparation of an EIS for rail line construction proposals, noting, "Based on the information available to date, OEA believes that the potential environmental impacts would not be significant, and any impacts could most likely be addressed through appropriate mitigation measures." (See attached letter dated September 29, 2022)

This conclusion by the OEA is predicated on incomplete information provided to interested parties, such as the NYSDOT and the Suffolk County Department of Health. The OEA knew further information was needed before it granted the waiver. The OEA was directly told so. A waiver should not have been granted and should, for the sake of fairness and justice, be reversed.

This is a petition that appears to be on a fast track, to the detriment of the community.

A few local elected officials have quietly supported this project for years, without a vote, without a resolution, without community input. They had a choice, and they chose to ignore the local community - to run over the residents, one might say.

Based upon the above, the community is respectfully requesting this petition be denied.

Thank you in advance for your consideration.

Respectfully submitted,

Linda Henninger

Linda Henninger
Townline Association, Co-president
townlinecivicassociation@gmail.com

Cc: Justin J. Marks - jmarks@clarkhill.com
Dominick Vernice - dominickvernice@yahoo.com
Edward R. Wehrheim - Supervisor@tosgov.com
Nicholas Fusco & Elizabeth Fusco – via US Mail
Townline Association - Gwhhuey@gmail.com
Senator Kirsten E. Gillibrand
Senator Charles E. Schumer
Rep. Nick LaLota
Steve Bellone, Suffolk County Executive
James Bonner, Pres., New York & Atlantic Railway
Senator Mario Mattera
Peter Scully, Deputy Suffolk County Executive
Allyson Murray, Town of Smithtown Planning Department

P.O. Box 119, Commack, New York 11725

Marks, Justin J.

From: Toby Carlson <Toby@carlsoncorp.com>
Sent: Wednesday, December 7, 2022 11:00 AM
To: Marks, Justin J.
Subject: FW: Townline Rail Terminal, LLC - Docket No. FD 36575

[External Message]

From: "Jennifer Juengst (Town Attorney)" <JJuengst@smithtownny.gov>
Date: Wednesday, December 7, 2022 at 10:59 AM
To: Toby Carlson <Toby@carlsoncorp.com>
Cc: "Allyson Murray (Planning)" <Amurray@smithtownny.gov>, "Peter Hans (Planning)" <phans@smithtownny.gov>, "DBarnes@smithtownny.gov" <DBarnes@smithtownny.gov>, "Richard.Semenick@hdrinc.com" <Richard.Semenick@hdrinc.com>
Subject: Townline Rail Terminal, LLC - Docket No. FD 36575

This email confirms our conversation today regarding the rail layout in the concept plan entitled, "Kings Park Conceptual Layout" revised April 13, 2022.

The Town has no objection to placement of the rails as depicted on the layout plan. The Town is encouraged to see that this plan moves the rails further from the residences north of the LIRR as opposed to locations shown in prior layout plans.

Jennifer A. Juengst
Assistant Town Attorney
Town Attorney's Office
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Photographs by Townline Association

COUNTY OF SUFFOLK



STEVEN BELLONE
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF HEALTH SERVICES

GREGSON H. PIGOTT, MD, MPH
Commissioner

July 22, 2022

Andrea Poole

US Office of Environmental Analysis

Surface Transportation Board

395 E Street SW

Washington, DC 20423

Via Electronic Submission at <https://stb.gov>

Re: Docket No. FD 36575

Townline Rail Terminal, LLC – Hamlet of Kings Park, Town of Smithtown, Suffolk County, NY
Construction and Operation Exemption; Preliminary Consultation
SCTM # 0800 – 023 – 02 – 5, 6.1, 7.1, 8, 9.1, 11.2, 12, 13.1, 13.2, 13.3, 13.4, etc.

Dear Andrea Poole,

The Suffolk County Department of Health Services Division of Environmental Quality (SCDHS; "Department"; "Division") has received the letter dated June 22, 2022 concerning the above referenced proposal. The Division has not received an application for this above referenced proposal.

Please note that this response is based upon the limited information provided and is subject to change once additional information becomes available. Based upon our review, the Division offers the following preliminary comments. However, the Division wishes to reserve its right to provide more detailed information within the comment period(s) established for this action. These comments should not be construed as an implicit SCDHS approval or rejection of the project. All applications are reviewed thoroughly with respect to Suffolk County Sanitary Code concerns by appropriate departmental personnel when SCDHS applications are submitted.

1. The Office of Water Resources (OWR) has noted that there are potential non-community and private



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DIVISION OF ENVIRONMENTAL QUALITY – Office of Ecology

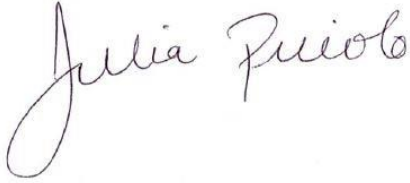
Yaphank Avenue, Suite 2B, Yaphank, NY 11980 (631) 852-5750 Fax (631) 852-5812

supply wells downgradient of the project area, and the project site is also in the 25-50 year groundwater contributing area to Smithtown Bay. Any potential impacts to groundwater and downgradient non-community and private supply wells will need to be evaluated. When there is more information available, the Office of Water Resources can meet with the lead agency and/or applicant to discuss further.

2. Permits and/or project-specific reviews that may be required from the Division include, but are not limited to:
 - a. The Office of Pollution Control (OPC) reviews projects for any sanitary code requirements for either storage of hazardous waste (depending on nature of waste received) or petroleum bulk storage. A Permit to Operate may be required depending on the nature of materials handled and stored. When there is more information available, the Office of Pollution Control can meet with the lead agency and/or applicant to discuss further. It should be noted that this project site is in an Article 7 restricted area and storage of any toxic or hazardous materials, as defined in Article 7 of the Suffolk County Sanitary Code, is severely restricted.
 - b. The Office of Wastewater Management (OWM) reviews projects and requires permits for the construction of onsite sewage disposal systems and certain sewage treatment plants. A permit to construct an onsite sewage disposal system will be required if one is proposed.
 - c. The Office of Ecology (OE) conducts administrative and management activities, and provides expanded technical commentary as required by New York State Environmental Quality Review Act (SEQRA) and County mandates. Detailed technical comments are provided for major private and municipal development proposals, as well as for state and municipal planning studies (master plans, open space, Pine Barrens, etc.). This office coordinates with other Division offices (e.g., OWR, OPC, OWM) to complete these reviews.

If you have any questions, please feel free to contact the Office of Ecology at 631-852-5750.

Sincerely,

A handwritten signature in dark ink, reading "Julia Priolo". The signature is fluid and cursive, with the first name "Julia" and last name "Priolo" clearly legible.

Julia Priolo

Principal Environmental Analyst

Office of Ecology

SEQRA@suffolkcountyny.gov

Cc: Gregson H. Pigott, MD, MPH, Commissioner, SCDHS

Christina Capobianco, CPA, Deputy Commissioner, SCDHS

Walter Dawydiak, Jr. P.E., J.D., Director, SCDHS Division of Environmental Quality

John Sohngen, P.E., Chief Public Health Engineer, SCDHS Division of Environmental Quality

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 Townline 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 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 a 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 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 of threatened and endangered species and habitat.
- Screening for the presence of cultural and historic resources.

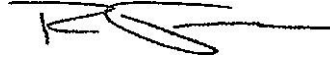
- Information regarding traffic and associated emissions effects on roadway network, if any (e.g. tucks in and out of the facility during construction and operation).
- Information that addresses the Clean Air Act general conformity requirements.

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 be 'Richard Causin', written over a horizontal line.

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



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

September 29, 2022

Mr. Justin Marks Clark
Hill

1001 Pennsylvania Avenue N.W.

Suite 1300 South

Washington, DC 20004

Re: Docket No. FD 36575, Townline Rail Terminal, LLC - Construction and Operation
of New Rail Line, Suffolk County, New York

Dear Mr. Marks,

Thank you for your January 14, 2022 letter and email dated August 26, 2022 regarding the Townline Rail Terminal, LLC's (Townline) proposed construction and operation of a new rail line in Suffolk County, New York. The proposed rail line would extend approximately 5,000 feet along the northernmost portion of an 82-acre tract of land operated by Carlson Corporation (Carlson) which runs adjacent and parallel to the Long Island Railroad (LIRR) Port Jefferson Line. New York & Atlantic Railway operates freight service over the LIRR Port Jefferson Line and will install a new switch connecting the proposed rail line to the interstate network. Townline proposes to move ash and construction and demolition debris off Long Island and to import vehicles and construction materials.

In your letter, you request a waiver of the preparation of an environmental impact statement (EIS) stating that the new rail line would be constructed on industrial property and would be located adjacent and parallel to the LIRR Port Jefferson Line. OEA understands that 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. Furthermore, Townline proposes to provide rail service to

a new municipal solid waste rail transfer facility on the property; however, it will not own or operate the facility which will be separately permitted by the New York State Department of Environmental Conservation (NYSDEC).

Pursuant to 49 C.F.R. § 1105.6(d), the Board's Office of Environmental Analysis (OEA) is granting your request for a waiver of 49 C.F.R. § 1105.6(a), which normally provides for the preparation of an EIS for rail line construction proposals.

Based on the information available to date, OEA believes that the potential environmental impacts would not be significant, and any impacts could most likely be addressed through appropriate mitigation measures.

Therefore, OEA has determined that the preparation of an environmental assessment (EA) is appropriate in this case for the following reasons:

1. OEA conducted preliminary agency and tribal consultation and requested formal comments by July 22, 2022 during which minimal concerns regarding the proposed action were raised from relevant agencies and tribes.
2. OEA visited the project site on August 1, 2022, to understand existing conditions in the project area. The project area is currently disturbed and there is an existing NYDEC permitted waste transfer facility operating on site.
3. Very little wildlife habitat remains that could potentially be affected by the proposed rail line. Therefore, the potential for adverse impacts to wildlife species, including federally and state listed threatened and endangered species, is low.
4. The proposed rail line would only extend approximately 5,000 feet and would not cross water or wetland areas.
5. OEA understands that only approximately one train per weekday is expected to move on the proposed rail line. Due to the small volume of expected rail traffic, the potential for impacts related to air quality, safety, and noise during rail operations is low.
6. The proposed rail line would not involve the addition of any new roadway/rail at-grade crossings and therefore would not result in any impacts related to vehicular or pedestrian safety and delay.
7. Based on OEA's site inspection and review of available satellite imagery, the presence of an existing operational rail line, intervening topography, and vegetative buffers further reduce the likelihood that operation of the proposed rail line would result in adverse noise impacts on noise-sensitive receptors, such as residences, schools, nursing homes, hospitals, and places of worship.

After the Draft EA is prepared, OEA will make the document available for public review and comment. OEA will then prepare a Final EA that responds to the substantive comments received and includes any appropriate modifications to its existing analysis or additional analysis. The Final EA will also set forth OEA's final recommended mitigation measures to the Board. The Board will then consider the entire environmental record, including the Draft EA, all comments received on the Draft EA, and the Final EA, when making its final decision in this proceeding. However, should the EA process disclose unanticipated impacts that are significant and unable to be mitigated, OEA would require the preparation of an EIS at that time.

If we can be of further assistance, please do not hesitate to contact me or Andrea Poole at 202-245-0305.

Sincerely,

A handwritten signature in black ink, appearing to read "Danielle Gosselin", is centered within a white rectangular box.

Danielle Gosselin
Director
Office of Environmental Analysis