

Before the
SURFACE TRANSPORTATION BOARD
STB Docket No. FD 36575

TOWNLIN RAIL TERMINAL, LLC
– CONSTRUCTION AND OPERATION OF A LINE OF RAILROAD –
IN SUFFOLK COUNTY, NY

SUPPLEMENTAL EVIDENTIARY FILING

Townline Association, Inc. (“Association”) respectfully submits evidence it recently found on the CarlsonCorp Inc. and the Toby A. Carlson Facebook websites¹, <https://www.facebook.com/carlsoncorpkp> and <https://www.facebook.com/toby.a.carlson>, respectively, which is relevant to this proceeding and its recent Motion to Dismiss filed herein. This evidence includes posts on these websites that state the Townline Rail Terminal, LLC (“Townline”) will not transport hazardous materials. These posts are attached hereto as Exhibit A. This refusal to transport hazardous materials would obviously be a violation of a rail carrier’s common carrier obligation and demonstrates as noted by the Association in its Motion to Dismiss that Townline will not be a railroad due to this construction project. *See Union Pac. R.R.—Pet. for Declaratory Order*, FD 35219, slip op. at 4 (STB served June 11, 2009); *see also Strohmeier—Acquis. & Operation Application—Valstir Indus. Track in Middlesex & Union Crys., N.J.*, FD 35527, slip op. at 2 (STB served Oct. 20, 2011), *aff’d sub nom. Riffin v. STB*, 733 F.3d 340 (D.C. Cir. 2013) (upholding Board's determination that railroads have a common carrier obligation to carry hazardous materials).

Moreover, on the Townline website, <https://townlinrail.com/>, it provides as follows:

¹ CarlsonCorp owns Townline. Toby A. Carlson owns CarlsonCorp.

Townline Rail Terminal will facilitate the import of aggregates, equipment and lumber which is currently trucked into businesses in the Kings Park industrial corridor. This will make the return trip of the empty waste railcars more efficient, and further reduce truck traffic in our region. **These materials would serve businesses within 2 miles of the Terminal, within the local industrial complex.**

(Emphasis supplied.) This posting is attached hereto as Exhibit B. In other words, Townline appears to be saying it will limit parts of its rail service to entities within a two-mile radius of its rail facility. Again, by placing limits on shippers it will serve, Townline demonstrates it would not be a rail carrier. *See Strohmeyer*, slip op. at 2; *Hanson Natural Resources Co. – Non-Common Carrier Status – Pet. for Dec. Order*, FD 32248 (ICC served Dec. 5, 1994) (“any restrictions limiting the shippers that could be served would, upon challenge, also be found void as contrary to public policy and the common carrier obligation.”)

This new evidence demonstrates that Townline will not be a rail carrier, and the Petition for Exemption should be dismissed as the Association has established in its Motion to Dismiss.

Respectfully submitted,

/s/ Daniel R. Elliott

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Attorney for Townline Association

Dated: May 3, 2023

Certificate of Service

I certify that I have on this 3rd day of May 2023, served by the most efficient means copies of the foregoing document on all parties of record.

/s/ Daniel R Elliott
Daniel R. Elliott

Exhibit A

CarlsonCorp, Inc Facebook page

<https://www.facebook.com/carlsoncorpkp>



CarlsonCorp Inc.'s Post



Michael Kevin Patrick

Is this terminal only limited to ash or will other hazardous material be transported out of this terminal?

..

Like Reply 7w



Author

CarlsonCorp Inc.

Michael Kevin Patrick Thanks so much for the question .

Absolutely no hazardous materials will be transported in or out of the facility at any point or at any time.

..

No petroleum products or petroleum products or petrochemicals. No chemicals of any kind .

Only Ash and C&D produced locally and commodities that are currently being imported by truck into the local area to support local area businesses.

Like Reply 7w

CarlsonCorp Inc.'s Post



CarlsonCorp Inc.

Dawn Darienzo Dougherty thanks Dawn , as we are all following train derailments it's important to remember .

Townline rail would not handle any hazardous chemicals , petrochemicals or toxic waste at any time . So rest assure these tragedy's with hazardous spills will not be on our horizon at all , as those goods would never be shipped from or to our facility .

As far as a safety as a fact there are approximately 1000 train derailments yearly as opposed to 388,000 truck accidents per year in the United States . Of these truck accidents is the total of 40,000 fatalities .

...

It's apparent there are issues in any mode transportation methodology yet they are a matter of headlines and talking points.

Statistically and scientifically speaking rail is safer , more reliable and much better for the environment .

It's especially so if there are not hazardous materials transported as there will not be in the case of this project .

Thanks for your thoughts ! Toby



CarlsonCorp Inc.



Page · Recycling Center



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Toby@carlsoncorp.com



Carlsoncorp.com



Not yet rated (2 Reviews)

Photos

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CarlsonCorp Inc.

February 4



Thank you Mark Sertoff from TownLine Association for expressing your concerns about the project ! I have included an open response to your comments !

1- Statement by TownLineAssociation- The neighborhood is environmentally burdened with a regional incinerator, asphalt plant, heavy industrial sand and concrete operations, commercial truck warehouse/maintenance and repair facilities, recycling operations, and toxic landfills emitting methane.

1- Answer by TRT- This is why rail transportation makes so much sense ! Rail will take trucks off the road reducing impacts on the local communities . All the operations you site currently import and export materials by truck into the Area! If we are able to ship and receive by rail that burden would be reduced 5 fold. Ever single rail car will take 5 trucks off the road .

2- Statement by TLA- Carlson's operations over the years have resulted in hundreds of toxic spills and releases requiring DEC remediation (report available).The land is already spoiled and toxic, endangering our sole-source aquifer. Within 5 miles of the site are over 100 vulnerable sites including nursery-elementary-secondary schools, senior residences, medical facilities, and thousands of homes. The train

frequency can be expanded to more trains and cars per day and week. Siting a toxic solid waste rail transfer yard over a Sole Source article 7 Deep Recharge Aquifer Protection Zone violates health codes.

2-Answer by TRT- Carlson takes any spills of materials seriously and if they happen they are absolutely handled according to SCDHS and NYS DEC protocols .Please feel free to share with me the report so i can address any concerns at toby@carlsoncorp.com

The facility would transfer all ash and C&D indoors in a controlled room under negative air pressure. This air would be then filtered before entering the outdoor environment . The cars would be loaded indoors and and all ash would be lidded with solid steel lids . Currently the ash is transported by truck through all the areas that you are concerned about 6 days per week .

The facility is designed to handle up to 27 cars per day 1 day per week, 5 days per week . Additional trains and or cars would require a complete facility redesign and increase in permitted capacity which TRT is not seeking . The TRT facility is designed to handle activities and materials currently generated by the Smithtown, and Huntington communities .

3-Statement by TLA, The Rail Yard will transfer toxic incinerator ash from Covanta in Huntington, Brookhaven, Babylon with toxic and carcinogenic ash, lead, benzene, nickel, mercury, PCBs, arsenic,

beryllium, cadmium, vanadium, Sulphur dioxide, hydrogen chloride, hydrogen fluoride, ammonia, formaldehyde, sulfuric acid, volatile organic compounds, particulates, soot, medical waste, construction debris including concrete ash causing silicosis and asbestosis, and more.

3- Answer by TRT - TRT only intends to handle materials generated by the residents and commercial businesses of Smithtown and Huntington. It would be handled indoors . TRT would not be handling hazardous materials like medical waste, asbestos or materials containing VOCs.

4- Statement by TLA - Diesel trucks will deliver and leave the site at all hours degrading the environment. Idling locomotives with horn blasts, engine noise, fumes and pollution. Railroad-associated storage and presence of fuel, lubricants, batteries and materials are hazardous. When toxic incinerator-laden ash loaded on hopper cars, a hazard occurs during loading, rain, accidents, unloading, when the ash leaches into the soil and into our sole-source aquifer. Fire and explosion hazards exist in compressed loaded materials. Airborne releases of toxic gasses and particulates occur during loading and transfer.

5- Answer by TRT- The hours of operation are currently 6AM to 6PM, Monday through Friday and 6 to 2 PM on Saturday , Sunday we are

Photos

[See all photos](#)



5- Answer by TRT- The hours of operation are currently 6AM to 6PM, Monday through Friday and 6 to 2 PM on Saturday , Sunday we are closed . Future operations would follow the same schedule with the exception of 1 train load of cars being delivered between 11 pm and 5am , the same locomotive at the same time would remove the full cars , the locomotive has be in and out of the facility quickly as it has to be off the main line before commuter traffic begins.. Daily operations would be handled by a small yard switching vehicle that meets or exceeds Tier 4 Final emissions standards. There would be no locomotives idling during the day on the site . Train whistles and horn blowing exposure has been eliminated by removing the crossing at Meadow Glenn RD South .

Thank you to Mark Sertoff from the Townline Association

Toby Carlson
6317678562
toby@carlsoncorp.com

CarlsonCorp Inc.'s Post

CarlsonCorp Inc.

Currently there is approved vehicle storage in the kings park industrial park.

Those vehicles are brought in by truck and taken out by truck.

A rail option would offset the trucks that are currently bringing those vehicles to the area . The vehicles would then only be moved by truck once instead of twice cutting down all related impacts .

Like Reply 7w Edited

Author

CarlsonCorp Inc.

Thanks so much for the question .

Absolutely no hazardous materials will be transported in or out of the facility at any point or at any time.

No petroleum products or petroleum products or petrochemicals. No chemicals of any kind .

Only Ash and C&D produced locally and commodities that are currently being imported by truck into the local area to support local area businesses.

Like Reply 7w



Search Facebook



Toby A Carlson

477 friends

Add Friend

Message

Toby Carlson Facebook page

<https://www.facebook.com/toby.a.carlson>



Toby's post



Toby A Carlson is in Kings Park, NY.

Feb 20 · 🌐

Have you seen this?! 🙄

The Townline Association has just run this ad in our local papers! Raising money based on fear mongering and False information. Linda H from Town Line Association solicited \$5000.00 from Carlson Corp for a down town revitalization plan just a few years ago. She even baked me cookies and delivered them to my office. Linda has done nothing to increase awareness about the crisis that Long Island faces and that affects all our communities.

She cares nothing about project facts and has not even had the courtesy to return a phone call about the project.

Townline association is basing a fundraising effort on false information and misinformation!



Toby's post



and misinformation!

The facts

1 locomotive will arrive daily at night and drop off 27 cars and pick up 27 cars and leave. This will remove 15000 trucks from townline road per year!

No hazardous materials will enter or leave the facility at any time .

The facility will use all the best available technology to prevent dust, noise , odors or impacts to local communities .

The facility will take trucks off Townline road and out of surrounding communities .

Please feel free to reach out to me at anytime with any project questions or comments ! 631 767 8562

We will be holding a informational meeting next week please stay tuned for more information !

Exhibit B

TOWNLINERAIL TERMINAL

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Townline Rail will also be able to transport Construction & Demolition (C&D) waste by rail to landfills off Long Island. As per New York State Department of Environmental Conservation, C&D material is uncontaminated solid waste resulting from construction, remodeling, demolition, repair and land clearing - and does *not* include hazardous materials such as asbestos.

Additional tracks for storage and maneuverability.

The Townline Rail Terminal proposal includes only one train in and one train out per day. Train length will average 16 railcars, with a maximum train length of 27 railcars. Townline Rail will utilize tracks for loading, switching, storage, and maneuverability of the railcars.

an enclosed structure, will take place under our DEC-permitted hours and will not be a 24-hour operation.

A more efficient round trip.

Townline Rail Terminal will facilitate the import of aggregates, equipment and lumber which is currently trucked into businesses in the Kings Park industrial corridor. This will make the return trip of the empty waste railcars more efficient, and further reduce truck traffic in our region. These materials would serve businesses within 2 miles of the Terminal, within the local industrial complex.

In the Community

TOWNLINERAIL TERMINAL

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roofing materials, plumbing fixtures, electrical components and more.

Materials that are *not* considered C&D debris are: asbestos waste, garbage, corrugated container board, electrical fixtures containing hazardous liquids, fluorescent lights, carpeting, furniture, appliances, tires, drums, fuel tanks or containers greater than ten gallons in size of having more than one inch residue remaining on the bottom.

Any materials processed, shredded or pulverized beyond recognition would not be accepted.

I don't want this incinerator ash coming into my neighborhood.

Waste-to-Energy facilities are highly regulated and the ash generated is not classified as a toxic material. The reality is that the incinerator ash is already here, currently being trucked from our local facility located in Kings Park to

How will this lessen trucks on the roads if goods are also being brought in on the train?

The materials imported will be aggregates, lumber and equipment for neighboring businesses. Some of these businesses are located on the same property as the rail terminal and will not need to be transported further. Any additional transport via truck will be traveling only within 2 miles of Townline Rail Terminal and staying within the local industrial area. These materials arriving by train once a day rather than by individual long-haul trips will reduce truck volume on our Long Island roadways.

The number of trucks needed and miles traveled once the Brookhaven Landfill closes is difficult to estimate, but it is safe to say that it will increase from the current transport requirements. With a conservative estimate based on running materials to Brookhaven Landfill, Townline Rail Terminal could save 1,000,000 lane miles traveled by trucks transporting waste from and importing materials to the Kings Park Industrial area.

<https://townlinerail.com/>