

COUNTY OF SUFFOLK



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MEMORANDUM

To: Surface Transportation Board Office of Environmental Analysis (OEA)

CC: John Corral, Environmental Projects Coordinator, Suffolk County Department of Economic Development and Planning

From: Niamh Perrotta, P.E., Director of Traffic Engineering, Suffolk County Department of Public Works

Date: February 5, 2024

Re: Suffolk County Department of Public Works and Suffolk County Department of Economic Development and Planning Comments on the Surface Transportation Board's Draft EA for the Proposed Townline Rail Terminal, LLC submitted via E-filing on February 5, 2024.

Thank you for providing the Suffolk County Department of Public Works and Suffolk County Department of Economic Development and Planning (SC EDP) with the opportunity to comment on the Surface Transportation Board's Draft Environmental Assessment (EA) for the proposed Townline Rail Terminal, LLC – Proposed Construction and Operation of a Line of Railroad in the hamlet of Kings Park, Town of Smithtown, Suffolk County, NY.

Summary of Proposed Townline Rail Terminal Project

Townline Rail Terminal LLC (Townline) is seeking authorization from the Surface Transportation Board to construct and operate approximately 5,000 feet of new, common carrier rail line and associated switching and sidetrack in the Hamlet of Kings Park, Town of Smithtown NY. Attached for reference is the draft EA and a project location map from the draft EA.

The proposed 5,000-foot line would connect and run parallel to the existing Long Island Railroad (LIRR) mainline. The proposed line would add two daily New York and Atlantic Railway (NYA) trains (one roundtrip) to the LIRR system five days a week.

In regard to the purpose and need for the project, the draft EA states "the Proposed Action is needed to provide a rail option for transporting incinerator ash and construction and demolition (C&D) debris off

Long Island for customers located on Carlson property and adjacent properties. Townline states that in 2024, Brookhaven landfill (the largest disposal option for incinerator ash and C&D debris on Long Island) will reach maximum capacity and close. Townline notes that the proposed line would offer an alternative to truck transportation off Long Island by providing efficient, direct rail transportation via the LIRR mainline to the interstate network.”

In regard to the proposed truck-rail transloading facility that would be served by this new rail-line the draft EA states: “Townline intends to serve a planned truck-rail transloading facility that its affiliated entity, Carlson, would build pursuant to state and local law. Carlson operates a New York State Department of Environmental Conservation (NYDEC) permitted waste transfer facility on a portion of its 82-acre industrial property in Smithtown, where it recycles and processes uncontaminated concrete, asphalt pavement, rock, brick, soil, unadulterated wood, yard waste, and horse manure. If the proposed rail line is authorized and built, Townline plans to transport incinerator ash, construction and demolition (C&D) debris, and aggregates using Carlson’s planned transloading facility.⁴ In addition to serving Carlson, Townline anticipates it would potentially serve Covanta Energy, a waste-to-energy facility located half a mile west of the Proposed Action that converts Smithtown’s solid waste into incinerator ash, and other shippers in the area.”

Suffolk County Department of Public Works Comments

Please note that these are preliminary comments, and the County reserves the right to comment on this proposed project in the future and wants to be kept informed of all actions taken pursuant to the Surface Transportation Board’s review process and requests the opportunity to continue to participate in the review of this project as additional information becomes available through the NEPA review process.

- The Conceptual Plan in Appendix B of the Draft EA identifies the truck-rail transloading facility proposed ingress/egress to intersect with Old Northport Road which is under the jurisdiction of the Town of Smithtown. However, this proposed access point is within proximity of the County Road 4 Townline Road and Old Northport Road intersection and may influence the volumes and level of service of the juncture and the surrounding roadway network. Existing, temporary (construction) and build condition traffic impacts (trips, volumes, and traffic distribution) from the proposed truck-rail transloading facility and the planned Market Rail Service for importing goods and commodities, such as aggregate and construction materials, should be evaluated. This traffic study should consider impacts to Commack Road/Townline Road (County Road - 4) and Pulaski Road (County Road – 11) from points east and west of the planned facility and be reviewed and accepted by the Suffolk County Department of Public Works.

Suffolk County Department of Economic Development and Planning’s Comments

It is recommended that any comments provided to the Surface Transportation Board have the following introductory statement: “please find our preliminary comments on the proposed project as described in the Surface Transportation Board’s draft Environmental Assessment. Please note that these are preliminary comments and the County reserves the right to comment on this proposed project in the future and wants to be kept informed of all actions taken pursuant to the Surface Transportation Board’s review process and requests the opportunity to continue to participate in the review of this project as additional information becomes available through the NEPA review process.”

Comments related to the project review of Townline Rail Terminal and Proposed Truck Rail Transporting Facility

- The Surface Transportation Board's NEPA review and any potential Surface Transportation Board decision should clearly state that additional Town, County and State review will be required for the proposed truck-rail transloading facility. Additional regulatory review would also be required for a different proposal to establish access to the proposed constructed rail line.
- The Surface Transportation Board's NEPA review should also provide clear guidance to the other regulatory agencies regarding the scope of its environmental review and its related findings and mitigations.

Comments related to potential County resources that may be affected by the Proposed Project and Suffolk County's Regulatory Authority

- This Draft EA should be provided to the Suffolk County Department of Health Services for review. Permits and/or project specific reviews may be required from the Suffolk County Department of Health Services in connection with this overall project.
- The Conceptual Plan included in the Appendix B of the Draft EA indicates that the proposed road access point to the truck-rail transloading facility will be on Old Northport Road. This proposed access point is close to the Old Northport Road/Townline Road (County Road - 4) intersection. Traffic impacts from the proposed truck-rail transloading facility should be evaluated. This traffic study should consider impacts to Townline Road (County Road - 4) and be coordinated with the Suffolk County Department of Public Works.
- The draft Environmental Assessment indicates that the proposed rail line would not involve any new roadway/rail at-grade crossings. Any change that would result in new roadway/rail crossing should be carefully considered and coordinated with Suffolk County.
- The draft Environmental Assessment and included comments from the Town of Smithtown indicate that the proposed truck-rail transloading facility will require zoning approvals from the Town of Smithtown. Pursuant to New York State General Municipal Law, the Town of Smithtown zoning action associated with the truck-rail transporting facility will be required to be referred to the Suffolk County Planning Commission for review.

Comments related to potential impacts to Surface Topography and Groundwater Resources

- The Draft EA, on page 49 notes that "These activities would not involve water withdrawals, changes in aquifer recharge areas, or excavation." The EA should clarify whether grading or other surface alterations to the land surface will be needed to construct the rail line. The EA should also clarify whether soils/subsurface materials will be removed from the site. If significant grading or surface alterations are needed, the EA should review how that these land surface changes may impact stormwater runoff and groundwater recharge. The NEPA environmental review should also consider the possibility of incorporating green methodologies when handling stormwater runoff. The below link to the Suffolk County Planning Commission guidebook contains information relating to Long Island's sole source aquifer and information on the usage of green methodologies to control stormwater runoff:

- The Surface Transportation Board's NEPA review should analyze the potential of hazardous materials entering the soil and groundwater as a result of the proposed project. The EA should also describe the safeguards that will be established to insure that hazardous materials do not enter the underlying soils/groundwater.
- The project review should be coordinated with the Suffolk County Department of Health Services with regard to Article VII of the Suffolk County Sanitary Code which deals with the safeguarding of the County water resources and Article XII of the Suffolk County Sanitary Code which involves the Registration of Toxic and Hazardous Materials Storage Facilities.
- The Surface Transportation Board's NEPA review should discuss the treatment of wastewater that will be associated with the proposed action.
- The project review should be coordinated with the Suffolk County Department of Health Services in regards to the treatment of wastewater.

Comments related to the potential impacts related to the handling of hazardous materials

- The draft EA states that if the proposed rail line is built it will be used to transport incinerator ash, construction and demolish (C & D) debris, and aggregates using Carlson's used transloading facility. The Surface Transportation Board's NEPA review should expand on the precautions that will be taken to insure that this material can be safely loaded onto the railcars and then transported via rail along the LIRR mainline. This discussion should include precautions taken to insure both the protection of environmental resources and protection of human health and safety.

Comments related to potential impacts to surrounding community the adjacent residential areas

- The NEPA review process should address whether odors, dust and/or hazardous materials, which may result from the construction and operation of the rail line and the proposed truck-rail transloading facility, have the potential to adversely impact the surrounding community including residential homes to the northeast of the proposed project. The review process should also provide information on the mitigations that will be established to protect the surrounding community from these potential hazards.
- The NEPA review process should also provide additional information related to whether noise and lighting, particularly at night, have the potential to impact the surrounding community including the residential homes to the northeast of the proposed project. The review process should also provide additional information on the mitigations that will be established to limit light and noise impacts both during construction and operation of the rail line. These mitigations may include downward directed lighting as well as noise specifications for the types of machines that may be utilized at the rail terminal. Please also see the below link to the Suffolk County Planning Commission Guidebook. The Planning Commission Guidebook includes a Design section that contains additional information relating to mitigating Noise and Other Impacts when an application is in the vicinity of residential zoned land.

- Based on a review of information provided by the Suffolk County GIS Viewer Program the proposed Townline Rail Terminal Project and the proposed truck rail transporting facility do not appear to be located within 1,500 feet of any facilities serving children, the elderly or people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes). The NEPA review process should address whether the proposed project will have any impacts on facilities serving children, the elderly or people with disabilities.
- Based on information provided by the NYSDEC's DECinfo Locator program, it is noted that the proposed Townline Rail Terminal Project and the proposed Truck Rail Transporting Facility are not located within or in close proximity to a NYSDEC designated Potential Environmental Justice Area or a Climate Justice Work Group designated Disadvantaged Community.

Comments related to potential impacts to the Long Island Rail Road

- The NEPA review process should address whether this proposed project has the potential to impact the Long Island Rail Road's operations. The NEPA review process should also address whether New York and Atlantic Rail will have the ability to provide the frequency of service assumed in the environmental review document.