



**Protecting Our Quality Of Life
For Generations To Come**

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

February 13, 2023

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

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