

**LONG ISLAND RAIL ROAD**  
**MAIN LINE DOUBLE TRACK PROJECT**  
**DETERMINATION OF**  
**NEW YORK PUBLIC AUTHORITIES LAW SECTION 1266(11) APPLICABILITY**  
**AND**  
**NO SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACT**

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**I. Introduction**

The Long Island Rail Road Company (“LIRR” or the “Railroad”) has proposed to construct and operate a continuous second track within a 17.9 mile segment of the Ronkonkoma Branch between the Farmingdale and Ronkonkoma LIRR train stations (the “Double Track” Project or the “Project”), which currently consists of approximately 12.6 miles of single track with segments of double track totaling 5.3 miles. The Project would be constructed and operated entirely within the existing LIRR-owned Ronkonkoma Branch right-of-way (“ROW”), in the area from approximately 800 feet east of the Farmingdale LIRR station to approximately 1,100 feet west of the Ronkonkoma LIRR station. The Double Track Project will create jobs, protect the region’s economy and help ensure that Long Island’s transportation system can meet the needs of the future.

The Ronkonkoma Branch Main Line is one of the oldest lines serving the LIRR system and was originally developed for rail transportation purposes in the 1840s. This stretch of railroad is part of the original Main Line connecting Brooklyn with Greenport along which LIRR has provided train service for over 170 years, with the opening of the Farmingdale Station in 1841 and the opening of the Ronkonkoma Station in 1843.

For decades, LIRR has envisioned providing a continuous second track between Ronkonkoma and Farmingdale. In 1987, the Railroad extended electrification along the Main Line from Hicksville east to Ronkonkoma. As originally planned, that project was to include the construction of a two-track configuration along the Main Line as far east as Ronkonkoma. As part of that project, substations were sized for two tracks, conduit was installed for a second track, and pedestrian bridges were built over the railroad to accommodate the placement of a second track. However, due to funding limitations, construction of the second track was limited to several sections primarily serving station areas. Without a continuous second track, rail service on the Ronkonkoma Branch is severely constrained due to limited flexibility, and service delays on its single-track can easily cascade to the point where operations on the Ronkonkoma Branch, as well as other branches, are negatively affected. The purpose of the Double Track Project is to construct 12.6 miles of a continuous electrified double track, linking the sections of existing double track, to allow dual track service along the entire branch.

In addition to the installation of the 12.6 miles of second track and cross overs, the Project would include related infrastructure improvements such as new unpaved maintenance roadways parallel to the tracks within the ROW in certain locations, new side-platforms at existing stations (Wyandanch and Pinelawn), upgrades to existing electrical power substations, relocation of utilities (where necessitated by construction), and other ancillary facilities. The Project would also include construction of retaining walls in certain areas, as necessary to ensure that LIRR infrastructure remains entirely within the existing ROW. Among the activities LIRR's contractors would undertake in connection with the Project are the preparation and use of laydown and equipment marshaling areas within the ROW, and the development and utilization of areas needed for access to the Project site.

The completion of a continuous second track between Farmingdale and Ronkonkoma would provide many benefits for LIRR operations and customers including: improving service reliability and on-time performance; accelerating recovery from service disruptions; reducing cascading delays from late trains; providing better scheduling of maintenance; enhancing mobility; increasing bi-directional off-peak and intra-island service; providing reverse service in peak hours; providing reliable rail service for projected local and regional economic growth; supporting opportunities for additional rail service in the future; and enhancing Long Island's ability to recover from regional storm-related disruptions. The importance of this last point is underscored in the wake of 2012's Superstorm Sandy. The four LIRR branches that serve Long Island's south shore communities provide over 1/3 of all daily LIRR customer trips, but are also extremely vulnerable to damage caused by flooding and hurricane storm surges. With a full double track in place on the Main Line, LIRR would have greater reliability and resilience to accommodate customers who would normally rely on one of LIRR's south shore branches, after extreme storm events.

The Project is to be constructed in two phases, with the first phase extending from just west of Ronkonkoma Station to east of Islip Avenue at State Route 111. Upon completion of Phase I, Phase II, consisting of the remainder of the Project from Islip Avenue to just east of the Farmingdale Station, will proceed. At present, Phase I of the Project has been fully funded through state appropriations.

## **II. SEQRA and Public Authorities Law Section 1266 (11)**

LIRR is a state "agency" within the meaning of the New York State Environmental Quality Review Act ("SEQRA"), New York Environmental Conservation Law ("ECL") §§ 8-0101 to 8-0117, and the SEQRA regulations found at 6 N.Y.C.R.R. Part 617. Accordingly, LIRR "actions" are subject to the environmental review requirements of SEQRA, except as otherwise specified by law. One statutory provision that exempts from SEQRA certain actions taken by LIRR, as a subsidiary of the Metropolitan Transportation Authority ("MTA"), is codified at Section 1266(11) of the New York Public Authorities Law ("PAL"). This provision states, in part:

No project to be constructed upon real property theretofore used for a transportation purpose, or on an insubstantial addition to such property contiguous thereto, which will not change in a material respect the general character of such prior transportation use, nor any acts or activities in connection with such project, shall be subject to [SEQRA], or to any local law or ordinance adopted pursuant to [SEQRA].

Thus, SEQRA does not apply to a LIRR project that is constructed on: (a) property previously used for a transportation purpose; or (b) an insubstantial and contiguous addition to property previously used for a transportation purpose; where the project in either case will not change the general character of the prior transportation use in a material way. This exemption also applies to LIRR activities that would otherwise be subject to the New York State Freshwater Wetlands Act codified at Article 24 of the ECL. PAL Section 1266(11).

**(a) LIRR's Approach to PAL Section 1266(11) and the Environmental Review**

In 2012, LIRR was mindful that the PAL exemption could apply to the Double Track Project. Accordingly, working with its consultants STV/AECOM, LIRR began examining the facts and circumstances relating to the existing and future use of the property on which the Double Track will be constructed, in order to determine whether it had heretofore been devoted to a transportation purpose that would not be changed in a material respect by the Project. LIRR and its consultants carefully studied the conditions within the ROW in the area where the Project is to be built -- gathering information from numerous site walks, land surveys, and photographs as well as reviewing historic (circa 1916) LIRR valuation mapping, Suffolk County Real Property Agency databases and mapping, aerial photographic records, topographic surveys, computerized mapping services and continuous stream video images recorded from a train-mounted camera traveling along the corridor. The culmination of these studies are presented in a "ROW Conditions Report" issued by STV/AECOM dated September 2013 (the "ROW Report"), which documents the extensive development of the ROW to support LIRR's operations. The ROW Report is wholly incorporated herein by reference.

At the same time, LIRR was aware of the obligation agencies have under SEQRA to begin the environmental review of a project "as early as possible in the formulation of a proposal for an action." ECL Section 8-0109(4). Accordingly, while it undertook an inquiry into the facts needed to reach a determination with respect to the PAL exemption, LIRR elected to pursue a parallel path by concurrently taking a hard look at the potential environmental impacts that could result from construction and operation of the Double Track Project.

As a first step in this process, LIRR followed the SEQRA procedures by completing Part 1 of the SEQRA Environmental Assessment Form ("EAF") and transmitting that document to all involved agencies, along with a proposal to serve as lead agency for the environmental review. This

information was transmitted by letter dated December 28, 2012, which also identified the potential for PAL Section 1266(11) to apply to the Project. This letter noted that the potential applicability of the PAL exemption would be considered during the course of the Project's environmental review. LIRR further noted that its proposal to serve as lead agency and to conduct an environmental review of the Project did not waive or foreclose the potential applicability of the exemption provided by PAL Section 1266(11).

With no involved agencies objecting, LIRR began an environmental review of the Project. Again assisted by its consultant STV/AECOM, it prepared Part 2 of the EAF and Part 3, which consisted of a report that examined in more detail the potential environmental impacts of the Project in each of the relevant areas of environmental concern. EAF Parts 1 and 2 and the Part 3 report appended to the EAF formed the environmental assessment for the Double Track Project that LIRR issued on July 12, 2013, for public comment. This environmental assessment was posted on the LIRR website and LIRR invited public comments on the document for a period of 30 days. A letter was also sent to all involved agencies with a copy of the environmental assessment on a CD-Rom, along with instructions regarding where it could be found on LIRR's webpage. Thereafter, LIRR revised the environmental assessment as appropriate in light of the comments received and additional refinements made to the project, and prepared a response to the comments in matrix form (the "Response to Comments"), which is presented in Appendix L to the final environmental assessment (the "EA") issued in September 2013. The EA is wholly incorporated herein by reference.

**(b) Discussion of Facts Relating to the PAL Exemption**

As noted above, the area of the ROW where the Double Track Project will be constructed and operated runs from just east of Farmingdale Station to a point west of the Ronkonkoma Station. ROW Report at 1. Along this corridor the ROW is generally about 66 feet in width, with some portions wider and some narrower. *Id.* at 2.

The ROW Report provides an overview of the features within the ROW that are used in connection with LIRR's current and past rail operations. These facilities and infrastructure include: at least one train track and up to three or more train tracks in certain locations each of which consist of two parallel steel rails, anchored perpendicular to timber or concrete ties; turnouts; switches; fencing (along substantial stretches of the ROW); signals (including cases, houses, power lines, bridges, conduits and communication manholes); and traction power systems consisting of substations, troughs, power lines, conduit and third rails, and utility poles. *Id.* at 2-7. The standard clearances for these infrastructure components, and their typical arrangement along the ROW are depicted in the report. *Id.* at 4 and 5. The report also explains how the topography of the ROW has been engineered to support rail operations through either cutting, filling or grade stabilization so that the tracks do not exceed a maximum slope of 1.5%. Above the engineered grade, the tracks sit on a constructed base of subballast and ballast, that is sloped away from the tracks to drainage ditches to

prevent washouts or damage from water conditions. *Id.* at 6. The report includes illustrations of the typical engineered topography providing support to the tracks along the ROW, under both cut and fill conditions. *Id.* at 6. The report also notes that unimproved roads and pathways run along the ROW in many locations to provide access to the system infrastructure components for purposes of inspection and maintenance. *Id.* at 7.

The ROW Report also describes in detail how the ROW has been developed with the features, facilities and infrastructure necessary to operate a train system. This discussion is divided into 18 separate sections of the ROW generally measured by milepost increments. The entire LIRR system is divided into mileposts which identify set locations along the ROW, much like mile markers on highways. *See id.* at 8-10; *see also id.* at 11-88. Each of the 18 separate milepost sections provides a detailed description of the features within that section of ROW that are keyed to and reference "ROW Conditions Report Sheets," which are attached to the ROW Report as Appendix A. These plans show the ROW boundary, existing fencing, pedestrian bridges, vehicle over/underpasses, signal equipment, stations, utility poles, and track as well as the location of the most prominent feature of the Double Track Project: the new second track. *Id.* at Appendix A. In addition, the ROW Report presents a typical cross section of the new second track, which will lie immediately adjacent to the existing single track. *Id.* at 3.

The facts documented in the milepost-by-milepost description in the ROW Report establish that as a whole, the vast majority of the ROW has been developed with a topographically engineered and constructed rail bed, drainage system and tracks, power equipment, signal equipment, communications equipment, utility poles roads and fencing. *Id.* at 11-88. Moreover, the specific location where the new second track will be constructed, although not occupied by the existing track, consists generally of engineered topography including the ballast, sub-ballast, drainage swales, and other engineered components providing the structure that supports the existing track. The report also indicates that the new second track will lie generally in the center of the ROW and be separated from adjacent properties by LIRR infrastructure including fence lines and/or utility pole lines, both of which run parallel to the existing track and were constructed by LIRR. *Id.*; *see also id.* at Appendix A. In fact, a typical configuration will place the centerline of the new second track approximately 14 feet away from the centerline of the existing track, with the edge of the ties of the two tracks lying approximately 3.5 to 5.5 feet apart. *Id.* at 3. The other components of the Double Track Project, such as retaining walls and utility adjustments, would similarly be located in the areas of the ROW that have already been developed for a transportation use by LIRR. *Id.* at 11-88 and Appendix A.

As reported in the EA, LIRR is considering an alternative that would involve the construction of a temporary road outside of, but immediately adjacent to the ROW, in a portion of Lakeland County Park, in order to provide access for Project construction. EA at 126. As described in the EA, this temporary access road would be no more than 9.5 feet in width, and would extend

no more than 3,082 feet along the southern edge of the portion of the park owned by the Town of Islip, and possibly another 2,084 feet along the southern edge of the portion of the park owned by the County. *Id.* The total area of the temporary road would be no more than 1.13 acres. The road would remain in place for no longer than six months, and the area disturbed for this purpose would thereafter be restored.<sup>1</sup>

(c) **Determination with Respect to the PAL Exemption**

LIRR finds that the ROW Report and EA provide a sound basis for making a determination regarding the nature of the existing and historical transportation use of the property upon which the Project is to be built. Accordingly, having carefully considered the information provided in the ROW Report, the EA and other relevant documents, LIRR has determined that the Double Track Project will be constructed upon real property theretofore used for a transportation purpose, or on an insubstantial addition to such property contiguous thereto. As documented in the ROW Conditions Report and EA, the Double Track will be constructed entirely within the ROW that has been owned by LIRR for well over a century and a half. Over the course of its history, that property has been devoted solely to what is undoubtedly a transportation purpose: providing rail service to customers on Long Island. The ROW Conditions Report further documents that the specific area within the ROW upon which the Double Track Project components will be constructed is an integral part of the transportation infrastructure serving the corridor. That area lies within the fence line and pole line, and is directly adjacent to the existing tracks at a location that already is generally part of the engineered topography of the tracks structure. Moreover, the area is occupied by substations, signal equipment and other rail-related ancillary facilities. Accordingly, the property is, and heretofore has been, used for a transportation purpose.

LIRR also finds that the area within which a temporary access road may be constructed in connection with the Project is a contiguous insubstantial addition to the ROW. That property is directly adjacent to the ROW and will comprise no more than 1.13 acres -- a tiny fraction of area as compared to the ROW.

Finally, LIRR finds that the Project will not change in a material respect the general character of the existing transportation use along the ROW. It is clear that the new facilities and infrastructure to be installed in connection with the Project will be of the sort now existing within the ROW. It is also clear that providing a second track to a 17.9-mile segment of a branch that is already equipped with dual track capability for 5.3 miles will do nothing to change the general character of the existing operation in a material respect. The transportation use to which the ROW has been devoted for 170

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<sup>1</sup> If LIRR elects to pursue use of this temporary access road, it would coordinate with the appropriate local, state and/or federal entities.

years – the operation of rail service – will be improved substantially upon completion of the Project, but its general character will remain the same.

For these reasons, LIRR has determined that by its clear terms Section 1266(11) of the PAL applies to the Project and all acts and activities in connection with the Project, and that such Project and activities are exempt from SEQRA and Article 24 of the ECL.

### **III. Consideration of Environmental Impacts**

As discussed above, the Double Track Project and all acts and activities taken in connection with the Project are exempt from SEQRA and ECL Article 24 under PAL Section 1266(11). Nevertheless, LIRR has gone beyond what the law requires to consider the environmental impacts of the Project in the EA and related documents. In particular, LIRR has taken a hard look at potential Project impacts on land use and zoning, visual resources, natural resources, parklands, cultural resources, contaminated materials, noise and vibration, traffic and transportation, construction, air quality, and environmental justice. Following is a discussion of the findings as presented in the EA.

#### **(a) Discussion of Potential Impacts**

**Land Use and Zoning.** The rail tracks between Ronkonkoma and Farmingdale have been in continuous operation since the early 1840s, during which time the surrounding area has grown and developed around the ROW. Long Island, and in particular Suffolk County, is expected to undergo population and economic growth independent of the Double Track Project and LIRR expects ridership to increase as a result of that background growth, and the Double Track Project will help serve these projected needs. The Double Track Project will be consistent with existing land use patterns and policies, support anticipated growth, and require no changes to existing zoning or land uses. EA at 30-34.

**Visual Impacts.** Visual impacts resulting from implementation of the Double Track Project will be limited. Once project construction is completed, the rail ROW will look much the same as it does presently, with the exception of the placement of retaining walls of varying heights/depths in a number of places along the ROW. *Id.* at 35. In the locations where the retaining walls would be visible to sensitive receptors, LIRR will work with the affected residences or parks to plant appropriate vegetation adjacent to the retaining wall to screen the view. *Id.* at 36-41. As a result, the Double Track Project will not diminish the public enjoyment and appreciation of any of the inventoried aesthetic resources in the area of the Project. *Id.*

**Natural Resources.** The Double Track Project will not significantly affect soils, groundwater, surface water resources, floodplains, plant and animal habitats, or threatened and endangered species. While the Double Track Project is exempt from the New York State Freshwater Wetlands Act (codified at Article 24 of the ECL) pursuant to PAL Section 1266(11), it is being

designed to limit permanent impacts to freshwater wetlands to less than 0.15 acres lying within LIRR's existing ROW, within the federal acreage limits set by the U.S. Army Corps of Engineers for the applicable nationwide permit. Wetland creation, restoration, and enhancement opportunities within the affected watershed have been discussed with NYSDEC, and will continue to be explored with NYSDEC and incorporated into construction contracts for the Double Track Project, upon agency concurrence. Design and construction of the Double Track Project in consultation with NYSDEC will result in no significant impacts to these freshwater wetland resources. *Id.* at 42-56.

**Parklands.** While there will be temporary construction-related impacts at a number of parks along the ROW, such as noise during normal work hours, there will be no permanent or significant impacts to any parklands as a result of the implementation of the Double Track Project. To speed construction and reduce project costs, a construction alternative is under consideration that would involve the construction of a temporary access road along the northern edge of the ROW in Lakeland County Park. While this would result in temporary impacts to the park prior to the completion of construction of the Project, this area of the park would be restored to pre-existing conditions. *Id.* at 57-61, 126. If LIRR elects to pursue use of this temporary access road, it will coordinate with the appropriate local, state and/or federal entities.

**Cultural Resources.** A cultural resources investigation completed for the Double Track Project determined that there are no resources listed in or eligible for listing in the National Register of Historic Places ("NRHP") within the Area of Potential Effects ("APE") for archaeology or historic architecture. The APE for archaeology has been extensively disturbed by past construction activities related to the transportation use of the corridor. Therefore, no effects to archaeological resources are anticipated. In addition, by letter dated March 11, 2013, the New York State Historic Preservation Office ("NYSHPO") issued an opinion that the Double Track Project "will have No Adverse Effect on the (cultural) resources, on condition that a Construction Protection Plan is developed for the remaining historic stations, bridges, and the Southside Sportsmen's Club Historic District." Therefore, with implementation of the Double Track Project in conformance with an applicable Construction Protection Plan, no adverse effects will result to architectural resources within or in the vicinity of the APE. *Id.* at 62-71.

**Contaminated Materials.** Based upon a review of Sanborn Fire Insurance Maps and regulatory databases, as well as a limited environmental soil sampling program of the Project site, LIRR has found that residual contamination may be encountered during the course of construction, when excavation and the movement of soils take place. The EA discusses how, as design of the Double Track Project is finalized, specific areas where proposed construction activities will disturb soil and groundwater will be identified and investigated in order to determine the potential for contamination at these locations. Such areas will be tested as necessary, and if contaminants of concern are detected at concentrations exceeding regulatory criteria, all work will be performed in accordance with appropriate health and safety measures, so that work will be performed safely. The



construction contract will require the contractor to use the information provided to prepare and implement a site-specific construction health and safety plan (“CHASP”) protective of the workers, nearby businesses and residents. With the implementation of these procedures, no significant adverse impacts are anticipated. *Id.* at 142-146. Moreover, the operation of additional trains and routine maintenance associated with those operations after completion of construction will not pose significant impacts with the implementation of appropriate health and safety procedures, as is currently the case with LIRR operations. *Id.* at 72-75.

**Noise and Vibration.** Potential noise and vibration effects resulting from implementation of the Double Track Project could result from the addition of a second track along segments of the ROW and an increase in train service as a result of the Double Track Project. These potential noise and vibration effects on receptors adjacent to the LIRR ROW were assessed in accordance with guidance issued by the Federal Transit Administration (“FTA”). Results of this assessment indicate that the increase in noise and vibration levels resulting from the Project will not exceed FTA criteria, so there will not be significant impacts at nearby sensitive noise receptors. *Id.* at 76-92.

**Traffic and Transportation.** The Double Track Project will not result in the addition of significant volumes of new vehicles to the roadway network near rail stations, and expanded off-peak rail service will likely reduce vehicle trips in the study area. Results of the traffic analysis indicate that most study area intersection approaches will continue to operate at an acceptable level of service (“LOS”), often at the same LOS that will exist without the Double Track Project. At certain intersections identified in the EA, LIRR will work with affected municipalities and the New York State Department of Transportation (“NYSDOT”) to effectuate certain roadway traffic improvements in order to maintain efficient traffic operations and avoid potential significant traffic impacts upon completion of the Project. Those intersections are at: Islip Avenue (State Route 111) and Suffolk Avenue (CR 100), Brentwood Road and Suffolk Avenue (CR 100), Fifth Avenue at Suffolk Avenue (CR 100), Fifth Avenue at Pine Aire Drive, Executive Drive at Pine Aire Drive, Straight Path (CR 2) at Long Island Avenue, and New Highway at Conklin Street. Improvements may consist of re-timing traffic signals at six intersections and adding a lane within the existing roadway ROW at one intersection. With these project improvements and/or other equivalent measures developed in consultation with the municipalities and NYSDOT, the Double Track Project will not result in any significant adverse transportation or traffic impacts. *Id.* at 93-119.

**Construction.** Temporary impacts will result from construction activities associated with the Project and the use of staging areas, storage areas, laydown areas and temporary access roads. The EA describes the principal elements of the construction effort, including (among other things) the track work (the second track, crossovers and other special track work, reconstruction of certain rail sidings, and ancillary rail facilities), construction of fill and cut retaining walls and grade crossing modifications. Estimates of materials to be delivered to the site and removed from the site are

specified, along with the estimated number of tractor trailer and dump truck trips required for the construction effort. *Id.* at 120-134.

The EA explains why any air quality impacts of construction-related activities will be temporary in nature and insignificant. It also identifies control measures that will be applied to construction activities and equipment to reduce construction related emissions. In addition, the EA assesses construction-related traffic impacts, and concludes that while grade-crossing construction may result in some temporary road or lane closures, construction truck traffic generation will be low and no significant traffic impacts are expected as a result of construction. *Id.* at 34-135.

The EA further presents an assessment of construction noise. That assessment was performed for three residential locations, representative of reasonable worst-case construction conditions along the ROW. It also identifies the specifications that will be imposed in construction contracts to minimize construction-related noise. The results of the analysis indicate that project-related construction activities will create temporary elevated noise levels at nearby residences, but that these impacts will be short-term and not significant, given the intermittent and transitory nature of construction activities and equipment use. The EA also presents a general assessment of construction-related vibration impacts at nearby residential and commercial buildings, following FTA guidance. This assessment resulted in the identification of four potential problem locations requiring special attention during final design. Although construction-related vibration will occur, any increase will be temporary and short-term. Adherence to vibration control measures that will be required under the construction specifications will significantly reduce the likelihood of any significant adverse construction-related vibration, including at the four structures closest to the ROW. For structures where FTA Manual vibration criteria might be exceeded during construction, in addition to control measures, the development of a detailed vibration mitigation plan will be required to prevent potential building damage. With such measures in place for the potentially affected buildings, significant impacts resulting from construction-related vibration will likely be avoided. *Id.* at 135-141.

The EA also discusses how construction could affect visual resources. As construction progresses along the ROW, a number of the sensitive receptors in the vicinity of parks and other aesthetic resources will experience temporary changes in their viewshed. Such impacts will likely include the presence of construction equipment and possibly storage of materials, in addition to the removal of scrub vegetation within the ROW as necessary to facilitate construction. In general, these potential changes to ROW conditions will be of limited duration in any given area. Given the nature and duration of these impacts, they are not considered to be significant. As discussed above, LIRR is considering an alternative involving construction of a temporary access road which will be constructed within Lakeland County Park. Under this alternative, there will be a temporary impact to the view from the park looking south toward the ROW, estimated to last no more than six months, which will not be considered significant. *Id.* at 141-42.

Particular attention has been paid by LIRR to assure that construction activities do not result in significant impacts to the Connetquot River in the vicinity of an existing culvert adjacent to Lakeland County Park. The EA indicates that the contractor will be prohibited from interfering with the free flow of the river, and will be required to implement a number of measures to avoid adversely affecting water quality or the existing fishery. *Id.* at 127-128.

**Air Quality.** Operation of the Double Track Project will not result in any significant air quality impacts. With respect to mobile sources, based on the traffic analysis for the Double Track Project, an air quality assessment was conducted using NYSDOT Environmental Procedures Manual screening criteria. Based on the results of the screening procedure, future traffic generated by the Double Track Project will not cause or contribute to significant increases in localized pollutant emissions. Also, because Ronkonkoma Branch passenger rail service is electrified, there will be no increase in regional emissions from additional trains. *Id.* at 147-154.

**Environmental Justice.** The environmental justice (“EJ”) analysis conducted for the Double Track Project complies with NYSDEC Commissioner Policy 29 on Environmental Justice and Permitting (“CP-29”). The analysis identifies the locations of minority and low-income populations in the project study area. The Double Track Project will not create any disproportionate adverse impacts on EJ communities. *Id.* at 155-159.

**(b) Relationship to Other Projects**

There are several other projects in various stages of planning and/or construction in Suffolk County. Some of those projects, such as a storage yard needed for the ongoing East Side Access (“ESA”) project,<sup>2</sup> and the potential for reopening the Republic Station are the responsibility of LIRR,<sup>3</sup> while other projects such as the Ronkonkoma HUB, are being sponsored by others, with some possible limited involvement by LIRR.

LIRR believes an environmental review of the Double Track Project that is separate from any review of other LIRR projects or those projects that may involve LIRR is warranted, for several reasons. First, as explained above, the Double Track Project is exempt from SEQRA under PAL Section 1266(11), and requires no environmental review at all. Second, the Project has a purpose that is wholly distinct from other LIRR projects. The many benefits that the Project will have for reliability, flexibility and more frequent off-peak and reverse-peak service confirm that the Double Track has its own independent utility. See EA at 3-5. Third, the Project is urgently needed to

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<sup>2</sup> A comprehensive EIS was prepared for ESA under the National Environmental Policy Act in 2001, and that system-wide project is now under construction.

<sup>3</sup> It should be noted that the exemptions contained in PAL Section 1266(11) may apply to other LIRR projects, including the potential reopening of the Republic Station.

provide these benefits, especially considering how important the branch is to storm-related recovery efforts. *See* EA at 5. For these and other reasons explained in the EA and Response to Comments, the Project should not be delayed pending consideration of other LIRR initiatives. Likewise, the Project's exemption from SEQRA, independent utility, and critical importance warrant its separate review from the many unrelated private projects that are now under consideration by other project sponsors. It bears noting, that all these unrelated projects either are or will undergo their own environmental review as and to the extent required under SEQRA and/or other statutes, and that the effects of the Project can be expected to be accounted for in the background conditions in those subsequent analyses.

#### **IV. Conclusion and Findings**

For the reasons discussed herein, the Project is exempt from SEQRA and ECL Article 24. Moreover, after considering the information and analyses set forth in the EA and Response to Comments, LIRR finds that the Project will not have any significant adverse environmental impacts. Accordingly, even if SEQRA were to be applicable to the Project, an EIS would not be required.

Dated: New York, New York  
October 3, 2013



Richard L. Gans,  
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