

Statement by Dennis McEnery  
At Long Island Rail Road Scoping Hearing  
May 24, 2016

*Dennis J. McEnery of Floral Park is a founding member of the Floral Park Third Track Task Force, as well as the not for profit organization Citizens Against Rail Expansion [CARE]. Dennis McEnery is also a member of the Village of Floral Park Zoning Board of Appeals and the Village of Floral Park Conservation Advisory Council. Dennis McEnery is also the President of the Floral Park Conservation Society, Incorporated. The following comments were made part of the record and submitted on his own behalf as a member of the public at the evening session at the New Hyde Park Inn on May 24, 2016, which the MTA LIRR limited commenters to 3 minutes each.*

**As an initial matter, it was requested and consented to without objection that all the comments and submissions previously made in response to the May of 2005 Federal Register notification for the MTA LIRR Third Track Project submitted to the FTA are made part of the current record as if fully set forth herein, and are hereby incorporated by reference, with the MTA LIRR to fully respond as is needed.**

**Top ten main line station mile markers for the MTA LIRR Third Track Megaproject:**

**I. MTA LIRR must provide hosting communities mitigation first and foremost before any destruction and construction.**

It is an obligation for the MTA LIRR to fulfill rather than just a luxury. The hosting communities' mitigation needs have to be fulfilled prospectively prior to any adverse impacts taking place rather than retrospectively when the damage is already done. The Floral Park and Bellerose LIRR train stations must be updated to become state of the art, including fully ADA compliant accessibility, with no elimination of any current platforms in either size or location being permitted.

**II. Grade crossing eliminations need to be done first, done right and done on time.**

The MTA LIRR must prove it can actually complete a grade crossing elimination as promised. The MTA LIRR and NY DOT are challenged to do just one at first by actually demonstrating it can do so from conception to birth in 9 months as they have promised.

**III. Hosting communities shouldering the burdens must obtain the greatest benefits.**

The hosting communities must be better off as a result of the megaproject with no decline from their status quo. There also needs to be demonstrated and agreed that there will be a comparable increase in the amount of service to the hosting

communities with the amount of train traffic they are asked to bear and certainly not a decrease, as has been suggested with respect to the Hempstead line, which is the primary source of service for Floral Park and Bellerose.

**IV. MTA LIRR must be a good neighbor to its hosting communities.**

The megaproject must be guided by a guiding principal to provide a helping hand to its surrounding communities and not give them a thumb down finger instead of thumps up approach. For example, the proposed quarter mile impact zone is woefully inadequate and instead an at least one mile area radiating from the Right of Way must be established as a minimum study area.

**V. MTA LIRR must provide full disclosure and transparency as a key to building trust and credibility.**

The hosting communities deserve direct representation and oversight throughout the entire megaproject, including the establishment of a Technical Oversight Board with members selected by and from the hosting communities being provided meaningful input and status. The hosting communities must be provided direct access to their own independent experts and counsel, who must be reimbursed as part of the megaproject and not by the local communities themselves.

**VI. Reverse commute justification has already been debunked, dead and buried.**

Any further discussion of the reverse commute basis needs to be abandoned as even the Governor has acknowledged that it is not a viable basis for moving forward with this over billion dollar megaproject. Although Hofstra University continues to beat this dead horse issue, Hofstra's own self-interest in apparently being no doubt richly compensated for hosting the LIRR public comment sessions, for example, despite the fact that Hofstra is not even located in one of the hosting main line communities, alone raises serious conflict of interest and credibility issues.

**VII. Freight trains increasing, however, are of legitimate and frightening concern.**

It is imperative that the MTA LIRR keep the surrounding communities safe. The LIRR needs to place strict limits in perpetuity which would prohibit the use of any track expansion for freight use. There also needs to be limits placed on the type of cargo allowed, especially radioactive and hazardous waste.

**VIII. Design and build means there needs to be better planning and reviewing, not less.**

This megaproject as proposed requires an even greater level of specificity and planning due to the “design and build” process being proposed. If no design is agreed upon with the hosting communities, then no building is to take place until such a consensus is reached and obtained.

**IX. The FTA must continue to have the final review under NEPA, not just the MTA LIRR acting as its own judge and jury under SEQRA.**

This may be the most important and significant issue which the MTA LIRR must agree to before anything further takes place. The megaproject which was announced in May of 2005 Federal Register continues in full force and effect, including oversight responsibility and review of the Federal Transit Administration pursuant to NEPA. As the MTA LIRR has proclaimed, however, it may not even be held accountable under SEQRA, especially if it attempts to invoke its statutory exemption rights under SEQRA, although it is not conceded that the MTA LIRR can arbitrarily decide and without reason act as judge, jury and executioner for this megaproject. The MTA LIRR must therefore agree to fully comply with all NEPA requirements, including review and approval by the FTA and/or FRA, which already have such responsibility for the East Side Access Megaproject, which cannot be allowed to be segmented from the current proposal. The MTA LIRR already has commenced the NEPA process and it is challenged to immediately disclose and release the Draft Environmental Impact Statement which it has already submitted to the FTA office for the Second Region office located at Bowling Green in downtown Manhattan. The taxpayers have already spent over \$7 million for that information, which must be made part of the current record going forward too.

**X. East to west just works best, as going west to east is just beastly.**

It is obvious that should any construction begin to take place, it should be commenced in the east and be completed in the west. In reviewing the most significant megaproject recently undertaken in the region, such as the East Side Access and the Tappan Zee Bridge, for example, the work is commenced in the area with the least significant obstacles, with the area with the most difficulties being done last. The East Side Access megaproject, for example, has been built starting east going west into Grand Central Station, rather than starting west at the Grand Central Station and going east. So should this megaproject, much like the sun rising in the east on Long Island in Greenport and setting in the west in Floral Park. The MTA LIRR must commence its megaproject beginning in Hicksville, and only commencing work in Floral Park at the end of the process, rather than at the start.

In all, the current scoping document is inadequate, incomplete and not in compliance with both the letter and spirit of the law in New York’s own SEQRA requirements or the federal

NEPA requirements. In addition, unless and until the MTA LIRR provides a “lock box” guarantee of dedicated funding for the entire megaproject, it should not be permitted to move forward until, at the minimum, all of the grade crossing eliminations have been fully and properly completed.