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May 16, 2016

Hon. Barbara Donno, President
Nassau County Village Officials Association
P.O. Box 484
New Hyde Park, NY 11040-5572

Dear Mayor Donno:

By letter dated February 3, 2016, the eight Mayors of the Villages along the Long Island Rail Road Mainline corridor asked the NCVOA to support them in opposing the Governor's proposed Third Track Project. Although the letter expressed our opposition to the Governor's proposal, that letter was not a blanket "no" to projects along the Mainline. Rather, that letter stated that the Mainline Mayors support LIRR President Patrick Nowakowski's previously stated seven point proposals for operational improvements along the LIRR Mainline Corridor. A copy of the February 3rd letter ("Mainline Mayors' Letter"), setting forth LIRR President Nowakowski's proposal, is attached

Subsequent to the Mainline Mayors' Letter to the NCVOA, the Governor's office reached out to several of these Mayors to discuss the Governor's proposal. As described in the March 6th *Newsday*, on February 19th Governor Cuomo himself, together with several top level staffers, met with Mayors, Trustees and appointed officials from the Villages of Floral Park, New Hyde Park, Westbury and Mineola. Following that meeting, Lisa Black from the Governor's office coordinated separate meetings with the State Department of Transportation with the same villages and Garden City. Ms. Black has also coordinated additional follow up meetings with the Villages.

Mayors and Trustees from each of these villages have subsequently spoken and compared notes from these separate meetings. Each of those separate meetings focused on mitigating, to some degree, the very obvious and significant disruptions that will inevitably result from the proposed Third Track Project. In each case, the State's proposal mainly focused on the long overdue grade crossing eliminations along the Mainline that the Villages have been advocating for the past 30 years.

Each of the Mayors has expressed their gratitude to the Governor and his staff for their time spent collectively and in the follow up meetings. We appreciate what clearly appears to be the Governor's and his staff's sincere and earnest efforts to mitigate, to the extent possible, any impacts and changes that will inevitably be caused by the proposed Third Track Project to each of the Mainline Villages and its

residents and businesses. We also appreciate the Governor's repudiation of the false concept that the proposed Third Track Project would facilitate the "reverse commute" and his assurances that the project is not meant to accommodate, nor will result in, increased freight traffic. We are heartened that Governor Cuomo is dealing with us more openly and honestly than the MTA did ten years ago, and he has put aside the MTA's false argument about the reverse commute.

Despite the positive interaction with the Governor and his staff over the past few weeks, at this juncture, the Mainline Mayors continue to have serious reservations and require additional and substantial information before any project is advanced.

Nonetheless, despite the lack of any clear articulation of a need for this mega project, it is now proceeding forward at an alarming pace. On May 5th, the LIRR released its Draft SEQRA Scoping Document and announced the public hearing dates for public comments. It is providing merely two back to back dates for public hearings, with hearing times offered only in the afternoon and starting early evening. Further, the comment period for the submission of written comments is barely more than the absolute minimum required under SEQRA. A project of this scope and scale requires more than the minimum required by SEQRA.

Normally, the lead agency is obligated to finalize a scoping document within 60 days of receipt of a proposed scope from the project sponsor; although, this timeframe is often extended by agreement for large, complicated projects. Where the lead agency and project sponsor are one in the same, no such deadline is imposed and the lead agency is free, from the outset, to allow impacted communities and the public adequate time to study, review and comment in a meaningful way on a draft scoping document. One of SEQRA's overriding mandates is to provide for **meaningful public review and assessment**. Governor Cuomo has made a commitment that "this project will set the standard for positive community engagement." SEQRA is foundational to that commitment. For a project of this magnitude and complexity, a minimum of 90 days must be provided for public review and comment on the Draft Scoping Document, and additional dates and more convenient times must be established for public hearings.

Our opposition to this project moving forward at this stage is essentially twofold.

First, there are no written plans that can be shared by the Governor's office about the Third Track Proposal. While the LIRR's Draft Scoping Document provides significant detail about the proposed grade crossing eliminations, it does not provide (nor have we been otherwise provided) any detail as to basic and vital issues, such as track alignment, from which we can engage in a meaningful study and provide meaningful comments. Consequently, we are left to guess at the scope and extent of the problems the proposed Third Track Project will cause to the residents and businesses in each of our Villages. It is difficult to meaningfully assess and comment on the Draft Scoping Document when key details of the proposed project are missing.

Second, despite the Mainline Villages' request, we have not been provided with a sufficient justification for this proposed mega project. Admittedly, the Governor has strongly argued that his rationale for this project is to create redundancy in capacity so that service disruptions and delays would be eliminated. While that certainly is a laudable and worthwhile objective, we have not received an explanation as to why that objective is not better achieved through LIRR President Nowakowski's seven point proposal

(reflected in the Mainline Mayors' February 3rd Letter). We are also not sure why the important grade crossing eliminations cannot proceed separately on their own merits.

While the LIRR's Draft Scoping Document indicates that the components of President Nowakowski's seven point plan will move forward as separate projects independent from the Third Track Project (other than perhaps the grade crossing element), that is insufficient. The Governor's proposed Third Track Project will undoubtedly cause several years of disruption to the lives of residents along the Mainline. To subject our communities to this massive upheaval while a much less onerous and less expensive alternative has been identified by those very people responsible for the day to day operations of the Long Island Railroad is unwarranted.

Why has no consideration been given to completing President Nowakowski's plan first. Then, once completed, it can be determined if President Nowakowski's plan sufficiently achieves the objectives of eliminating service disruptions and delays before the communities along the Mainline are asked to endure the several years of disruption to the lives of its residents and businesses that will necessarily ensue if the proposed Third Track Project is pursued.

Also, by now you have probably received a letter from the so called "Right Track for Long Island" group. This group appears essentially to be a combination of the LIA and the Rauch Foundation, both of which were leading advocates of the Third Track Project ten years ago. This time around, their argument in favor of the Third Track Project is based primarily on a 2014 report paid for by the Rauch Foundation. We believe there are many glaring deficiencies with this report, but will only focus on two at this time.

First, many of the supposed benefits of this project identified in the Rauch Report are based on the assertion that the Third Track Project will dramatically increase the "reverse commute". As stated above, the reverse commute argument was thoroughly discredited ten years ago and Governor Cuomo in our recent conversations has stated that his proposed Third Track Project has nothing to do with addressing any reverse commute issue along the Mainline. If such a major premise of the Rauch Report has been abandoned, it calls into question the conclusions based on that faulty premise.

The second glaring problem with the report is that all of its economic modeling is premised upon the false choice that either the Third Track Project is undertaken or no improvement projects to the Mainline are undertaken. We are not advocating against improvement projects along the Mainline. To the contrary, we support the implementation of LIRR President Nowakowski's seven point plan, which includes an aggressive plan for grade crossing eliminations. The Rauch Foundation Report fails to analyze or acknowledge the positive economic and other impacts that would result from implementation of President Nowakowski's plan. Without such an analysis of the economic benefits that could be derived from LIRR President Nowakowski's plan, any valid comparison of that plan to the proposed Third Track Project cannot be made.


Consequently, while we appreciate the sincere efforts of the Governor and his staff to address, to a certain degree, how to alleviate the inevitable problems this proposed mega project will cause, we believe there must first be a threshold determination as to whether there is justifiable reason to proceed with the proposed Third Track Project rather than the less disruptive alternatives identified by LIRR President Nowakowski. Our position is further buttressed by the fact that all of our elected state and local representatives along the Mainline have expressed their opposition to this plan precisely because they have not been provided with a sufficient justification for this mega project.


Further, despite the Governor's efforts to address mitigation over the last several weeks, all of those apparent good intentions are being obviated if the LIRR continues to "Fast Track" the SEQRA process.


Consequently, we maintain our opposition, as set forth in the February 3, 2016 letter to the NCVOA, to the Governor's Third Track Project. Instead of the Third Track Project, we call on the State to fund LIRR President Nowakowski's seven point plan to address and improve operational and safety issues along the Mainline corridor. Further, the issue of grade crossing eliminations should be de-coupled from the proposed Third Track Project. Grade crossing eliminations have a compelling operational and safety justification separate and apart from the proposed Third Track Project.

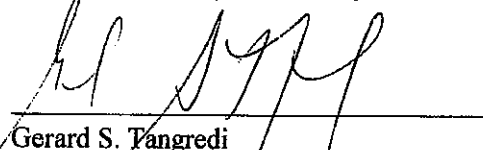
We ask the NCVOA to support your neighboring Villages.

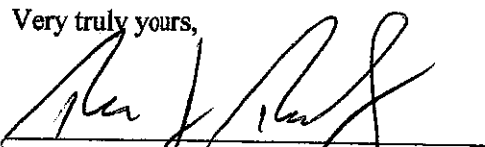
If you have any questions, please contact any of the undersigned Mayors.



Henry J. Schreiber
Mayor, Inc. Village of Bellerose

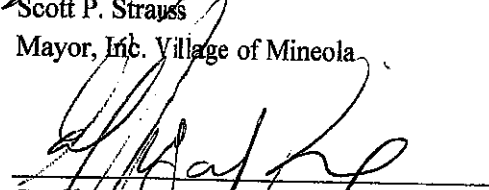

Nicholas P. Episcopia
Mayor, Inc. Village of Garden City



Robert A. Lofaro
Mayor, Inc. Village of New Hyde Park


Gerard S. Tangredi
Mayor, Inc. Village of Stewart Manor

Very truly yours,

Thomas J. Tweedy
Mayor, Inc. Village of Floral Park


Scott P. Strauss
Mayor, Inc. Village of Mineola


Geoffrey N. Prime
Mayor, Inc. Village of South Floral Park


Peter I. Cavallaro
Mayor, Inc. Village of Westbury

cc: See Attached List