

**TESTIMONY BY WILLIAM J. CORBETT. SR.  
SPOKESPERSON FOR CITIZENS AGAINST RAIL EXPANSION (CARE)  
JANUARY 19, 2017, THE INN AT NEW HYDE PARK & OTHER LOCATIONS**

My name is William J. Corbett Sr. I am a spokesperson for Citizens Against Rail Expansion, a coalition of 130 organizations, elected officials and former elected officials who strongly oppose this proposed multi-billion dollar third track project. While we support the elimination of the grade rail crossings, we do not support construction of the third track. The testimony below is my own analysis and opinion and does not necessarily represent the views of all the members of our coalition.

I will summarize my testimony since we are only allowed such a brief time slot and these comments are supplemented by a lengthy page by page critique and analysis of the DEIS.

The elimination of the 7 at grade rail crossings is positive and should have been done years ago and should go forward without the third track project.

The need for reverse commute is nonexistent since the trains now running are less than half full.

**OUR MAJOR OBJECTIONS ARE:**

1. During construction and thereafter the loss of vital parking spots at the Floral Park Station.
2. The impact of the removal of hundreds of tons of toxic chemicals that are in the soil the entire 9.8 miles and the dangerous remediation thereof.
3. The adverse impact on traffic flow to small businesses, shoppers and residents.
4. The lack of provision of handicap access at the Floral Park Station and essential maintenance and improvements to that station.
5. The lack of sound barriers from Tulip Ave. along South Tyson Ave. to the So. Tyson Ave. underpass.

The inconvenience to commuters is hardly mentioned in the report. The DEIS warns that the Carle Place station may be closed for a year with travelers being bused to Westbury. What other inconvenience can commuters expect?

Of course there will be more busing, more closed stations and multiple train delays, so why isn't this spelled out so people can understand the negatives.

As we understand it no additional train stops are scheduled for the communities most affected. Isn't it correct that the third track will be an express from Hicksville to Jamaica with no stops in between?

The citizens of Suffolk County, except for some large and wealthy corporate supporters, do not favor this project. Most moved to Suffolk to escape congestion and to live in less industrialized communities.

Suffolk doesn't need more industry with its existing problem of having landfills closed. The last thing wanted are businesses that will generate more waste. They also have concerns with the shortage of water in the future that increased industrialization will exacerbate.

Our major concern is that the railroad has, for decades, used toxic and harmful chemicals to control the growth of foliage growth on the right of way and to kill rodents. These chemicals have sunk into the soil over many years and are a hazard to the local population. What is the plan for assessing this terrible situation? How will the soil be removed in a safe manner that will not generate harmful dust and particles into the air? We know that there are clusters of cancer along the tracks. This project must be stopped until the Federal Government or State Health Department does a complete assessment of the danger. In one area of Garden City out of 20 homes that back up onto the tracks there are a dozen instances of residents with cancer. There are similar cases in Bellerose and Floral Park where the property of homeowners adjoins the tracks.

The adverse impact of this project will hurt local small businesses along the route. For example, in Floral Park during the construction phase there will be a loss of 50 vital parking spaces in the area of South Tyson Ave. where parking is already very tight. Where will these commuters and shoppers go? What provision has been made? Has there been any consideration of acquiring the property known as Koenig's parking lot for a metered parking area or perhaps even a two story parking facility? Has there been any consideration to adding a below ground underground parking garage under the parking lot on Woodbine Court?

Has there been any consideration of adding a parking facility in and under the sump adjacent to the Floral Park Post Office on Tulip Avenue?

At a hearing several years ago, I asked the LIRR to erect screening on South Tyson Avenue to prevent large heavy pieces of metal from flying down off the tracks. I provided pictures of some of the objects that I have collected that have flown down with the potential of killing someone. Why won't the LIRR try to be a good neighbor and take action to prevent a tragedy? I was told by a railroad official that the only time they will do something is

after someone actually gets injured. There is no reason this screening should not be put up immediately and not wait until there is much more activity in the area with danger to the public. In addition to testifying about this, I have made many calls and appeals that have fallen on deaf ears. Doesn't anyone at MTA care about anything other building new things? Why not care for and improve the existing infrastructure and making safety corrections for the residents?

Also, the DEIS report fails to provide sound barriers on top of the wall from Tulip Ave. to South Tyson underpass. How can you say that you have provided sound barriers at all residential locations and overlook this area which has a large apartment house just a few feet from the tracks and a number of offices and businesses that are currently disturbed by the loud noise of trains going past.

During construction, much of which will be done at night and on weekends, what will be done to lessen the noise, lights and inconvenience to local residents?

The DEIS is devoid of information about the increase in freight traffic. We know that Suffolk has been forced to move garbage through our community by rail since the closure of most of their landfills. Why is the report not analyzing that situation and being up front with the real purpose of the project?

A terrible flaw in the plan is the fact that construction overlaps exist. Tyson Ave., New Hyde Park Road, Plainfield Ave. and Covert Ave should not be worked on at the same time forcing extreme crowding of the existing roads. These roads are clogged at rush hour and construction at more than one site at a time will create an impossible situation.

Little detail is given in the report of how the project will be staged. For example, if Belmont Race Track is used there is reference to Plainfield Ave. as the access route. Does this mean that the Mayfair Ave. gate in the west end residential neighborhood in Floral Park will not be used?

While millions of dollars will be spent replacing and improving other stations there is no mention of adding handicap access to the three Floral Park platforms which should have been done years ago.

**THE FOLLOWING COMMENTS REFER TO SPECIFIC PARTS OF THE  
2500 PAGE DOCUMENT.**

**EXECUTIVE SUMMARY:**

**S-1** "reduces delays for more than a half million passengers per week" does not take into account the numerous and extensive delays during the 5 or more years of construction.

..."provides 2490 new parking spots" but not one in Floral Park. In fact unless construction on the east end of the Floral Park platform is not done properly there will be a loss of access to parking under the tracks and 40 spots will be lost.

**S-3** "The primary purpose... is to improve rail service, reliability, public safety, and quality of life along the LIRR Main Line segment between Floral Park and Hicksville." This is untrue. During the construction phase there will be horrendous inconvenience for residents of the effected communities. When new switches were installed just west of the Bellerose station most of the work was done at night from 8 p.m. until 6 a.m. in the morning for months on end with noise and bright lights shining into the bedrooms along the route causing many sleepless nights. This night and weekend construction will be nightmare for local residents.

**S-3** While the report says 250 passenger trains on a typical weekday in Floral Park, we not only have the 250 but an additional 50 going to and from Hempstead and additional freight trains rolling through at night for well over 300 trains every weekday and evening.

**S-7** Talks about retaining walls. How can these be constructed without going on residential property? We understand that some residents of Garden City have been told that construction easements will be sought to use of their property. S-13

**S-13** "Construction...would entail varying disruptions to rail service, certain passenger rail stations, and local traffic operations." More details are needed since commuters have no idea of how they will be inconvenienced for 5 years or more. The Governor will have lots of angry people asking why this was ever done as they experience these long delays.

**S-13** "Under the Proposed Project, no changes to land use (WITH THE EXCEPTION OF IMPACTS TO A LIMITED NUMBER OF BUSINESSES)."

I practice elder law and most of my clients are elderly and already have difficulty finding parking for appointments. It is anticipated that South Tyson Ave. will be closed for an extended period of time. How will clients get to my business and the 5 other businesses on this one short street?

**S-1"4** "Use of properties abutting roadways would not be subject to adverse impacts with a small number of exceptions ..." "The Proposed Project would not impact general land use patterns of the communities." This is patently false in the case of Floral Park where numerous small businesses will be adversely impacted. Further as far as Floral Park is concerned it is not true that "community businesses that stand to benefit from improved transportation connectivity."

**S-16** alludes to the location of staging areas and exact details are required to intelligently comment on this aspect of the proposal.

**S-18 CONTAMINATED MATERIALS.** Here there is an admission that pesticides and herbicides have been used on the entire 9.8 miles to kill plant growth and rodents. While the report goes into great detail about adjourning businesses little is said and little detail is given about the extent of serious contamination on the entire 9.8 miles on the railway right of way itself. We believe that the Federal Government or State Health Dept. should oversee the testing along the entire right of way since it is obvious that these harmful chemicals have been used everywhere and hundreds of tons of contaminated soil and gravel will have to be removed with the danger of putting these substances into the air. *BEFORE ANY CONSTRUCTION BEGINS THE PRELIMINARY TESTING OF THE ENTIRE RIGHT OF WAY MUST BE DONE WITH THE RESULTS MADE PUBLIC WITH DETAILS OF THE ACTION PLAN MADE AVAILABLE FOR PUBLIC COMMENT.*

Of particular concern are the areas near residences and near the Floral Park Playground and Pool where children play. Certainly no work should be done in that area except during the winter when the pool is closed and the playground has less activity. It may be that the roller hockey rink would have to be moved temporarily during construction to avoid the skaters inhaling the deadly dust from the construction site.

#### **S-20 VEHICULAR TRAFFIC**

As stated before there is unnecessary overlap on the construction on the Floral Park bridges and New Hyde Park grade crossings. Not more than one construction site at a time should be worked on.

## **S-21 PARKING**

Serious consideration must be given to acquiring property for additional parking in Floral Park. Consideration of putting a second story for metered parking over the vacant land just north of the South Tyson Ave underpass should be considered which could accommodate a number of cars. Consideration should also be given to construct a below ground level of parking under the Woodbine Court parking lot just south of the South Tyson Underpass. Also a three level parking facility could be constructed in, at and above the inactive sump north of the Floral Park Post Office on Tulip Ave. This would serve commuters during the day and provide parking at night for Centennial Hall.

## **S-22 NOISE AND VIBRATION**

How can it possibly be lessened with moving trains closer to homes and additional trains?

## **S-23 CONSTRUCTION IMPACTS**

The report states that noise and vibration levels from construction up to two years at any one location "could be a nuisance at...residences, schools." COULD BE? Certainly this will have a strong impact on local residents and the value of their property bringing the tracks closer to their homes. Why should they be subjected to this torture for this unnecessary endeavor?

**S-27** "...the adverse impacts...would occur in construction...temporary short-term impacts that cannot be avoided." Further reference to

"Fugitive dust" which can have severe health impacts on local residents and details must be provided before any work is started. Why hasn't the State Health Dept. weighted in on this issue years ago?

**1-13** This chart reinforces the point that there is no justification for reverse commute as the Governor has admitted in the past and the MTA has agreed in the past.

## **1-20 RETAINING AND SOUND ATTENUATION WALLS**

Where these are to be installed – why not on both sides of the tracks in residential areas? In **1-21** it states that from Floral Park to New Hyde Park the wall will be 4750 feet long. Will it be on both sides?

## **1-24 STRUCTURE MODIFICATIONS**

Will the construction at South Tyson Ave. cause the elimination of any parking spots under the tracks on the street after construction is completed?

**2-8** Correction: report should state it is a "roller skating rink" and not an "ice rink."

### **3-1' ECONOMIC CONDITIONS**

Report says "...impacts on commerce...would be minimal. The affected businesses would receive just compensation and relocation assistance" I have a small business – would appreciate knowing what you can offer me to enable me to stay in business. Report further acknowledges "minor disruptions to business districts in terms of changes to access to small number of businesses." If this is true, what will be done to remediate the situation?

**3-2** States that "there would be continued vehicular and pedestrian access to... the business district." We hope this is true and will be enforced.

**3-17** It is a false conclusion that "The Proposed Project would not result in any impact to the Tulip Avenue business district in Floral Park."

In the past we have been told that there might be closure of the underpass at Tulip Ave. If that is so even a partial or short term closure would have an adverse impact. It is anticipated that So. Tyson underpass will be closed temporarily, it is important that Tulip Ave. and Plainfield Ave. underpasses not be closed at the same time.

### **4-7 CONTAMINATED MATERIALS**

Not only Floral Park but many environmental justice communities probably have the same amount of hazardous chemicals in the soil and they must be likewise protected by extensive studies before any work is undertaken. If the Governor's promotion of "Design-Build" means that toxic substances will be dealt with *if and when* found, this is not the appropriate way to handle this problem. Testing must be done before a single spade of dirt is moved.

### **FIGURE S-IA-7**

Photo caption is wrong. Should be "View north" rather than "View south."

**5-28** The work to be done in Floral Park is broadly outlined here but it does not indicate the impact on parking both during and after the construction phase. Will the 36 parking spots under the tracks from Tulip Ave. to So. Tyson Ave. be lost? What can be done to alter the construction plans to see that those spots are not eliminated? In the past there have been proposals to add 4 more spots to that area. Why not do this at the same time?

**5-19** At the last round of hearings several years ago I testified that large metal pieces fall off the tracks onto South Tyson Ave. that pose a threat to pedestrians and could possibly kill someone. I have contacted the LIRR numerous times asking that screening be placed along the elevated track fence with no response. It would be a very minor one day project to add screening to protect the public. However, if this project goes forward a sound attenuation wall/barriers should be installed north and south along the elevated tracks in Floral Park. For the long term this would solve potential noise and vibration disturbances and keep debris from falling onto the street.

### **TABLE 3-10 BRIDGE MATRIX**

Where it says "Widen existing Hempstead track spans over station parking lot." Does this mean that you will not be eliminating any parking spots under the tracks once the project is completed? If so there is an opportunity to add 4 spots. Can this be done at the same time?

### **CHAPTER 10 TRANSPORTATION RAIL FREIGHT SERVICE/OPERATIONS**

Residents who live along the tracks in Floral Park and Garden City believe that there are more than three round trips per day. They say that the vibration from the freight trains is much greater than the passenger cars which raises the question as to who checks and monitors the weight of the freight trains?

The report neglects to report that the State of New York has ordered the closure of most of the landfills in Suffolk County and more and more garbage is being taken off Long Island in these freight cars, some of which are not covered. Why are there no projections as to the increase in freight traffic with the increase in garbage?

The contract with the freight carrier was renewed last year. We hope that some restrictions were placed on them against carrying radioactive materials since we know that the Queens County Borough President prevented the hauling of radioactive materials from Brookhaven National Laboratory through floral Park and the other communities along the main line. The materials that are radioactive should be removed by barge and not on the rails to avoid any possibility of contamination of our citizens.



## **F. PARKING 1-66**

Our second greatest concern is the disruption of parking during and after construction. While the Tyson Ave. work is being done, it is anticipated at least 50 parking spots will be eliminated. We are hopeful that the end result is that the parking spots under the railroad tracks from Tulip Ave. to South Tyson will not be permanently lost. Intelligent engineering and construction of the additional track could be done in a manner where these vital parking spots would not be lost.

The statistics on **page 10-67** which indicate that Floral Park has an excess of parking spots is wrong. The parking lots are usually full as are the street metered spots. There are also 2 hour time limits on many spots which preclude their use by commuters. The long term solution would be for the MTA consider constructing a parking facility over the property just north of the main line at So. Tyson Ave. (known as Koenig's) for metered parking. This would benefit both commuters and the public including local businesses. On many days there is no parking available in any of the lots on Magnolia Ave. and Iris Avenue. Floral Park and Bellerose have a high percentage of senior citizens and retirees who need convenient and nearby parking when they shop locally; parking in the commercial area is now at a premium. Lack of commuter parking causes many commuters to park on the street where there is a 4 hour limit and many experience frequent parking tickets which are \$25 each.

**PAGE 10-70** states that with the opening of the East Side Access in 2020 there will be a shortage in Floral Park of 32 parking spaces for commuters. Why wait until 2020 to make the additions? Why not do it now with either a second level parking facility on the Koenig's property and putting a below level parking area at the Woodbine Court Parking facility?

**PAGE 10-39** states that without the third track in 2040 there would be new riders from Floral Park with a shortage of 238 parking spaces. So with or without the third track there will be severe parking shortages in Floral Park. Once again, why wait until 2040 when the problem could be solved now and commuters for the next 20 years could enjoy adequate parking through implementing the above suggestions for expanded parking.

**PAGE 10-73** mentions the parking shortfalls at Floral Park and lists possible accommodating options with "Construction of parking garages atop existing surface lots." If you don't acquire the Koenig's lots and building now you will have a difficult time in the future since the owner is has a plan to develop additional apartments on the site so the time to act is now whether or not the third track is approved and funded.

## **CHAPTER 11 AIR QUALITY**

**11-10** When are the Green Locomotives being ordered and when are they expected to be put into operation?

This chapter did not address the pollutants that will be put into the air if and when the track bed is worked on and the toxic chemicals that were used to kill vegetation and rodents. This is vitally important for the future safety of our neighborhoods.

## **CHAPTER 12 NOISE**

In Floral Park the John Lewis Childs Elementary School is located close to the work site and will be negatively impacted by this project. It was rumored that the MTA would be providing new soundproof windows for the school. Is this true? Also, if you will be using the school parking lot for staging, where will the school busses park at night and the teachers in the daytime? Will you provide soundproof windows for my office which is just across the street from the construction and is already plagued with excessive noise and vibration during the work day?

## **CHAPTER 13 CONSTRUCTION**

**SOCIOECONOMICS** the MTA has little credibility when it comes to assessing the cost of a project. For example, look at the East Side Access at Grand Central Station and the Second Avenue Subway which are way over budget. The cost will no doubt exceed \$4 billion and will take more than an estimated 5 years. Where are these funds to come from? Will the cost of train tickets go up? Undoubtedly many taxpayers, many of whom never use the LIRR, will be paying for this project. The effect on the local economy is negligible. We would like to see detailed evidence that Nassau County would gain anything. Workers from outside the area may well come in to do a great deal of the work. Should this ever happen, it should be stipulated in the RFP that only local workers will be retained during the construction.

## **TRANSPORTATION**

Exactly where will the workers park their cars? How will existing tracks be used to transport construction materials when commuter trains are running? If there is concern about construction during the day and interfering with businesses and the school, then construction would have to be at night or on weekends. This would further upset the residents. With the announcement of the possible one year closure of the Carle Place station, what other stations might anticipate closing?

## **NOISE AND VIBRATION**

If you construct during the day you interfere with business and a school in Floral Park. If you work at night and on weekends you place a terrible burden on local residents who need sleep. Your remediation efforts were nil when you did the new switches just west of the Bellerose station. The neighbors still complain about the noise, lights and vibration for months on end. Railroad officials told the local people that they do not have to abide by local ordinances which allows them to ride roughshod over the residents.

## **MEASURES TO MINIMIZE COMMUNITY IMPACTS 13-6**

While representatives of the Governor and MTA continue to meet and keep in touch with local people they are not providing many necessary details that are needed to evaluate the program. While this DEIS has answered some of the questions raised at the earlier hearings, there are still *very* wide gaps in the information being shared. It seems like the design-build concept that the Governor propounds is flying by the seat of your pants with many unknown consequences. It sounds good but in reality it opens Pandora's Box to many uncertainties which will arise.

## **ENVIRONMENTAL PERFORMANCE**

In the past when projects were done there was little effort in advance to eliminate the sizeable rat population that lives in the track bed along the tracks with the work forcing the rodents into residential neighborhoods. The rodents should be eliminated long before the work is done using traps, chemicals that prevent future births and substances that will eliminate the vermin.

### **13-8**

## **CONSTRUCTION SCHEDULE FIGURE 13-1**

This chart shows an unnecessary overlap on the work in Floral Park and New Hyde which will cause horrendous traffic jams. No work should be done on more than one crossing or bridge at a time to allow traffic to disburse on a number of different roads. Plainfield Ave. now has reached its capacity during morning and evening rush hours and closing more than one nearby crossing at a time will cause great problems.

## **CONSTRUCTION ELEMENTS AND PHASING**

### **THIRD MAIN LINE TRACK 13-9 & 10**

#### **STRUCTURE MODIFICATIONS**

The report states that "a new single track bridge would be constructed to accommodate the new third track at South Tyson Avenue ..." The question is what impact will that have after construction? Will we lose all 36 existing parking spots under the tracks? If so can the plan be modified so existing spots will not be eliminated and 4 more added?

### **GRADE CROSSING ELIMINATIONS 13-11**

The report states that "Grade crossing elimination activities would occur at no more than one location at a time within each of the three regions." You go on to identify as regions "New Hyde Park/Garden City" but you failed to include Floral Park in that region. Floral Park abuts New Hyde Park and no work should be done at New Hyde Park at the same time work is being done at Floral Park, Covert Ave., New Hyde Park Rd., Plainfield Ave. or So. Tyson Ave which all should be in the same region.

### **CONSTRUCTION WORK HOURS AND TRACK OUTAGES 13-23**

While this section states that efforts will be made to keep the noise down at night, it is certainly qualified by the words "except where not feasible" and "Noisy activities adjacent to residential properties would be avoided in overnight hours to the maximum extent practicable." Once the contract is awarded, the contractor does what he wants and there is little MTA supervision as we experienced when new switches were installed a few years ago west of the Bellerose station. Will MTA have a consumer or public representative on site at night to insure that the contractor does what he is supposed to do?

### **VISUAL RESOURCES 13-27**

We find a troubling statement which says "Temporary lane and/or road closures would be needed during the construction of the Proposed Project. In such cases, the temporarily closed lanes could be used as staging where equipment and materials would be stored." If it is anticipated that South Tyson Ave. from the underpass to Tulip Avenue would be closed we find this totally unacceptable since it will hurt seven small businesses located on that street. Also staging on Mayflower Place would result in the loss of vital parking and also would not be acceptable. This section further states that you will use directional lighting at night to protect residences from light pollution, but the evidence of your past work on new switches just west of the Bellerose station totally ignored such procedures. Who will be on scene to receive resident complaints and to make sure contractors abide by this assurance?

### **HAZARDOUS AND CONTAMINATED MATERIALS 13-30**

This section talks about testing that will be done to determine if further testing is necessary. It is our contention that harmful chemicals were used along the entire 9.8 miles and all the ground along the route should be assumed contaminated and treated in that manner.

### **TRANSPORTATION 13-32**

While there are assurances that the hundreds of tons of landfill will be moved into position by train "to the extent practical" this provides a loop hole for contractors to take advantage of. There is mention that there still might be up to 15 truckloads a day delivered to any particular site. How will this be enforced? Who will be on site to make sure the outside contractors adhere to this protocol. If you claim to offer bonus money to contractors who complete their work ahead of schedule what makes you think that they will have as many truck loads a day as they can regardless of any limits you try to impose?

### **AIR QUALITY 13-39, 13-40**

The assurances on the section on **Dust Control** are encouraging and need to be strictly adhered to since we strongly suspect that there will be tons of hazardous track bed to be removed and carted away. To protect public health, who outside of the contractor will monitor these important procedures to make sure they are carried out?

### **NOISE AND VIBRATION 13-41**

We were told on a number of occasions that augers would be used to construct troths or ditches in which to place retaining walls and noise barriers. I don't find this emphasized in the report. There should be a prohibition for contractor using pile drivers which can cause vibrations that harm residences and business structures.

**ON PAGE 13-44** it is stated that "While intrusive and annoying, these exceedances would be episodic and temporary in nature." If this is the case when noise levels would be exceeded this work should be done during the day on weekdays between rush hours and on Saturday, again during the day.

**ON PAGE 13-46** you lay the groundwork for violating local noise ordinances where you state "While these work hour restrictions would apply to typical construction projects, MTA and LIRR are exempt from the jurisdiction of municipalities, pursuant to Section 1266(8) of the Public Authorities Law" the report goes on to say that you will observe local regulations "except where not feasible to accommodate work affecting rail operations." Who will make the decision to violate the rules – the contractor or a state official? With bonus money being offered to contractors who finish ahead of schedule you know they will find excuses to work beyond the specified hours.

### **SAFETY AND SECURITY 15-1**

This section talks about "Improvements and upgrading of station conditions to improve lighting and visibility." Why are no such improvements being made to the Floral Park station?

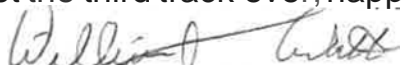
## **UN-AVOIDABLE ADVERSE IMPACTS 20-1**

We agree that "most of the adverse impacts...would occur in the construction, rather than the operational, phase..." The report outlines here many adverse impacts which need to be mitigated in a supervised manner and not left to the goodwill of the contractors.

## **CONCLUSION**

While it is our hope that the seven grade crossings will be eliminated and that the third track is never built, there are listed above a number of concerns and suggestions to address the problems of parking, noise and vibration, traffic interruption, and the safe removal of contaminated soil.

Also, the lack of handicap access to the three Floral Park station platforms and needed improvements to the station are of major concern and should be addressed whether or not the third track ever happens.



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