



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

September 29, 2022

Mr. Justin Marks
Clark Hill
1001 Pennsylvania Avenue N.W.
Suite 1300 South
Washington, DC 20004

Re: Docket No. FD 36575, Townline Rail Terminal, LLC - Construction and Operation of New Rail Line, Suffolk County, New York

Dear Mr. Marks,

Thank you for your January 14, 2022 letter and email dated August 26, 2022 regarding the Townline Rail Terminal, LLC's (Townline) proposed construction and operation of a new rail line in Suffolk County, New York. The proposed rail line would extend approximately 5,000 feet along the northernmost portion of an 82-acre tract of land operated by Carlson Corporation (Carlson) which runs adjacent and parallel to the Long Island Railroad (LIRR) Port Jefferson Line. New York & Atlantic Railway operates freight service over the LIRR Port Jefferson Line and will install a new switch connecting the proposed rail line to the interstate network. Townline proposes to move ash and construction and demolition debris off Long Island and to import vehicles and construction materials.

In your letter, you request a waiver of the preparation of an environmental impact statement (EIS) stating that the new rail line would be constructed on industrial property and would be located adjacent and parallel to the LIRR Port Jefferson Line. OEA understands that the Town of Smithtown is currently in the process of creating a new master plan for the township and has included in its plans the potential for rail operations on this property. Furthermore, Townline proposes to provide rail service to a new municipal solid waste rail transfer facility on the property; however, it will not own or operate the facility which will be separately permitted by the New York State Department of Environmental Conservation (NYSDEC).

Pursuant to 49 C.F.R. § 1105.6(d), the Board's Office of Environmental Analysis (OEA) is granting your 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.

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.

Therefore, OEA has determined that the preparation of an environmental assessment (EA) is appropriate in this case for the following reasons:

1. OEA conducted preliminary agency and tribal consultation and requested formal comments by July 22, 2022 during which minimal concerns regarding the proposed action were raised from relevant agencies and tribes.
2. OEA visited the project site on August 1, 2022, to understand existing conditions in the project area. The project area is currently disturbed and there is an existing NYDEC permitted waste transfer facility operating on site.
3. Very little wildlife habitat remains that could potentially be affected by the proposed rail line. Therefore, the potential for adverse impacts to wildlife species, including federally and state listed threatened and endangered species, is low.
4. The proposed rail line would only extend approximately 5,000 feet and would not cross water or wetland areas.
5. OEA understands that only approximately one train per weekday is expected to move on the proposed rail line. Due to the small volume of expected rail traffic, the potential for impacts related to air quality, safety, and noise during rail operations is low.
6. The proposed rail line would not involve the addition of any new roadway/rail at-grade crossings and therefore would not result in any impacts related to vehicular or pedestrian safety and delay.
7. Based on OEA's site inspection and review of available satellite imagery, the presence of an existing operational rail line, intervening topography, and vegetative buffers further reduce the likelihood that operation of the proposed rail line would result in adverse noise impacts on noise-sensitive receptors, such as residences, schools, nursing homes, hospitals, and places of worship.

After the Draft EA is prepared, OEA will make the document available for public review and comment. OEA will then prepare a Final EA that responds to the substantive comments received and includes any appropriate modifications to its existing analysis or additional analysis. The Final EA will also set forth OEA's final recommended mitigation measures to the Board. The Board will then consider the entire environmental record, including the Draft EA, all comments received on the Draft EA, and the Final EA, when making its final decision in this proceeding. However, should the EA process disclose unanticipated impacts that are significant and unable to be mitigated, OEA would require the preparation of an EIS at that time.

If we can be of further assistance, please do not hesitate to contact me or Andrea Poole at 202-245-0305.

Sincerely,

A handwritten signature in cursive script, appearing to read "Danielle Gosselin".

Danielle Gosselin
Director
Office of Environmental Analysis



Memorandum

To: Ms. Andrea Poole, PMP
Surface Transportation Board
Office of Environmental Analysis
395 E. Street SW
Washington, DC 20423

Date: 9/27/22

Project #: 39413.00

From: Candice Andre, AICP

Re: Townline Rail Terminal, LLC - Construction and Operation of New Rail
Line, Suffolk County, New York
Docket No. FD 36575
Environmental Review Determination

Vanasse Hangen Brustlin, Inc. (VHB), serving as the third-party contractor for the Office of Environmental Analysis (OEA) on the above referenced project, has reviewed the proposed action and applicable environmental regulations, and considered the potential impacts. Townline Rail Terminal LLC (Townline) intends to file a petition in Docket No. FD 36575 seeking authorization from the Surface Transportation Board (Board) to construct and operate approximately 5,000 feet of new common carrier rail line in Smithtown, N.Y. (the Proposed Line). Townline anticipates that one train per day would use the rail line.

OEA conducted agency and tribal consultation and requested formal comments by July 22, 2022 during which minimal concerns regarding the proposed action were raised from relevant agencies and tribes. Furthermore, the project team visited the project site on August 1, 2022 to understand existing conditions and the surrounding area. The project site is currently disturbed with existing operations of a New York State Department of Environmental Conservation (NYDEC) permitted waste transfer facility which recycles and processes uncontaminated concrete, asphalt pavement, rock, brick, and soil, woody yard waste, un-adulterated wood, yard waste, and horse manure. It is anticipated that the surrounding area would experience limited impacts due to the low level of proposed train traffic, existing topography, vegetative buffers, existing train traffic, and proposed placement of operations on the site.

Based on the foregoing, it appears that the appropriate level of review for the proposed action is an Environmental Assessment (EA). Please contact me with questions or comments.